

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

September 24, 2015

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 24, 2015, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBAR_T_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
 - a. Jim Wunderman, President and Chief Executive Officer, Bay Area Council; Presentation of Report. Tri-Valley Rising: Its Vital Role in the Bay Area Economy.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of August 13, 2015, and September 10, 2015.* Board requested to authorize.
- B. Appointment of New Member to the BART Accessibility Task Force.* Board requested to authorize.
- C. Award of Contract No. 15TF-111, Installation of Safety Barriers in Right-of-Way System Wide Phase 1.* Board requested to authorize.
- D. Reject All Bids for Contract No. 17AG-150, Civic Center Station Room 108 Renovation.* Board requested to reject.

3. ADMINISTRATION ITEMS

Director Keller, Chairperson

- A. Amended and Restated Clipper ® Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area Transit Operators that Participate in Regional Clipper® Card Fare Payment System.* Board requested to authorize.
- B. Resolution of Support for BART Project Submittals for the Metropolitan Transportation Commission's Plan Bay Area 2040 Project Update.* Board requested to adopt.
- C. Alameda County Measure BB Update.* For discussion.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Warm Springs Extension Project: Semi-Annual Project Update.* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

NO ITEMS.

6. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

7. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Office of the Independent Police Auditor. For information.

8. BOARD MATTERS

- A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- B. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

- C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

9. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,739th Meeting
August 13, 2015

A regular meeting of the Board of Directors was held August 13, 2015, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Josefowitz, Keller, Mallett, Murray, Raburn, and Blalock.

Absent: None. Directors McPartland, Radulovich, and Saltzman entered the Meeting later.

President Blalock introduced and welcomed Berkeley City Councilmember Laurie Capitelli. President Blalock announced that the Special Guests from the BART American Public Transportation Association International Rail Rodeo Team would be introduced later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 23, 2015.
2. Fixed Property Tax Rates Fiscal Year 2015–2016 – General Obligation Bonds.
3. Award of Invitation for Bid No. 8967, Cable, Traction Power, 34.5kV.

Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 6: Directors Josefowitz, Keller, Mallett, Murray, Raburn, and Blalock. Noes - 0. Absent – 3: Directors McPartland, Radulovich, and Saltzman.

1. That the Minutes of the Meeting of July 23, 2015, be approved.
2. Adoption of Resolution No. 5298, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2015/2016.
3. That the General Manager be authorized to award Invitation for Bid No. 8967, an estimated quantity contract for 34.5kV traction power cables, to The Okonite Company, Inc., for the bid price of \$654,429.60, including all taxes, for the purchase of traction power cable, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Saltzman entered the Meeting.

Director Keller, Chairperson of the Administration Committee, brought the matter of Issuance and Sale of General Obligation Bonds, 2015 Refunding Series D, and Sale of the District's Sales Tax Revenue Bonds, 2015 Refunding Series A, before the Board. Ms. Rose Poblete, Interim Controller/Treasurer, presented the item. The item was discussed.

Director Radulovich entered the Meeting.

Director Raburn moved adoption of the following resolutions.

1. Resolution No. 5299, Authorizing and Approving the Issuance and Sale of Not to Exceed \$400 Million Aggregate Principal Amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2015 Refunding Series D; Authorizing the Execution and Delivery of a Third Supplemental Paying Agent Agreement Pursuant to Which Such Bonds Are to Be Issued, a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold by Negotiated Sale; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of the Official Statement and Certain Documents in Connection with the Issuance and Sale of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Interim Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and Complete Said Documents and Authorizing Certain Other Matters Relating Thereto.

2. Resolution No. 5300, Resolution of the San Francisco Bay Area Rapid Transit District Authorizing and Approving the Issuance and Sale of Not to Exceed \$250 Million San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds; Authorizing the Execution and Delivery of a Second Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Interim Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and to Complete Said Documents; and Authorizing Certain Other Matters Relating Thereto.

Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director McPartland.

Director Keller brought the matter of Photovoltaic Installation at the Warm Springs/South Fremont BART Station and Power Purchase Agreement with SolarCity Corporation before the Board. Mr. Paul Voix, Principal Property Development Officer, presented the item.

Jesse Jones addressed the Board.

The item was discussed. Director Mallett moved that the General Manager be authorized to execute a power purchase agreement for twenty years as well as options to renew for two additional five-year terms with SolarCity Corporation for its design, installation, operation, and maintenance of a solar photovoltaic (PV) system at the Warm Springs/South Fremont Station and for the District's purchase from SolarCity of all solar power generated by that PV system. Director Saltzman seconded the motion. Discussion continued. The motion carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director McPartland.

Director Keller brought the matter of Labor Relations Initiatives Update before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

Chris Finn addressed the Board.

Director Saltzman, Chairperson of the Labor Negotiations Review Ad Hoc Committee, brought the matter of Report of the Labor Negotiations Review Ad Hoc Committee and the committee's Vision Statement before the Board. Director Murray moved that the Board approve the Labor-Management Relations Vision Statement. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director McPartland.

President Blalock called for Introduction of Special Guests. General Manager Grace Crunican welcomed, introduced, and congratulated the District's 2015 American Public Transportation Association International Rail Rodeo Teams: Edward (Ted) Christian, Gary Crandell, Dan Parris, R. Scott Fitzgerald, Michael Perez, Curt Robinson, Paula Fraser, and Randy Roderick. Ms. Crunican noted that the Maintenance Team had placed first, and that the teams placed fifth overall in the competitions.

Director Murray, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Professional Services Agreements to Provide Construction Management Services for BART Projects before the Board. Mr. Robert Mitroff, Chief Planning and Development Officer, presented the item. The item was discussed. Director Mallett moved that the General Manager be authorized to award the below-listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$15,000,000.00 each, pursuant to notification to be issued by the General Manager; with the awards subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures: Agreement No. 6M8104, with UCM, a Joint Venture; Agreement No. 6M8105, with Jacobs Project Management Co.; Agreement No. 6M8106, with PGH Wong Engineering, Inc.; Agreement No. 6M8107, with PreScience Corporation; Agreement No. 6M8110, with Ghirardelli Associates, Inc.; and Agreement No. 6M8111, with The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 8:

Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock.
Noes - 0. Absent – 1: Director McPartland.

Director Murray brought the matter Downtown Berkeley BART Station Plaza and Transit Area Improvement Project before the Board. Mr. Tian Feng, District Architect, presented the item.

The following individuals addressed the Board.
Honorable Laurie Capitelli
John Caner

The item was discussed.

Director Saltzman moved that based on the findings presented in the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Proposed Downtown Berkeley BART Plaza and Transit Area Improvement Project, together with the comments received during the public review process, the Board:

1. Finds on the basis of the whole record before it, there is no substantial evidence that the Proposed Downtown Berkeley BART Plaza and Transit Improvement Project will have a significant effect on the environment.
2. Finds that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis.
3. Adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Plan.
4. Adopts the Downtown Berkeley BART Plaza and Transit Improvement Project as proposed.

Director Radulovich seconded the motion

Farid Javandel addressed the Board.

Discussion continued. The motion carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Murray brought the matter of Award of Invitation for Bid No. 8964, Procurement of AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design before the Board. Mr. Ben Holland, Manager of Vehicle Systems Engineering, presented the item. Director Keller moved that the General Manager be authorized to award Invitation for Bid No. 8964, an estimated quantity contract, for AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design, to ITP Rail Associates, Inc., for the bid price of \$3,595,878.00, pursuant to notification to be issued by the General Manager. President Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Murray brought the matter of Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex and Speed Encoding System Equipment, with Alstom Signaling, Inc., to Execute Options and Extension of Time (C.O. No. 2), before the Board. Mr. Raul Millena, Manager of Train Control Engineering, presented the item. President Blalock moved that the General Manager be authorized to execute Change Order No. 002 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc., to add the work described in former Options A, B, and C, for a not to exceed amount of \$9,384,637.00, plus applicable taxes, and to extend the Contract Completion date by a total of 2185 days. The item was discussed. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director McPartland.

Director Murray brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2015 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; and Deputy Chief of Police Benson Fairrow presented the item.

Director McPartland entered the Meeting.

The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Art in Transit Policy before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development and Construction; Mr. Val Menotti, Department Manager, Planning; and Ms. Abigail Thorne-Lyman, Principal Planner, presented the item.

The following individuals addressed the Board.

Edward Marks
Donald Lowrey
Nicholas Arzio
Rachel Dinno Taylor
Stacey Bristow
Fletcher Oakes
LaVerda Allen
Michele Seville

President Blalock moved approval of the Art in Transit Policy. Director Radulovich seconded the motion. (The Art in Transit Policy is attached and hereby made a part of these Minutes.)

The item was discussed. The motions carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

President Blalock called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

Mr. Oversier gave a brief report on the recent closure of the Transbay Tube.

President Blalock called for the Report of the Environmental/Sustainability Ad Hoc Committee. Director Raburn, Chairperson of the committee, gave a brief report on the activities of the committee.

President Blalock brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. The item was discussed. The Board took no action on rules related to the elimination of Standing Committees.

Director Mallett brought the matter of revision to Board Rule 3-4.1, Agendas, before the Board. The item was discussed. Director Radulovich moved that Board Rule 3-4.1 be revised to insert new language for Roll Call for Introductions items for resolution of concerns with an item. Director Saltzman seconded the motion. Discussion continued. Director Raburn called the question. The motion carried by electronic vote. Ayes - 7: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes – 2: Directors Mallett and Blalock.

Director Mallett brought the matter of revision to Board Rules 2-1.1, Officers, and 2-1.5, Rotation of Offices, before the Board. The item was discussed and continued to a future meeting.

Director Keller brought the matter of revision to Board Rule 3-2.1, Regular Meetings, before the Board, and moved that two Regular Meetings each year be held at locations within the District other than the Board Room, with the remote meeting locations to be accessible by BART and rotated amongst southern/eastern Alameda, Contra Costa, and San Francisco counties, with a sunset at the end of calendar year 2017. Director Saltzman requested the motion be amended to provide that the two remote meetings be held at a time other than weekday mornings, and the removal of “southern/eastern.” Director Keller accepted the amendments and further amended the motion to schedule the remote meetings once per year, with a sunset of calendar year 2018. Director Saltzman seconded the amended motion. The item was discussed.

Laverne Howard addressed the Board.

Discussion on the motion continued. The motion failed by electronic vote. Ayes - 3: Directors Keller, Murray, and Saltzman. Noes – 6: Directors Josefowitz, Mallett, McPartland, Raburn, Radulovich, and Blalock.

The Board Meeting recessed at 1:13 p.m.

The Board Meeting reconvened at 1:40 p.m.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock.

Absent: None.

The remainder of the proposed revisions to Board Rules was continued to a future meeting.

President Blalock brought the matter of Roll Call for Introduction Items Deemed Not Complete by Directors before the Board. Director Mallett presented the item. The item was discussed. (A description of the RCI items that were discussed is attached.)

Director Radulovich moved that Roll Call for Introduction (RCI) items 12-683 and 15-762 not be brought back to the Board for discussion. Director Keller seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 1: Director Mallett.

Discussion continued. Director Keller moved that RCI item 14-760 not be brought back to the Board for discussion. Director Radulovich seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 1: Director Mallett.

Discussion continued. Director Keller moved that RCI item 12-684 not be brought back to the Board for discussion. Director Radulovich seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 1: Director Mallett.

Discussion continued. Director McPartland moved that RCI item 13-711 not be brought back to the Board for discussion. Director Raburn seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain - 1: Director Mallett.

Discussion continued. RCI item 14-734 was withdrawn.

Discussion continued. Director Raburn moved that RCI item 15-766 not be brought back to the Board for discussion. The motion died for lack of a second. Director Mallett moved that RCI item 15-766 be brought back to the Board for future discussion. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

President Blalock called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Josefowitz reported he had been to Portland and met with transportation staff and officials.

Director Murray reported she had attended a meeting with Congressman Eric Swalwell and Assemblywoman Catharine Baker on transportation issues, a BART Summer Youth Tour at the Bedford Gallery, and she requested that District employee William Cromartie be commended for his exceptional customer service.

Director McPartland reported he had attended the meeting with Congressman Eric Swalwell and Assemblywoman Catharine Baker on transportation issues.

Director Mallett reported he had attended the Contra Costa Mayors' Conference, and that the BART Bicycle Advisory Task Force was supportive of the idea of trying bungee cords as fasteners for bikes on trains.

President Blalock reported he had attended National Night Out at Fremont Station, Fremont Festival, and the San Joaquin Joint Powers Authority meeting.

President Blalock requested that the Meeting be adjourned in honor of Allen E. Sprague.

The Board Meeting was adjourned at 2:37 p.m. in memory of Mr. Sprague.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ART IN TRANSIT POLICY

VISION:

The San Francisco Bay Area Rapid Transit District (BART) seeks to implement an arts program that will enrich rider experience, strengthen station identity, connect to communities, and support a distinctive sense of place at stations and beyond. BART's art program will build on best practices, lead the field in community participation strategies, engage with arts and cultural organizations and artists, and make riding BART more delightful, vibrant, and welcoming.

GOALS:

- A. **Cohesion.** Create a cohesive and consistent art program.
- B. **Opportunity.** Proactively seek opportunities to implement art across the District, and leverage general capital investments by incorporating art and design elements into public-facing infrastructure.
- C. **Partnerships.** Maximize art in the system by leveraging BART's investments through partnerships with other organizations and agencies, and through grant writing and fundraising.
- D. **Make Transit Work.** Use arts programming to further BART's functional goals and enhance public perception of BART as a transit system that works well for its riders.
- E. **Showcase Art.** Maintain and make BART's art collection accessible through effective asset management and interpretive strategies.
- F. **Integrated Design.** Utilize art to elevate the design of stations and affirm the distinct identity of the surrounding community.
- G. **Transparency.** Establish a transparent and effective process for developing and implementing collaborative projects and programming.
- H. **Engagement.** Engage with communities throughout the BART system to enhance customer relations, support BART's positive impact in communities and create visible expressions of the unique characteristics of neighborhoods around stations and along tracks.

STRATEGIES:

Program Elements:

1. **Master Plan.** Create a 15-year systemwide arts master plan, focusing on the art vision for stations and the system as a whole, including the identification and prioritization of arts opportunities. The plan will serve as a valuable tool to guide the allocation of resources as they are available.
2. **Implementation Plan.** Create a five-year art program work plan to identify short-term project workload, establish fundraising goals, and create a phasing and implementation plan for building up the program.
3. **Permanent Works.** Continue to add permanent works to the BART system, including station art works in the stations as well as murals on BART infrastructure visible in public areas, to add visual appeal and abate graffiti.
4. **Integrated Art.** Maximize visual impact of arts funds by identifying opportunities to integrate art and artistic elements into the design of capital improvements.
5. **Temporary Art.** Offer temporary art programming opportunities that appropriately activate public spaces and engage BART riders. This may include visual arts, rotating displays, performance, media, music, literature

and poetry, and should provide opportunities for a diverse range of artists.

6. **Interpretation, Conservation.** Develop lively and effective interpretive strategies, including onsite signage, web-based resources and other guides to art throughout the system. This will increase art accessibility to BART riders and reinforce the connection between art and BART's functional priorities.

Process Guidelines and Procedures:

1. **Acquisition.** Establish guidelines to ensure that artworks are acquired and maintained in accordance with recognized standards and best practices in the field of public art.
2. **Engagement.** Design effective programs of ongoing engagement for the arts community and the community at large.
3. **Internal Protocols.** Establish an internal protocol to support BART staff in integrating art opportunities early in capital project development, and create tools to educate staff about the appropriate treatment of artworks in BART facilities.
4. **Internal Review.** Establish an internal BART review process to ensure that all works of art are compliant with BART policies, maintenance, safety and operational needs.
5. **Community Generated Projects.** Establish guidelines for the submittal and review of community-generated projects.
6. **Partnerships.** Establish an ongoing plan for cultivating collaborative partnerships with other public agencies, non-profit groups, and private organizations.
7. **Committee.** Establish an external committee to engage the community, support the development of Program Elements, the work plan and art budget, and review the success of the Art Program.

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Zakhary Mallett	6/4/15	Requests a future Board agenda topic for a comprehensive review of the District's fare structure.	OAB Update email to Board of Directors from General Manager. March 10, 2015.	02/28/13	12-683
Zakhary Mallett	6/4/15	Requests estimated costs per mile for the construction of sound walls (like the areas between the Concord and North Concord/Martinez Stations) for aerial structures.	OPD Updated Memorandum to Board of Directors from General Manager. April 28, 2015.	02/28/13	12-684
Zakhary Mallett	6/4/15	Requests the development of a clear definition of 'crowded' trains as it applies to Bicycle Access program.	OPS Update email to Board of Directors from AGM Operations. April 3, 2014.	08/08/13	13-711
Zakhary Mallett	8/13/15	Evaluate the feasibility of a revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014.	OPD Update Memorandum to Board of Directors from General Manager. December 3, 2014.	01/23/14	14-734
Zakhary Mallett	8/13/15	Requests a study/evaluate methods for increasing public participation in decision-making processes and bring back for Board discussion.	OGM Update emails to Board of Directors from AGM-External Affairs. March 17, 2015 and April 20, 2015.	01/22/15	14-760
Zakhary Mallett	6/4/15	Requests development and presentation to Board for consideration of a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future.	OPS Update email to Board of Directors from General Manager. March 10, 2015.	02/26/15	15-762
Zakhary Mallett		Requests Board discuss the management (i.e. location, programming/formatting, and design selection) of train real-time departure signs being installed near station entrances.	OPD Update email to Board of Directors from General Manager. July 22, 2015.	04/23/15	15-766

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,740th Meeting
September 10, 2015

A regular meeting of the Board of Directors was held September 10, 2015, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Keller, McPartland, Raburn, Radulovich, Saltzman, and Blalock.

Absent: None. Directors Josefowitz, Mallett, and Murray entered the Meeting later.

President Blalock welcomed Citizen Review Board Chairperson Cydia Garrett, Vice Chairperson Les Mensinger, and Past Chairperson Sharon Kidd as Special Guests.

Director Murray entered the Meeting.

President Blalock announced that Approval of Minutes of the Meeting of August 13, 2015, would be continued to a future Meeting.

Consent Calendar items brought before the Board were:

1. Relocation Expense Reimbursement for eBART General Superintendent Recruitment.
2. District Response to Contra Costa County Grand Jury Report.

Director Keller requested that District Response to Contra Costa County Grand Jury Report be removed from Consent Calendar.

Director Josefowitz entered the Meeting.

Director Radulovich moved that the General Manager or her designee be authorized to provide relocation expense reimbursement to the successful candidate for eBART General Superintendent in an amount not to exceed \$18,000.00, consistent with Management Procedure Number 70, New Employee Relocation Expense Reimbursement. Director Keller seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Mallett.

Director Mallett entered the Meeting.

President Blalock brought the matter of District Response to Contra Costa County Grand Jury Report before the Board. The item was discussed. Director Mallett requested that his

independent response to the Grand Jury be attached to the Minutes. Director Radulovich moved that the Board approve the attached response to the Contra Costa Civil Grand Jury Report 1504 "Averting Bay Area Rapid Transit District Strikes." Director Murray seconded the motion, which carried by roll call vote. Ayes - 6: Directors Josefowitz, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 3: Directors Keller, Mallett, and McPartland. (The District's response and Director Mallett's letter are attached and hereby made a part of these Minutes.)

Director Keller, Chairperson of the Administration Committee, brought the matter of Side Letter AFSCME/SL-1-14, Regarding Calculations of Overtime and Retiree Medical Eligibility, to the American Federation of State, County, and Municipal Employees Collective Bargaining Agreement, before the Board. Ms. Ericka Mitchell, Assistant Chief, Employee Relations, Labor Relations, presented the item. Director Saltzman moved that the Board approve and authorize the General Manager to execute the Side Letter of Agreement with American Federation of State, County, and Municipal Employees Local 3993 SL 1-14 Regarding Calculations of Overtime and Retiree Medical Eligibility. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Amendment No. 2 to Agreement with Environmental Systems Research Institute, for Enterprise Geographic Information System Enterprise License Agreement, for Extension of Time (Amendment No. 2), before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. Director Raburn moved that the General Manager be authorized to execute Amendment No. 2 to extend the existing Environmental Systems Research Institute Enterprise License Agreement for an additional three years in an amount not to exceed \$450,000.00. Directors McPartland and Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation, before the Board. Mr. Hamed Tafaghodi, Project Manager, presented the item. The item was discussed. President Blalock moved that the General Manager be authorized to award Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation, to Thompson Builders Corporation for the Bid Price of \$2,979,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Award of Contract No. 6M3289, Reconditioning of Transit Vehicle Nickel Cadmium Batteries, before the Board. Mr. Benjamin Holland, Manager of Vehicle Systems Engineering, presented the item. Director Mallett moved that the General Manager be authorized to award Contract No. 6M3289, an estimated quantities contract for Reconditioning Transit Vehicle Nickel-Cadmium Batteries, to Industrial Battery Services (IBS) for a total bid price of \$1,423,770.00 plus applicable taxes, pursuant to notification to be issued by the General Manager. President Blalock seconded the motion. The item was discussed. The

motion carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 04SF-150, Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork, with L.B. Foster Company, for Additional Quantities (C.O. No. 18), before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. The item was discussed. Director Murray moved that the General Manager be authorized to execute Change Order No. 18 to Contract No. 04SF-150, in an amount not to exceed \$700,000.00 and an eight-month extension, to L.B. Foster Company. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation, brought the matter of Award of Professional Services Agreements to Provide General Environmental and Planning Services for BART Projects before the Board.

Director Murray recused herself from the discussion due to a potential financial conflict of interest, and exited the Meeting.

Mr. Val Menotti, Department Manager, Planning, presented the item. The item was discussed. Director McPartland made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Murray.

1. That the General Manager be authorized to award Agreement No. 6M6091 to Arup North America, Ltd., San Francisco, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
2. That the General Manager be authorized to award Agreement No. 6M6092 to HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture, Oakland, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
3. That the General Manager be authorized to award Agreement No. 6M6093 to Nelson/Nygaard Consulting Associates, Inc., San Francisco, California, to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000.00, pursuant to notification to be issued by the General Manager, and subject to the

District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Director Murray re-entered the Meeting.

Director Raburn brought the matter of Systemwide Bicycle Parking Program Update before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed.

President Blalock called for the General Manager's report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

Ms. Priscilla Kalugdan, Program Manager, presented the item.

Mr. Paul Oversier, Assistant General Manager – Operations, gave a brief report on the recent closure of the Transbay Tube. Ms. Crunican recognized the excellent work of District employees in making the closure and the temporary bus bridge run smoothly. The report was discussed.

Jerry Grace addressed the Board.

President Blalock brought the matter of Report of the Citizen Review Board before the Board. Ms. Kidd and Mr. Mensinger presented the item. The report was discussed.

President Blalock brought the matter of Proposed Revision to Rules of the Board of Directors before the Board. Mr. Duron presented the item. The item was discussed. Director Radulovich made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous voice vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

1. That Board Rule 3-1.4(c), Meeting Start Times, be revised to remove obsolete language.
2. That Board Rule 5-1.1, General Provisions, and Board Rule 5-1.2, Budget Submitted to Board, be revised to delete the requirement for presentation of the annual Budget to the Administration Committee.

Director Raburn moved that Board Rule 2-1.5, Rotation of Offices, be revised as noted in the attached language. The item was discussed. Director Radulovich seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. (The revised Board Rule is attached and hereby made a part of these Minutes.)

The Board discussed revision to Board Rule 3-6.1, Board Correspondence. The item was continued to a future meeting.

President Blalock exited the Meeting, and Vice President Radulovich assumed the gavel.

The Board discussed revision to Board Rule 5-4.1, Filing and Publication of Required Statements. Director Murray moved that the Rule be revised to add filing of copies of Campaign Contribution Statements concurrent with filing with the Registrar of Voters. Director Keller seconded the motion. Discussion continued. The motion carried by roll call vote. Ayes - 7: Directors Josefowitz, Keller, McPartland, Raburn, Radulovich, and Saltzman. Noes - 1: Director Mallett. Absent - 1: President Blalock.

The Board discussed revision to Board Rule 5-5.1, Contractor/Subcontractor Contributions. Director Saltzman moved revision of Board Rule 5-5.1, changing limits on amounts of and terms for contributions. Director Raburn seconded the motion. Director Josefowitz requested an amendment to exclude campaign contributions from contractors two years before and two years after bidding. Director Murray called the question. The motion failed by roll call vote. Ayes - 4: Directors Josefowitz, Raburn, Radulovich, and Saltzman. Noes - 4: Directors Keller, Mallett, McPartland, and Murray. Absent - 1: President Blalock.

Vice President Radulovich called for Board Member Reports.

Director Josefowitz reported he had met with District staff and the Governor's staff on electric vehicles.

Director McPartland invited the Board to attend a flag raising ceremony at the Castro Valley Station on September 16, 2015.

Director Raburn reported he had attended the Roseville Capitol Corridor extension review.

Director Mallett reported he had a Senate Transportation Committee meeting.

Vice President Radulovich called for Roll Call for Introductions. No items were introduced.

Vice President Radulovich called for In Memoriam. There were no requests.

Vice President Radulovich called for Public Comment. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 12:49 p.m.

Kenneth A. Duron
District Secretary



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 300 Lakeside Drive, P.O. Box 12688
 Oakland, CA 94604-2688
 (510) 464-6000

2015

July 27, 2015

Thomas M. Blalock, P.E.
 PRESIDENT

Tom Radulovich
 VICE PRESIDENT

Grace Crunican
 GENERAL MANAGER

Sherry Rufini, Foreperson
 Contra Costa County Civil Grand Jury
 725 Court Street, P.O. Box 431
 Martinez, CA 94553-0091

DIRECTORS

Gail Murray
 1ST DISTRICT

Joel Keller
 2ND DISTRICT

Rebecca Saltzman
 3RD DISTRICT

Robert Raburn, Ph.D.
 4TH DISTRICT

John McPartland
 5TH DISTRICT

Thomas M. Blalock, P.E.
 6TH DISTRICT

Mahary Mallett, MCP
 7TH DISTRICT

Nicholas Josefowitz
 8TH DISTRICT

Tom Radulovich
 9TH DISTRICT

Subject: District Response to Grand Jury Report 1504: "Averting Bay Area Rapid Transit Strikes"

Dear Ms. Rufini:

We appreciate the opportunity to comment on the 2014-2015 Contra Costa County Grand Jury (Grand Jury) report findings and recommendations on averting future work stoppages by the employees of BART, either through strikes or lockouts. On behalf of the San Francisco Bay Area Rapid Transit District, we offer the following response.

As you will read in our comments below, the District generally agrees with the findings of the Grand Jury. We are working diligently to correct the underlying symptoms that led to the breakdown in 2013 negotiations and are encouraged by our progress.

The BART Act creates the framework for collective bargaining with our labor organizations, with which the Board of Directors and staff are required to comply. Legislative attempts to amend the labor provisions of the BART Act have failed. Therefore, we will continue to work within this statutory framework to advance improvements in labor relations, with the intent of achieving fair contracts with our labor organizations without any disruption to service.

Specific responses to the Grand Jury's findings and recommendations are as follows:

Findings.

F1. *BART is an essential part of the San Francisco Bay Area transportation system. BART agrees with this finding.* BART is an essential part of the San Francisco Bay Area transportation system.

F2. *A strike by BART employees or a lockout causes significant disruption to the riders, citizens, and counties of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara. BART agrees with this finding.* Work stoppages at BART due to labor disputes have caused significant disruption to the riders and citizens in the enumerated Bay Area counties.

F3. *An interruption of BART service disrupts riders and impacts BART income, and indirectly affects the environment, the roads, employment, businesses surrounding BART sites, and other means of transportation. BART agrees with this finding.* Interruption in BART service results in the enumerated impacts and effects as stated in the finding.

F6. *In previous years BART management and its labor unions have had an adversarial and distrustful relationship. BART partially disagrees with this finding.* BART management and its labor unions have had an adversarial and distrustful relationship; however, this is a generalization that does not account for the day-to-day interaction between BART management and the unions representing BART employees; through which many issues at all levels of the organization are resolved. As an illustration of this, BART has 24 contractually mandated joint labor-management committees that meet routinely to consider matters of common concern.

F7. *The modified baseball type negotiation model presents a better likelihood of success, unlike the current method, which was not able to avert the last strike. BART partially disagrees with this finding.* Modified baseball negotiations have not been tested at BART, and the current method has ended in settlement more often than it has ended in strike. Modified baseball negotiations are only one approach among many to resolve negotiations disputes. In the limited jurisdictions in which baseball type arbitration has been utilized, it has not consistently prevented various forms of work slowdowns, such as during negotiations between San Francisco Municipal Transit Agency and Transport Workers Union in June 2014. Further, as the Grand Jury report points out, the various legislative initiatives to amend BART's bargaining process to mandate interest arbitration in any form have surfaced in the State Legislature but have thus far not been successful. Finally, although its deployment is permissive, the BART Act does provide for binding arbitration upon impasse in labor negotiations.

F8. *During the last strike BART management was working to address the problems confronting management, and labor unions were working to address the problems confronting labor. BART agrees with this finding.* Each side was working to address its respective issues in bargaining. Both the District and the unions have the duty to represent the interests of their respective memberships and constituencies, and in good faith attempt to achieve agreement that reasonably addresses the range of interests.

F9. *BART's labor unions have not agreed to refrain from a strike when there is no contract in place. The District partially disagrees with this finding.* The statement does not fully reflect the situation that can and does arise after the Agreements have expired. Typically, as long as the parties continue to negotiate, following long-held precedent established by the National Labor Relations Board, the contract remains in place, with the exception of no-strike and grievance procedure clauses. The unions are barred from striking unless and until an impasse has been reached. In the event impasse is reached, after expiration of the contracts, unions representing BART employees have gone on strike.

F10. ***A report from Agreement Dynamics, Inc. was commissioned by BART which resulted in 63 recommendations on what problems existed during the last negotiation process and how to address the many problems between management and labor unions. BART agrees with this finding.*** The Agreement Dynamics report was commissioned by the Board of Directors in 2014. As stated, the report contains 63 recommendations which the Labor Negotiations Review Ad Hoc Committee of the Board of Directors has been convened to address.

F11. ***Some believe there is not enough time for BART and its labor unions to correct enough of their problems in order to conduct productive negotiations in 2017. BART disagrees with this finding.*** The District disagrees that insufficient time exists to make corrective actions that would permit productive negotiations in 2017. Multiple initiatives are well underway that the District believes will lead to productive negotiations in 2017 and in subsequent rounds.

F12. ***There is currently nothing in place which ensures that if a contract expires that BART service will continue. The District agrees with this finding.*** The District agrees that guarantees that uninterrupted service would continue once a labor agreement expires are not in place. However, as long as the parties continue to negotiate, the normal custom is for contracts to continue day-to-day.

F13. ***The overall impact of a strike is too damaging to the San Francisco Bay Area to allow a strike to occur. The District partially agrees with this finding.*** The strike in 2013 was very disruptive to the Bay Area. However, although the District agrees that BART strikes are damaging to the Bay Area, the District cannot disallow strikes, and the California Legislature has declined to do so. The BART Act does provide for binding arbitration to resolve negotiations disputes as long as both parties agree to submit to the prescribed process.

Recommendations.

R1. ***BART Board of Directors should adopt a negotiation method that is built on trust, communication and transparency. This recommendation has been implemented.*** The District has taken numerous actions to improve labor relations, which will continue through and beyond 2017 negotiations. Activities have included, but are not limited to, the following:

- In 2014 the General Manager hired a new Assistant General Manager for Employee Relations and a new Chief Employee Relations Officer. These individuals have extensive experience in personnel management and labor relations.
- The General Manager meets monthly with Union Presidents and Vice-Presidents to discuss matters of mutual interest and concern.
- Labor Relations staff meets with the unions monthly to encourage dialogue and problem-solving.
- The Board of Directors has extended its Labor Negotiations Ad Hoc Review Committee to the end of 2015. The Ad Hoc Committee meets monthly to consider the recommendations in the Collective Bargaining Report. These meetings are attended by both District and union representatives.

Resolution of grievances, both unresolved matters and new issues that arise from time to time, are getting close attention. Longstanding issues are being settled or adjudicated, as appropriate.

R2. ***BART Board of Directors should immediately re-open negotiations with their labor unions to agree on the process for future negotiations.*** This recommendation requires further analysis. Labor Relations staff is working with its Board of Directors' Labor Negotiations Review Ad Hoc Committee to consider improvements to the bargaining process for future negotiations. The District will have an update on its progress within six months of the publication of the Grand Jury's report. It should be noted that process improvements do not necessarily require the re-opening of contract negotiations; any re-opening of negotiations would require agreement from unions representing BART employees as well as the District.

R3. ***BART Board of Directors should review and negotiate the use of an independent arbitrator during labor negotiations, who can decide any major financial and work rule issues pursuant to the baseball style arbitration process.*** This recommendation requires further analysis. The District has not taken a position on the use of independent arbitrators in 2017 negotiations, or more specifically on baseball-style arbitration. The Board of Directors is working directly with the unions to consider safeguards against labor disputes, which is recommended in the Agreement Dynamics report.

R4. ***BART Board of Directors should monitor the implementation of the recommendations made in Agreement Dynamics, Inc.'s report that it has chosen to adopt.*** This recommendation has been implemented. The Board of Directors' Labor Negotiations Review Ad Hoc Committee (Committee) was convened for this purpose. The Committee meets monthly with District staff and union officers to consider the recommendations that were made in Agreement Dynamics, Inc.'s report and to review implementation status.

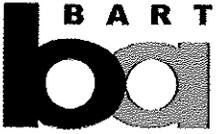
Please feel free to contact me if additional information or clarification is required regarding the District's response.

Sincerely,



Grace Crunican
General Manager

cc: BART Board of Directors



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

Via Email and U.S. Mail

2015

July 27, 2015

ATTN: Sherry Rufini
Contra Costa County Civil Grand Jury
725 Court Street
PO Box 431
Martinez, California 94553-0091

Subject: Grand Jury Report No. 1504

Dear Ms. Rufini:

In a letter dated May 29, 2015 and in reference to California Penal Codes §933.05 and §933.5, you requested my response to various findings and recommendations that the Civil Grand Jury of Contra Costa County made as it relates to its report entitled "Averting Bay Area Rapid Transit District Strikes" (Report No. 1504).

On the attached page, Table 1 summarizes my agreement, partial disagreement, or full disagreement with each of the findings made in your report; Table 2, my agreement, partial disagreement, or full disagreement with your recommendations. Each finding and recommendation is referred to by the bullet identification number given in your report.

This letter and the views expressed within represent my views only and are not necessarily supported or endorsed by the San Francisco Bay Area Rapid Transit District (BART) or its governing Board of Directors.

Sincerely,

Zakhary Mallett, MCP
Director, District 7

Thomas M. Blalock, P.E.
PRESIDENT

Tom Radulovich
VICE PRESIDENT

Grace Crunican
GENERAL MANAGER

DIRECTORS

Gail Murray
1ST DISTRICT

Joel Keller
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5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Zakhary Mallett, MCP
7TH DISTRICT

Nick Josefowitz
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

Table 1
Respondent's Perspective of Civil Grand Jury Findings

Grand Jury Finding	Respondent Perspective
F1	Agree
F2	Agree
F3	Agree
F5	Agree
F6	Agree
F7	<p>Partially disagree. The Bay Area Rapid Transit District has not adopted a "modified baseball type negotiation model" and no sufficient evidence or test at BART exists to suggest that this approach "presents a better likelihood of success." In addition, the "success" of negotiations is a subjective and relative term.</p> <p>That being said, it is my hypothesis that "baseball type" (i.e., "final offer") negotiations would do better in the current climate at BART in the sense of getting more reasonable proposals from both sides throughout the negotiation process.</p>
F8	Partially disagree. Each side "working to address the problems confronting [them]" was only a part of what was sought throughout negotiations.
F9	Agree
F10	Agree
F11	Agree
F12	Agree
F13	Disagree. The "impact" and "damage" of a strike depends in great part on what is at stake during negotiations. A strike and its <i>immediate</i> impacts on the region may be "worth it" from one side's perspective or the other's if it is believed that the issues in negotiations will have greater and <i>longer-term</i> impacts on the public without a strike.

Table 2
Respondent's Perspective of Civil Grand Jury Recommendations

Grand Jury Recommendation	Respondent Perspective
R1	<p>Each of these recommendations requires further analysis. However, the analysis will take greater than six months. Therefore, in accordance with the response options available under California Penal Codes §933.05, none of these recommendations will be implemented due to their not being reasonable to be implemented or analyzed <u>within six months</u>.</p> <p>While the BART Board of Directors accepted the report of Agreement Dynamics, Inc., it did not agree to necessarily implement the report's recommendations – in whole or in part. Instead, a committee of the BART Board of Directors, the Labor Negotiations Review Ad-Hoc Committee, meets regularly to assess, finalize, modify, and consider the recommendations from Agreement Dynamics, Inc. for implementation (with the concurrence of the Board of Directors). Each of these recommendations of the Contra Costa County Civil Grand Jury are being explored as part of this process, which has taken greater than six months and will take greater than six months prior to making a determination of their feasibility.</p>
R2	
R3	
R4	

REVISED Board Rule

2-1.5 Rotation of Offices

In connection with the annual election of a President and Vice President:

- (a) The Presidency and the Vice Presidency shall rotate annually among three ~~counties~~ Groups of election districts.
- (b) The Presidency and the Vice Presidency shall not be held by Directors from the same ~~county~~ election district Group.
- (c) The Vice President shall succeed the President.
- (d) To ensure ~~proper~~ consecutive rotation, Directors of Districts 1, 2, and 3 shall be considered from ~~Contra-Costa County~~ election district Group A; Directors of Districts 4, 5, and 6 shall be considered from ~~Alameda County~~ election district Group B; and Directors of Districts 7, 8, and 9 shall be considered from ~~San Francisco County~~ election district Group C.

Revised and adopted
September 10, 2015



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>9/18/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept.	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Bob Franklin</i> Signature/Date: <i>9/18/15</i>	<i>[Signature]</i> <i>9/18/15</i>	<i>[Signature]</i> <i>9/18/15</i>	<input type="checkbox"/>	<i>[Signature]</i> <i>9-18-15</i>
Status: Routed		Date Created: 09/15/2015		

TITLE:

BART Accessibility Task Force New Member Appointment

NARRATIVE:

Purpose:

For the BART Board of Directors to consider appointing a newly nominated member, Esperanza Díaz-Alvarez, to the BART Accessibility Task Force (BATF).

Discussion:

The BATF has been in existence since 1975 to advise the BART Board and BART staff on accessibility issues at BART. The BATF by-laws provide for the committee to be composed of up to eighteen members who live or work in the BART service area. The BATF by-laws also state that to become a member of the committee, an interested applicant must attend three out of four consecutive meetings and then apply for membership. If the applicant is endorsed by the members of the BATF through a majority vote, then the recommendation for membership is submitted to the BART Board of Directors for final approval.

Candidate for BATF Membership:

Esperanza Díaz-Alvarez, a candidate for membership to the BATF, was endorsed by an unanimous vote of the members of the BATF that were present at the July 23, 2015 BATF Committee meeting. The BATF's membership recommendation is now being submitted to the BART Board for consideration. If the BART Board appoints the candidate, the BATF will have 17 members.

The prospective candidate, if approved by the BART Board for BATF membership, will be officially seated on September 24, 2015 as a member of the BATF for a term of one year, or until the BART Board announces appointments and/or reappointments for a new term, whichever occurs later.

Fiscal impact:

There is a \$15 monthly stipend for travel for each regularly scheduled monthly meeting that members attend. Additionally, members are eligible to be reimbursed for the actual cost of travel for additional, pre-approved meetings. The funding source is the operating budget of the Customer Access and Accessibility Department.

Recommendation:

Appoint Esperanza Díaz-Alvarez to the BATF.

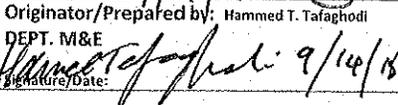
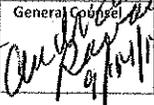
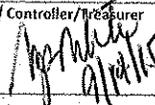
Alternatives:

Do not make the appointment.

Motion:

The BART Board accepts the recommendation of the BATF and appoints the nominated candidate, Esperanza Díaz-Alvarez, for membership to the BATF for a term beginning September 24, 2015 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the September 24, 2015 E&O Committee Meeting	
DATE: 9/16/15		BOARD INITIATED: District Secretary:  9/14/15	
Originator/Prepared by: Hammad T. Tafaghodi DEPT. M&E Signature/Date:  9/14/15	General Counsel: 	Controller/Treasurer: 	District Secretary: 

**Award of Contract No. 15TF-111
 Installation of Safety Barriers in Right-of-Way System Wide, Phase I**

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15TF-111, Installation of Safety Barriers in Right-of-Way System Wide, Phase I to Bay Construction Co. of Oakland, CA.

DISCUSSION: This Contract is for the installation of permanent physical safety barriers in the BART Right-of-Way. These barriers must be installed in order to comply with new Roadway Worker Protection Safety Regulations which were promulgated by California Public Utilities Commission (CPUC) General Order 175 (GO 175) and which have been incorporated into BART's new Safety Policy. Once installed, the permanent physical safety barriers will protect persons working in the Right-of Way behind the barriers from moving trains and will help to reduce the adverse impacts on train schedules resulting from maintenance work during revenue hours by not requiring the trains to slow down passing through the work area when workers are working behind the barrier and outside the Track Zone.

The Contract was advertised on May 22, 2015 as a Micro Small Business Entity (MSBE) set-aside. On May 26, 2015, the District provided advance notice to 148 prospective Bidders and Contract Books were sent to 23 plan rooms. A pre-Bid meeting was held on June 12, 2015 with four (4) prospective Bidders attending the meeting. Five (5) construction companies purchased the Contract Book. Three (3) Addenda were issued.

The following three (3) Bids were received and publicly opened on August 11, 2015:

BIDDER	LOCATION	TOTAL BID	MICRO SMALL BUSINESS
Bay Construction Co.	Oakland , CA	\$ 534,710.88	Yes
Alta Engineering Group, Inc.	San Francisco, CA	\$ 559,010.00	Yes
Golden Bay Fence Plus Iron Works, Inc.	Stockton, CA	\$ 901,042.00	Yes
Engineer's Estimate		\$ 560,000.00	

After review by District Staff, Bay Construction Co.'s Bid was deemed to be the lowest responsive Bid. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that Bay Construction Co.'s Bid of \$534,710.88 is fair, reasonable, and below the Engineer's Estimate.

Pursuant to the District's Small Business Disadvantaged Business Enterprise (DBE) Program Elements, all Bidders for this Contract were required to be a BART-certified MSBE at the time of Bid. The lowest responsive Bidder, Bay Construction Co., is a BART certified MSBE. Pursuant to the Program, no DBE goals were established for this Contract.

FISCAL IMPACT: Funding of \$534,710.88 for the award of Contract No. 15TF-111 is included in the total project budget for 15TF002, Safety Barrier Installation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to project 15TF002 since January 2015, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of funding sources as provided below:

F/G 3401 - Federal	\$ 388,331.00
F/G 347Z - Federal	\$ 1,562.00
F/G 353M - Federal	\$ 637,412.00
F/G 354G - Federal	\$ 616,259.00
F/G 8523 - BART	\$ 97,083.00
F/G 850X - BART	\$ 159,353.00
Total	\$1,900,000.00

As of August 21, 2015, the total budget for project 15TF002 is \$1,900,000.00. BART has expended \$159,595.00 committed \$186,305.00, and reserved \$0.00 to date for other actions. This action will commit \$534,710.88 leaving an available fund balance of \$1,019,389.12 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize Staff to re-advertise the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received. Failure to proceed with the Contract would delay the barrier installation work, which will delay Staff's access to the Wayside for maintenance and other related work.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION: The General Manager is authorized to award Contract No. 15TF-111, Installation of Safety Barriers in Right-of-Way System Wide, Phase I to Bay Construction Co. of Oakland, CA for the Bid price of \$534,710.88, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures and FTA requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> for <i>Marvin Devaughn</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Matthew Sloan Dept: M&E <i>Matthew Sloan</i> Signature/Date: 9/17/15	General Counsel <i>[Signature]</i> 9/17/15	Controller/Treasurer <i>[Signature]</i> 9/17/15	District Secretary	BARC <i>[Signature]</i> for P.O.

Status: Routed	Date Created: 09/04/2015
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TITLE:

Reject Bid for Contract No. 17AG-150: Civic Center Station Room 108 Renovation

NARRATIVE:

PURPOSE:

To request that the Board reject the single Bid received by the District for Contract No. 17AG-150, Civic Center Station Room 108 Renovation.

DISCUSSION:

Contract No. 17AG-150 is for the renovation of the office spaces inside Room 108 in Civic Center Station. This Contract includes the replacement of the existing air conditioning equipment which no longer works, replacement of the flooring and ceiling system, upgrading of the lighting, painting of the walls, and other general renovation. The Engineer's Estimate for this Contract is \$114,420.17.

The Contract was advertised on July 8, 2015 in local publications. Advance Notices were sent to eighty-five (85) prospective Bidders and a total of 12 firms purchased copies of the Bid Documents. A pre-Bid meeting and site visit were held on July 20, 2015, with nine (9) prospective Bidders attending. A total of three (3) Addenda were issued.

One Bid was received and publicly opened on August 11, 2015. A tabulation of the Bid, including the Engineer's Estimate, is as follows:

Bidder	Location	Total Bid
Rodan Builders, Inc.	Burlingame, CA	\$295,717.00

Engineer's Estimate: \$114,420.17

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder did not meet the MBE and

WBE availability percentages therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for small businesses certified by the California Department of General Services. The Bidder is not a properly certified small business and therefore is not eligible for the 5% small business prime preference.

After review by District Staff, the Bid by Rodan was determined to be too high above the Engineer's Estimate. Rodan's Bid does not reflect the amount that the District considers fair and reasonable and is willing to pay for performance of the contemplated work and thus should be rejected.

FISCAL IMPACT:

There would be no fiscal impact as a result of this action.

ALTERNATIVES:

The Board may accept to authorize award of the Contract, in which case the District would need to find additional funding sources to fund the Contract.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motion:

MOTION:

The single Bid received by the District for Contract No. 17AG-150, Civic Center Station Room 108 Renovation is rejected.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delbuque</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>9/16/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Nelson Dept: <i>Patricia Nelson</i> Signature/Date: <i>Sept. 15, 2015</i>	General Counsel <i>[Signature]</i> <i>9/16/15</i> []	Controller/Treasurer <i>[Signature]</i> <i>9/16/15</i> []	District Secretary []	BARC <i>[Signature]</i> <i>9-15-15</i> []

TITLE:

Clipper - Amended and Restated Memorandum of Understanding (2015 MOU)

NARRATIVE:

Purpose

To authorize the General Manager to execute an Amended and Restated Clipper[®] Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area transit operators that use Clipper[®].

Discussion

Twenty-two transit systems in the region currently use, or will use Clipper[®], the automated regional fare payment system for intra- and inter-operator transit trips in the San Francisco Bay Area. Each month, more than 20 million trips and \$43 million in revenue are processed through the Clipper[®] system. The Metropolitan Transportation Commission (MTC) manages the Clipper[®] program, contracting with Cubic Transportation Systems, Inc. to implement, operate and maintain the Clipper[®] fare payment system through November 2, 2019 (Clipper[®] Contract).

In 2003, MTC and six transit operators participating in Clipper[®] (Operators) entered into an interagency participation agreement (IPA) to create a forum for joint agency decision-making regarding the then-named TransLink fare payment system (2003 IPA).

On November 10, 2011, seven Operators entered into a Memorandum of Understanding Regarding Operations and Maintenance of Clipper[®] Fare Collection System (2011 MOU), which replaced the 2003 IPA. The 2011 MOU delineated, among other things, MTC's responsibilities, including those as contracting agency for the Clipper[®] Contract, the Operators' responsibilities, a consultation process for amending the Clipper[®] Operating Rules, allocation of operating expenses among the Operators and MTC, and a dispute resolution process.

The Operators and MTC have examined the successes and challenges of the program and have identified areas in which existing arrangements should be modified or clarified to maximize the benefits to the Operators and Bay Area transit riders of the continued expansion, modification, operation and maintenance of the Clipper[®] program. The primary goal of the proposed Amended and Restated Clipper[®] Memorandum of Understanding (2015 MOU), which will replace the 2011 MOU, is to create a formal structure whereby Operators have a greater role in planning and policy decisions related to Clipper[®].

A summary of the key provisions in the 2015 MOU follows, with staff comments, including

comparisons with the 2011 MOU, in italics:

1. Clipper[®] Executive Board

- A nine-member Executive Board will be established (one member each from SFMTA, BART, Caltrain/SamTrans, AC Transit, VTA, GGBHTD and MTC, and two members selected by all remaining Operators to represent them). The Executive Board will be responsible for developing and evaluating performance goals, adopting a detailed biennial work plan and budget, designating the Contracting Agency, and approving all business matters expected to have a substantial fiscal or operating impact on the program.
- *Under the 2011 MOU, MTC maintains sole authority for these actions.*

2. Contracting Agency

- A Contracting Agency will be established to procure, award, manage and carry out the duties and responsibilities of the Clipper[®] program necessary for expansion, modification, modernization, operation, maintenance, marketing, and customer service.
- The Contracting Agency will be responsible for holding and managing the Clipper[®] bank accounts and act as an agency in trust for the funds deposited by the cardholders for the ultimate use with the Operators, and for the benefit of the Operators for funds due.
- The Contracting Agency will provide adequate staffing to support the Clipper[®] program.
- *MTC is the current Contracting Agency; the 2015 MOU would allow, but not require, this role to be assigned to an Operator no more frequently than every three years, upon approval of the Clipper[®] Executive Board and the governing bodies of the participating Operators.*

3. Clipper[®] Executive Director

- The Clipper[®] Executive Director will be responsible for regional coordination of the program among the Operators, oversight of consultants and contractors retained for the design, operation and maintenance of the program, and effectuation of the goals and work plan adopted by the Executive Board in accordance with the biennial capital and operating budget for the Clipper[®] program.
- The Clipper[®] Executive Director will be selected and appointed by the Contracting Agency following consultation with the Executive Board. The initial Clipper[®] Executive Director will be Carol Kuester, MTC Director of Electronic Payments.
- *There is no Clipper[®] Executive Director specified in the 2011 MOU; Ms. Kuester has been performing many of the functions described for that position.*

4. Cost and Revenue Allocation Formula

- The 2015 MOU includes a revised formula, outlined in Appendix B of the MOU, that aligns actual cost drivers and usage of the system with the allocation amounts. Increases will be phased in. Operator credit card fees will be added effective July 1, 2016, and the new formula will be implemented effective January 1, 2017.
- *The current allocation formula for Clipper[®] operating costs was developed prior to widespread implementation of the program. Costs are currently split among the Operators based on an Operator's share of transactions (2/3) and fare revenue*

collected (1/3).

- Credit card fees for agencies operating ticket vending or add-value machines outside of the Clipper[®] gateway are absorbed by those agencies and currently exceed \$2.2 million annually, of which approximately \$2.1 million is borne solely by BART.
- The Operators determined that the current cost allocation formula is not equitable. The proposed cost allocation changes will result in increased costs for most Operators, but a decrease in costs for BART. 2015 MOU includes a revised formula, outlined in Appendix B of the MOU, that aligns actual cost drivers and usage of the system with the allocation amounts. Increases will be phased in. Operator credit card fees will be added effective July 1, 2016, and the new formula will be implemented effective January 1, 2017.

5. Performance Standards

- The 2015 MOU includes performance standard requirements for the development and ongoing operations of Clipper[®].
- Goals include expanding electronic payment to all modes of transportation, providing enhanced access for customers to load value, establishing consistent fare categories and discounts, and improving the operation and integration options for the system.
- The 2011 MOU does not contain performance standards.

6. Extension of the MOU Term

- The 2015 MOU will become effective on the date that all parties have signed it and will end on June 30, 2025, unless otherwise terminated by the parties.
- The 2011 MOU ends on November 2, 2019, coinciding with the termination date of the Clipper[®] Contract.

The Office of the General Counsel will approve the 2015 MOU as to form.

Attached is a list of all signatories to the agreement.

Fiscal Impact

The table below, and text that follows, describe the estimated monthly and annual fiscal impacts to BART resulting from the 2015 MOU, as compared with the 2011 MOU:

\$ Thousands	Estimated Monthly Costs by MOU Time Period			
	2015 MOU			
	2011 MOU (a)	Execution thru 6/30/2016 (b)	7/1/2016 – 12/31/2016 (c)	Effective 1/1/2017 (d)
Clipper [®] operating costs	\$546	\$546	\$546	\$504
Credit/debit interchange fees*	\$175	\$175	\$92	\$92
Clipper [®] Executive Director			\$7	\$6
TOTAL MONTHLY	\$721	\$721	\$645	\$602
<i>Annualized</i>	\$8,656			\$7,224
Estimated Annual Savings (a-d)				\$1,428

* Fees associated with Clipper[®] sales through BART add value and ticket vending machines (using Operator-specific gateway)

Clipper - Amended and Restated Memorandum of Understanding (2015 MOU)

From the effective date of the 2015 MOU through June 30, 2016:

- Existing cost allocation formula will remain in effect.

July 1, 2016 through December 31, 2016:

- Existing cost allocation formula will remain in effect; however, operator costs for credit/debit interchange fees charged through an operator-specific gateway will be added as a line item to operating costs for allocation among Operators. This will result in a savings to BART of approximately \$76K monthly

Effective January 1, 2017:

- Clipper[®] operating costs will be allocated to each Operator based on the specific cost driver (percentage of cards used, percentage of fee generating transit transactions, and percentage of revenue processed) for each category of operating expense, saving BART an additional \$43K monthly.

Alternative

Do not authorize the General Manager to execute the 2015 MOU. The 2011 MOU would remain in place, with Operators having a more limited role in planning and policy decisions related to Clipper[®].

Direct the General Manager to request and obtain specific changes to the 2015 MOU as a condition of execution.

Recommendations

Adoption of the following Motion.

Motion

The General Manager is authorized to execute the Amended and Restated Clipper[®] Memorandum of Understanding with MTC and Bay Area transit operators that use Clipper[®].

Attachment

Executive Decision Document

Clipper – Amended and Restated Memorandum of Understanding (2015 MOU)

Signatories

Metropolitan Transportation Commission	MTC
Alameda-Contra Costa Transit District	AC Transit
Golden Gate Bridge, Highway and Transportation District	GGBHTD
San Francisco Bay Area Rapid Transit District	BART
City and County of San Francisco Municipal Transportation Agency	SFMTA
San Mateo County Transit District	SamTrans
Santa Clara Valley Transportation Authority	VTA
Peninsula Corridor Joint Powers Board	Caltrain
Central Contra Costa Transit Authority	CCCTA
City of Fairfield, Fairfield and Suisun Transit	
City of Petaluma	
Eastern Contra Costa Transit Authority	ECCTA
Livermore/Amador Valley Transit Authority	LAVTA
Marin County Transit District	
Napa County Transportation and Planning Agency	
Solano County Transit	
Sonoma County Transit	
Sonoma-Marín Area Rail Transit District	SMART
Vacaville City Coach	
Western Contra Costa Transit Authority	WCCTA
San Francisco Bay Area Water Emergency Transportation Authority	WETA
City of Santa Rosa	
City of Union City	



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> FOR MARCIN DEVAUGHN		GENERAL MANAGER ACTION REQ'D: Forward to Board of Directors		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Greg Marrama Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i> 9/17/15	Controller/Treasurer <i>[Signature]</i> 9/17/15	District Secretary []	BARC <i>[Signature]</i> 9-17-15 []
Signature/Date: 17 SEPT 2015				
Status: Routed		Date Created: 09/01/2015		

TITLE:

Resolution for BART Project Submittals for the Metropolitan Transportation Commission's Plan Bay Area 2040 Project Update

NARRATIVE:

Purpose:

To obtain BART Board approval of a Resolution (attached) authorizing the submittal of a list of projects to the Metropolitan Transportation Commission ("MTC") for inclusion in the Plan Bay Area 2040 Project Update.

Discussion:

In July 2013, MTC and the Association of Bay Area Governments ("ABAG") adopted Plan Bay Area (the "Plan") which is a state mandated, integrated long-range transportation, land-use and housing plan. The Plan is intended to support a growing economy, provide more housing and transportation choices and reduce transportation related pollution in the nine-county San Francisco Bay Area. It builds on earlier efforts to develop an efficient transportation network and grow the Bay Area in a financially and environmentally responsible way. When the Plan was initially adopted, it was contemplated that it would be updated every four years to reflect new and changing priorities.

Currently, the Bay Area is in the process of developing Plan Bay Area 2040, which will be the first four-year update of the Plan. MTC has requested the assistance of affected transit operators and each of the nine Bay Area Congestion Management Agencies (CMAs) to coordinate submittals for their county for this update. As part of the current effort, sponsors are being asked to submit an updated project submittal list that would remove projects in the current Plan that are either complete and open for service or no longer being pursued, update projects in the current Plan that should be carried forward in the Plan, and identify new proposed projects.

This process, known as the Project Update and Call for Projects, is the last remaining deliverable of submittal requirements needed to update the Plan. The current effort follows the Transit Capital Needs Assessment (capturing SOGR/ transit capital replacement needs) and the Transit Operating Needs Assessment, which datasets were provided to MTC in July of this year. Multi-county project sponsors such as BART, Caltrain, and Caltrans, may submit proposed projects to MTC directly or may submit them through the jurisdictional CMA, depending on local policies and project circumstances.

BART staff has prepared a list of Proposed and Adopted BART Projects for direct submittal to MTC. A copy of that list is attached. Although many of the projects on this list are carry-overs from the last Plan, BART has increased the dimension and scope of several of its major programmatic categories to reflect new initiatives. This is particularly evident in the capital needs assessment, which has been reconciled with more detailed and precise needs data made available through our Enterprise Asset Management program.

This list contains both proposed and adopted projects and includes, but is not limited to: the Transbay Core Capacity project, Rail Vehicle Replacement, Hayward Maintenance Complex Phase 1, System Capacity Expansion, Station Access, BART Metro, Station Modernization, Security, and various extension projects. The Transbay Core Capacity project includes new train control, up to 306 additional rail vehicles, a Phase 2 element of the Hayward Maintenance Complex, and additional track improvements. These projects have been previously considered by the Board in various settings, including the 2014 CIP/SRTP and the January 2015 Board workshop.

Other BART projects will be submitted to MTC through the appropriate CMA. The CMAs are submitting programmatic category projects on behalf of all sponsors, including BART, in each county. The projects being submitted by CMAs include those related to pedestrian/bicycle enhancements and expansion, local planning studies, Lifeline Transportation projects, transit enhancements, and transit safety & security projects. Each of the BART district CMAs have treated BART county-specific projects differently, ranging from full sponsorship through the CMA in San Francisco to a blended approach in Alameda and Contra Costa, where selected projects are being submitted separately by BART.

MTC is requiring BART to adopt a Resolution approving BART's updated project submittal list prior to submitting this list to MTC for inclusion in Plan Bay Area 2040. It should be noted that the Plan Bay Area 2040 will not be a final programming document, but a planning and compliance document which will maintain BART's eligibility to seek Federal and State funds for included programs and projects. Inclusion of a project either as an individual project listing or by inclusion in a programmatic category in the financial constrained section of Plan Bay Area 2040 is mandatory for all projects seeking state or federal funds or federal action prior to 2021.

As part of the next steps of the Plan process, MTC will subject the submitted projects to a project performance assessment and will consider the projects in the context of a regional forecast (including available revenues). It is anticipated that ABAG/MTC will make decisions regarding the projects in January 2016. After the standing of BART's submittals is determined and revenue estimates are finalized, Planning and Grant Development staff will return to the Board with a more comprehensive assessment of BART's position in Plan Bay Area 2040 with a focus on the strategic and grant-related financial implications of the Plan, including County coordination.

Fiscal Impact:

There is no fiscal impact on available, un-programmed District Reserves.

Alternatives:

Do not approve the Resolution. Approval of the Resolution is a requirement for MTC to program BART's project submittals in Plan Bay Area 2040 and maintain grant funding eligibility for certain funding sources. Failure to approve the Resolution would jeopardize future funding eligibility for these projects and threaten their schedule or ultimate viability.

Motion:

The BART Board approves adoption of the attached Resolution In the Matter of Authorizing Actions Necessary to Submit Projects/Programs For Plan Bay Area 2040 to the Metropolitan Transportation Commission.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**In the Matter of Authorizing
Actions Necessary to Submit
Projects/Programs For Plan Bay Area 2040
to the Metropolitan Transportation Commission**

Resolution No. _____

WHEREAS, every four years the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) take the lead in developing a Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) and seek the assistance of each of the nine Bay Area Congestion Management Agencies (CMAs) and multi-county project sponsors, such as BART, to coordinate project submittals; and

WHEREAS, the RTP/SCS sets policy and transportation investment priorities in the nine Bay Area counties for the next 24 years including financially constrained project priorities for the whole region; and

WHEREAS, in July 2013, MTC and ABAG adopted Plan Bay Area which is a state mandated, integrated long-range transportation, land-use and housing plan; and

WHEREAS, Plan Bay Area 2040 is currently being developed. Plan Bay Area 2040 will be a focused update of 2013's Plan Bay Area and will build off the framework and contents of the 2013 effort and will focus primarily on updating scope, schedule, and budget of projects in the current plan. Plan Bay Area 2040 will be the first four year update to Plan Bay Area; and

WHEREAS, MTC has requested sponsors and/or CMAs to submit projects or programs for inclusion in Plan Bay Area 2040; and

WHEREAS, inclusion in the financially constrained portion of Plan Bay Area 2040, either as an individual project listing or by inclusion in a programmatic category, is mandatory for all projects seeking state or federal funds or a federal action prior to 2021; and

WHEREAS, BART staff have created the list of projects, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length for submittal to MTC for inclusion in Plan Bay Area 2040; and

WHEREAS, some of the projects described in Attachment A are proposed projects while others are adopted projects;

WHEREAS, BART has separately provided expected transit capital state of good repair needs along with anticipated costs and revenues to support existing service levels and committed projects; and

NOW THEREFORE BE IT RESOLVED, that submittal of the projects/programs described in Attachment A to this Resolution to MTC for inclusion in Plan Bay Area 2040 is approved ; and

BE IT FURTHER RESOLVED that BART shall forward a copy of this Resolution, and such other information as may be required, to MTC.

Adopted on _____, 2015

Certification

I, Kenneth A. Duron, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the _____ day of _____, 2015.

Kenneth A. Duron, District Secretary

Date: _____

###

ATTACHMENT "A"
LAN BAY AREA 2040 PROPOSED AND ADOPTED BART PROJECTS -- PROJECT UPDATE AND CALL FOR PROJECTS DIRECT SUBMITTALS

PROJECT	Cost	Committed	Estimated	Fund Sources	Regional/County	Description/Notes
REGIONAL PROJECTS						
BART Rail Vehicle Replacement Project	\$2,584,000,000	X		Sections 5307, 5309 \$1,667,448,387; STP/CMAQ \$120,000,000; VTA local \$200,051,613; Prop 1A High Speed Rail \$140,000,000; BART Operating	Regional	Purchase 775 rail cars to replace existing aging fleet.
Hayward Maintenance Complex (HMC) Phase 1	\$409,154,000	X		Prop 1A High Speed Rail \$79 mil; VTA local contribution \$175 mil; BART operating	Regional	This project will include acquisition and use of four warehouses outside of the current west boundary of the yard. Three of these four existing warehouse structures are proposed for Component Repair, Central Warehouse, and Maintenance & Engineering use would be seismically upgraded and retrofitted for BART use, and the fourth would be demolished and a new overhaul shop would be constructed in its place. The existing vehicle inspection area would be enlarged from one bay to four bays. South of Whipple Road work will include additional connecting track, track crossovers, and switches.
BART Transbay Corridor Core Capacity Project	\$2,806,000,000	X		\$201 TRCP; \$671 mil BART; STP \$163 mil; Regional Discretionary	Regional	This project includes new train control system (\$915 million); 306 additional train cars (\$1,622 million) Hayward Maintenance Complex Phase 2 (\$169 million) and necessary traction power upgrades (\$100 million)
Station Access	\$800,000,000	X		Regional Discretionary	Regional	Combines parking, smart growth/TOD, transit connectivity, bicycle, pedestrian, signage and other access modes to meet growing demand for BART services.
Seismic Safety Augmentation	\$1,450,000,000	X		Regional Discretionary	Regional	Berkeley Hills Tunnel seismic retrofit and retrofit (\$980 million); "A" fibre structural augmentation / improvement to meet operability standard (\$500 million)
BART Metro Program	\$1,700,000,000	X		Transit Performance Incentive, High Speed Rail, local, Regional Discretionary	Regional	Investments in support of the region's Sustainable Communities Strategy, potentially including core system trackway and route service enhancements, capacity improvements at stations & facilities, integrated transit service and exp. of high capacity transit lines.
BART Station Modernization	\$3,733,772,000	X		Prop 1B, Lifeline, local, BART Capital Allocations, OBAC, Regional Discretionary	Regional	Investments include systemwide improvements (e.g., wayfinding, lighting, communications, security, surface refinishing, pigeon mitigation, etc.), station modernization (paid area and platform expansion, new restrooms, upgraded systems and communications, lighting, intermodal expansion and upgrades, new elevators, escalators and other vertical circulation, etc.), \$70 mil X 31 stations + \$40 mil X 10 stations + currently funded+ Embarcadero/Ment. platform expansion project.
Security	\$250,000,000			Federal DHS; Regional Discretionary, California Transit Security Grant Program (CTSGP), California Transit Assistance Fund (CTAF)	Regional	Improve or enhance BART security to protect the patrons and the system including, but not limited to, emergency communications, operations control center, locks & alarms, public safety preparedness, structural augmentation, surveillance and weapons detection systems.
SUBTOTAL REGIONAL PROJECTS						
	\$13,782,928,000					
COUNTY-SPECIFIC PROJECTS						
BART to Livermore Project Development	\$551,000,000		X	Alameda Measure BB, MTC AB1171, MTC RMI, Livermore Traffic Impact Fees, Regional Discretionary	Alameda	BART is in the project development phase for a high-capacity transit project in the Tri-Valley. BART is preparing a project-level Environmental Impact Report evaluating a No-Build alternative, and four Build alternatives for the BART to Livermore Extension Project: BART extension to Isabel Avenue with a bus connection, DMU/EMT to Isabel Avenue with a bus connection, Express Bus/BRT, and Enhanced Bus. This includes a construction reserve.

eBART Phase 1	\$525,000,000	X	Local Measure J \$140.6 mil, RM2 \$96 mil, RM1 \$64 mil, AB171 \$111.5 mil, Local Fees \$35 mil, SUP \$13 mil, Prop 1B \$37 mil, STA \$3.0 mil, TCRP \$5.28 mil, BART \$6.3 mil, Pittsburg \$4.8 mil, CCTA Measure J \$7.6 mil, Tri Delta \$2.8 mil	Contra Costa	Extend BART using DMU technology from Pittsburg/Bay Point to Antioch. Includes Pittsburg Center Station.
eBART Phase 2	\$300,000,000	X	Regional Discretionary	Contra Costa	Extend BART using DMU technology from Hillcrest Ave to Bratwood.
SUBTOTAL COUNTY-SPECIFIC PROJECTS	\$1,375,000,000				
TOTAL	\$15,138,926,000				

NOTE ON COUNTY SUBMITTALS - All District county Congestion Management Agencies submitted local requests for BART Transbay Corridor Core Capacity, Station Access, Station Modernization, Security and Metro. Additionally, Contra Costa submitted separate projects for El Cerrito del Norte modernization and BART Stations, Parking and Access Improvements. Alameda County submitted separate projects for the Bay Fair Connection component of BART Metro, BART to Livermore/ACE project development, and Secure Bicycle Parking at Alameda County BART Stations

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors **DATE:** September 18, 2015
FROM: General Manager
SUBJECT: Administration Agenda Item #3.C: Alameda County Measure BB Update – For Information

At the September 24, 2015 Board of Directors meeting, staff will update the Board on Alameda County Measure BB. If you have questions regarding the attached presentation, please contact Kerry Hamill, Assistant General Manager, Office of External Affairs at (510) 464-6153.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors **DATE:** September 18, 2015

FROM: General Manager

SUBJECT: E&O Agenda Item #4.A: Warm Springs Extension Project: Semi-Annual Project Update – For Information

At the September 24th Board of Director's meeting, staff will provide an update on the progress of the Warm Springs Extension (WSX) Project, which will include a discussion of the project scope, schedule, budget, environmental compliance, and the status of the testing program that is currently underway.

If you have any questions about the attached presentation, please contact Bob Powers, AGM, Planning, Development & Construction at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff