



San Francisco Bay Area Rapid Transit District (BART)  
 Earthquake Safety Program

Citizens' Oversight Committee Meeting  
 2013 – 2015 Term

Tuesday, February 26, 2013 4:30 pm

BART Board Room  
 Kaiser Center 20th Street Mall, Third Floor  
 344 20th Street, Oakland CA 94612

<b>Meeting Number</b> <i>Term 4, Meeting 1</i>	<b>Meeting Date</b> <i>February 26, 2013</i>	<b>Meeting Time</b> <i>4:30 pm</i>
<b>Attendees</b>	<i>Members</i> <i>Ralph Mason</i> <i>Juliano Waldron</i> <i>Sayed Sultan</i> <i>Robert Barksdale</i> <i>Alternates</i> <i>Richard Pipkin</i> <i>Sang Bak Lee</i> <i>Ching Wu</i> <i>Prabhat Goyal</i> <i>Past Members</i> <i>Elmo Wedderburn</i>	<i>Staff</i> <i>Molly McArthur</i> <i>Thomas Horton</i> <i>Bianca Mallory</i> <i>Brenden Neumayr</i>
<b>Agenda Item</b>	<b>Action Taken</b>	
<i>Welcome &amp; Introductions</i>	<i>M. McArthur called the meeting to order at approximately 4:35 pm.</i>  <i>B. Mallory noted members' attendance.</i>  <i>M. McArthur invited members of the committee to introduce themselves and share some of their work experience.</i>	





San Francisco Bay Area Rapid Transit District (BART)  
Earthquake Safety Program

<p><i>Project Overview</i></p>	<p><i>M. McArthur reviewed the history of the Citizens' Oversight Committee and the Earthquake Safety Program.</i></p> <p><i>T. Horton detailed the construction of the BART system, and the seismic issues related to it. He discussed vulnerability and various retrofit concepts, including:</i></p> <ul style="list-style-type: none"><li><i>• Overview of the program scope.</i></li><li><i>• Liquefaction around the Transbay Tube.</i></li><li><i>• Areas being addressed in the Transbay Tube.</i></li><li><i>• Foundations and bent caps are being reinforced.</i></li><li><i>• Life Safety vs. Operability</i></li><li><i>• Transbay Tube is being designed to higher earthquake standards, as it is a critical facility.</i></li></ul> <p><i>M. McArthur reviewed the language of Measure AA.</i></p> <p><i>M. McArthur reviewed all sources of funds for ESP.</i></p> <p><i>R. Mason asked if funds were comingled. T. Horton answered in many cases, yes.</i></p> <p><i>M. McArthur apologized to the Committee for Clipper Card issues. Members will be reimbursed for their travel on BART and the problem will be resolved.</i></p> <p><i>M. McArthur notified the Committee that they will be choosing a Committee Chair.</i></p> <p><i>M. McArthur provided a review of the Brown Act, the Conflict of Interest Code and associated exhibits, and the COC Bylaws.</i></p>
--------------------------------	---





San Francisco Bay Area Rapid Transit District (BART)  
Earthquake Safety Program

<p><i>Project Update</i></p>	<p><i>T. Horton provided an overview of the program's progress since the last meeting, noting the following:</i></p> <ul style="list-style-type: none"><li><i>• Completed activities: seven BART stations and one Muni station are complete; some work in the Transbay Tube has been completed; work at the Port of Oakland, Oakland Aerial Structures and West Bay Aerial Structures have been completed.</i></li><li><i>• Current activities: Testing of materials for Transbay Tube is underway; Program is developing feasibility study for the Berkeley Hills Tunnel; and contracts are about to be awarded for four Fremont line stations work.</i></li><li><i>• Upcoming activities: Fremont line retrofits from Lake Merritt to Coliseum and for Bay Fair have undergone preliminary design, but are waiting completion of the Berkeley Hills Tunnel study.</i></li><li><i>• Schedule: Slippage on the schedule is due to the Board's request to increase scope. Design was complete on Life Safety when it was upgraded to Operability. Additional Transbay Tube work is not expected to start until 2014.</i></li></ul> <p><i>R. Mason asked if the extensions were built to operability standards.</i></p> <p><i>T. Horton stated that the extensions were not built to the current standards being used on the Earthquake Safety Program but much better than the original system.</i></p> <p><i>T. Horton stated that escalation was not as high as estimated. This gave the program a surplus of funds that can be used for more ESP contracts.</i></p>
------------------------------	---





San Francisco Bay Area Rapid Transit District (BART)  
Earthquake Safety Program

<p><i>Financial Report</i></p>	<p><i>T. Horton gave an overview of the financial report.</i></p> <p><i>R. Mason asked about the financial differences between the original scope and the increased scope.</i></p> <p><i>T. Horton and M. McArthur proposed that staff produce a breakdown of funding and cost savings to present at the next meeting.</i></p> <p><i>R. Mason asked if Central Contra Costa County Crossover Project (CCCC) used ESP funds.</i></p> <p><i>T. Horton stated CCCC was a separate project. CCCC consists of at-grade trackways that require almost no retrofits.</i></p> <p><i>T. Horton explained that in some cases, local jurisdictions have provided funds for improvements like landscaping.</i></p>
--------------------------------	--





San Francisco Bay Area Rapid Transit District (BART)  
Earthquake Safety Program

<p><i>Other Business</i></p>	<p><i>M. McArthur gave new members a chance to speak with outgoing COC Chairman, E. Wedderburn, for COC advice. E. Wedderburn emphasized the COC's role and suggested quarterly meetings.</i></p> <p><i>M. McArthur thanked E. Wedderburn for his service on the Citizens' Oversight Committee.</i></p> <p><i>M. McArthur suggested bringing the Controller in to speak to the Committee regarding bond funds.</i></p> <p><i>R. Barksdale asked about the charter of the Auditing seat. He also asked if BART used an internal or external auditor and if they could meet with the Committee.</i></p> <p><i>E. Wedderburn stated the Financial Report and being made aware of Change Orders or notifications that are presented to the BART Board of Directors are useful for the Auditing seat. He mentioned that in the past BART's internal auditor has addressed the COC.</i></p> <p><i>T. Horton stated that the Board of Directors are notified if there is a change to the contract that exceeds 10% and Change Orders that require Board action. He suggested that if a notification was presented to the board, staff would also notify the Citizens' Oversight Committee.</i></p> <p><i>T. Horton stated that the program is audited every year.</i></p> <p><i>E. Wedderburn suggested that M. McArthur further explain the Brown Act.</i></p> <p><i>M. McArthur further explained the Brown Act, noting the following:</i></p> <ul style="list-style-type: none"><li><i>• Notice of the meeting must be posted 72 hours prior.</i></li><li><i>• Only agenda items can be discussed.</i></li></ul> <p><i>R. Mason wanted to know the repercussions of violating Brown Act.</i></p> <p><i>M. McArthur stated what the Committee's charter covers for</i></p>
------------------------------	---





**San Francisco Bay Area Rapid Transit District (BART)  
Earthquake Safety Program**

	<p><i>program oversight, including:</i></p> <ul style="list-style-type: none"> <li>• <i>Review scheduling and budgeting of projects to be funded by the bond measure.</i></li> <li>• <i>Confirm that work is completed and bond funds are expended in accordance with the bond measure.</i></li> <li>• <i>Inform the public concerning the expenditure of bond revenues.</i></li> <li>• <i>The Committee’s work may be performed by receiving and reviewing independent audits of the General Obligation Bond Program.</i></li> <li>• <i>The District will provide administrative assistance and reimbursement of expenses.</i></li> </ul> <p><i>M. McArthur stated that an email will be sent out to schedule meetings for the remainder of the year.</i></p> <p><i>M. McArthur stated that members will need to select a Chairperson at the next meeting.</i></p> <p><i>Follow up items:</i></p> <ul style="list-style-type: none"> <li>• <i>Travel Reimbursement: Resolve the issue with the Clipper Cards and get updated travel reimbursement procedures back to the Committee.</i></li> <li>• <i>Ethics Training: Schedule ethics training and review of the Brown Act.</i></li> <li>• <i>Future meeting dates: Coordinate the COC meeting schedule for 2013.</i></li> <li>• <i>BART Board Action/Notification: Determine the best method of distributing the information to the Committee.</i></li> </ul>
<p><b>Adjournment</b></p>	<p><i>M. McArthur adjourned the meeting at approximately 6:45 pm.</i></p>

