

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

BOARD MEETING AGENDA

February 27, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 27, 2020, in the BART Board Room, 2040 Webster 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>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_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 and bart.legistar.com 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.

Patricia K. Williams
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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020.* Board requested to authorize.
- B. Amendment to Legal Services Agreement with Glynn & Finley, LLP.* Board requested to authorize.
- C. Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract.* Board requested to authorize.
- D. Award of Invitation For Bid No. 9074-A, Assisted Lift Retractable Bollards.* Board requested to authorize.
- E. Agreements with Public and Private Transportation Providers for Temporary Bus Services and to Pay for Related Bus Bridge Expenses.* Board requested to authorize.
- F. Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, for Relocation of Commercial Communications Infrastructure (C.O. No. 004).* Board requested to authorize.
- G. Reject All Bids for Contract No. 15EI-182, Cast Coil Transformer Replacement Project.* Board requested to reject.
- H. Resolution Authorizing Project Compliance and Initial Project Report for Regional Measure 2 (RM2) Funds for the Warm Springs Extension Irvington Station Project.* Board requested to adopt.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. Award of Professional Services Agreements to Provide Temporary Help Services.*
 - a. Agreement No. 6M4690, with SearchPros Staffing
 - b. Agreement No. 6M4692, with Tryfacta, Inc.
 - c. Agreement No. 6M4693, with Howroyd-Wright Employment Agency, Inc. dba AppleOne
 - d. Agreement No. 6M4694, with Wollborg Michelson Personnel Service, Inc.Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Quality of Life: BART Police Department.* For information.
- B. Change Order to Contract No. 15EJ-171, 34.5 KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations, for Additional Expansion Joints and Phenolic Reinforced Thermosetting Resin Conduit (C.O. No. 007).* Board requested to authorize.
- C. Quarterly Performance Report, Second Quarter Fiscal Year 2020 - Service Performance Review.* For information.

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

Director Saltzman, Chairperson

- A. BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to BART Grant Program.* Board requested to authorize.
- B. Update on BART and Valley Transportation Authority Phase I.* For information.

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Resolution in Support of Alliance for Girls.* (President Simon's request.) Board requested to adopt.
- B. Resolution in Support of Census 2020.* (Director Foley's request.) Board requested to adopt.

C. **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.)

D. **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.)

E. **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 1,856th Meeting
January 23, 2020

A regular meeting of the Board of Directors was held on January 23, 2020, convening at 9:01 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Simon presided; Patricia K. Williams, District Secretary.

Present: Directors Ames, Dufty, Foley, Li, Raburn, Saltzman and Simon.

Absent: Director McPartland. Director Allen entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 9, 2020.
2. District Base Pay Schedule.
3. Reject All Bids for Contract No. 11FE-110, Construction of Embarcadero Station Platform Elevator Capacity and Redundancy Project.
4. Amendment to Advertising Content Guidelines.

Director Dufty made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes: 7 – Directors Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 2 – Directors Allen and McPartland.

1. That the Minutes of the Meeting of January 9, 2020 be approved.
2. That the base pay schedule in effect January 1, 2020 be approved.
3. That all Bids for Contract No. 11FE-110, Embarcadero Station Platform Elevator Capacity and Redundancy Project, be rejected and the General Manager be authorized to re-advertise the Contract.
4. That the restriction in the BART Advertising Content Guidelines that prohibits advertisements that are “supporting or opposing a policy or policies of a named or identified governmental, business, or nonprofit entity other than the policies of the advertiser itself,” be deleted. (The revised Guidelines are attached and hereby made a part of these Minutes.)

President Simon called for Public Comment. Randall Glock and Elgin Rose addressed the Board.

Director Allen entered the Meeting.

Kate Bernier addressed the Board.

President Simon brought the matter of Quarterly Report of the Controller/Treasurer for the Period Ending September 30, 2019 before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, and Mr. Christopher Gan, Assistant Controller, presented the item.

Director Allen asked clarifying questions regarding the characterization of reserves in the report.

Director Foley indicated that the Insurance Calamity Reserve figure should be updated to reflect current conditions.

Director Ames asked for clarification of the strategy to address decreases in sales tax and property tax revenue and information about handling an economic downturn and using reserves.

Director Raburn asked for information about quarterly voucher payments and the electronic payment program.

Director Li asked for information about the quarterly voucher payments, including the completion date of the work performed by a third-party consultant and implementation of any recommendations from the consultant.

Director Dufty asked for information about the firms that are not receiving payment within 30 days and suggested meeting with firms to discuss their experiences.

President Simon asked when the fourth quarter investment reports will be available to the public and the Board and commented on reviewing BART's investments.

President Simon brought the matter of Report of the Inspector General for the Period August – December 2019 before the Board. Ms. Harriet Richardson, Inspector General, presented the item.

Margina Wade addressed the Board.

Director Ames commented on the function of the Office of the Inspector General and asked questions regarding the revenues collected to fund the Office and staffing for the Office.

Director Raburn commented on budgeting and staffing for the Office, the M-Line lighting project, and the project's contractors.

Director Allen asked for clarification of the 20% overhead fee for the Office of the Inspector General and commented on the costs associated with the Office, the overhead fee, funding, and support for the Office. Director Allen asked for information regarding a contractor's claim for additional money due to the termination for convenience, the entitlements provided to a contractor filing a claim, and termination for convenience; who brought the lighting issue forward, the reason why the contract was not completed using a different product, payment of the material cost, whether there was a benefit from the Inspector General's investigation, and the Inspector General's recommendation regarding improvement of service to contractors; and requested that the Inspector General continue to follow the case and provide an update.

Director Dufty commented on the Board's permitted interaction with the Inspector General.

Director Allen asked when the District-wide assessment would be complete.

Director Saltzman commented on funding for the Office of the Inspector General and suggested that the Board submit a letter to the Bay Area Toll Authority (BATA) asking for additional funding for the Office.

Director Foley commented on the function of the Office of the Inspector General; welcomed the Inspector General's feedback; asked how the Inspector General utilizes subject matter experts to inform her decision-making; and recommended that BART use an online form instead of a downloadable form.

President Simon commented on the role of the Inspector General and thanked Ms. Richardson, management, and the Board for their participation in discussing the Inspector General's first report.

Director Li, Vice Chairperson of the Administration Committee, brought the matter of Title VI Civil Rights Program 2017-2019 Triennial Update before the Board.

Ms. Sharon Moore, Senior Manager, Workforce Policy Compliance, Office of Civil Rights, and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

Director Raburn asked whether the Limited English Proficiency (LEP) standard applies to all documents produced by BART or only to a subset of documents considered as the most important and how the documents are selected; commented on the most popular documents at BART booths; asked whether hard copy documents are provided online, whether transit amenities include equipment, and whether the Office of Civil Rights evaluates uniform distribution of the Fleet of the Future.

Director Raburn moved that (1) the District's Title VI Civil Rights Program 2019 Triennial Update be approved; and (2) the District's updated Services Standards and Policies for the Subsequent Reporting Period be approved. President Simon seconded the motion, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Li brought the matter of Title VI Fare Equity Analysis and Public Participation Report for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets before the Board. Ms. Jennella Sambour-Wallace, Manager of Title VI and Environmental Justice, Office of Civil Rights, and Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, presented the item.

Gena Alexander addressed the Board.

Director Li asked for clarification of the sale of magnetic-stripe tickets.

Director Allen commented on customer feedback regarding purchasing discounted Clipper® cards; suggested that discounted Clipper cards be sold at other locations in each district; and requested that discounted Clipper cards be distributed at booths during the summer.

Director Saltzman asked for information about people who are not using Clipper cards and the mobile application for virtual Clipper cards. She commented on Clipper-only stations; providing clear information about purchasing Clipper cards; posting information about obtaining discounted Clipper

cards on ticket vending machines; complaints from constituents about Clipper; and responding to customers.

Director Foley asked clarifying questions regarding whether a Title VI fare analysis would be necessary if Clipper did not charge a fee for Clipper cards, the focus of the analysis if the cards were free of charge, and the need for the analysis if BART were to present a substitute media of its own; commented on the Clipper card fee; and expressed concern about the mitigation efforts presented by staff.

President Simon expressed support for all Directors' comments; shared her experience with trying to obtain a discounted ticket; commented on availability for protected populations, providing clear instructions about how protected populations can receive discounts, facilitating access to discounted Clipper cards, and the disparate impact of the location at which a customer can receive discounted paper tickets and Clipper cards; expressed support for BART's method of addressing disparate impact issues that arise; and indicated that BART needs to ensure that discounted populations have clean and clear access to Clipper cards.

Director Dufty asked whether Station Agents could be provided with 50 Clipper cards to distribute as necessary.

Gena Alexander addressed the Board.

Director Li noted that she had requested Clipper cards to distribute when one of her stations was transitioning to Clipper-only and staff refused her request.

Director Raburn commented that members of the Alameda-Contra Costa Transit District (AC Transit) Board of Directors carry Clipper cards for distribution; noted that he was provided with a small stack of Clipper cards at the Chinatown Street Festival; shared his experience with distributing Clipper cards; supported improving the fairness of Clipper card distribution; addressed the availability of fare media; indicated that he would introduce a Roll Call for Introductions (RCI) request to extend the hours of the Customer Services Center at Lake Merritt Station; commented on customer feedback outlined in the report, the California Integrated Travel Project, and mobile ticketing; asked for information about eliminating refunds for paper tickets; suggested that BART implement a three month program for customers to obtain refunds for paper tickets; and asked for an explanation of the process for refunds of paper tickets and whether providing instant refunds is difficult.

Director Ames asked for clarification of customer feedback from disabled and youth responders, analyzing customer feedback, developing mitigation efforts, and whether the mitigation efforts presented are the only mitigation efforts that can be implemented if the Board approved the report; commented on her experience with transit in Sydney, Australia, and developing simpler, easier options for customers; requested that BART provide a monthly pass and alternate methods of payment; asked whether discounts can be obtained at BART stations; requested more public outreach; and asked whether ticket machines in San Jose would display multiple languages and about the timeline for implementing multiple language machines throughout the system.

Director Li asked for clarification of the process to implement mitigation efforts; commented on the sample size of the magnetic-stripe users in the analysis, demographic information for non-Clipper users, and accessibility of Clipper cards; noted that BART should consider those who are left behind; expressed that she would support the analysis report although it would be irresponsible for her to support a policy

that could leave the most marginalized riders behind; highlighted her disagreement with the report's finding regarding impact on low income riders; commented on the insufficient analysis due to small sample sizes; indicated that BART cannot utilize only Clipper cards with the current version of Clipper system, noting the benefits of an account-based system; commented on the Clipper® Executive Board (CEB) and Metropolitan Transportation Commission (MTC) understanding the issues within the current version of Clipper and urgently advancing improvements to achieve Next Generation Clipper, the adverse effect of the current Clipper system on her willingness to support Clipper-only ticket sales, and the need to understand why non-Clipper users are not using Clipper; and suggested more extensive outreach efforts.

Director Li moved that the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets" be approved. Director Raburn seconded the motion. The motion carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matters of Award of Contract No. 15CQ-125, A65 and A75 Interlocking Renewal; and Change Order to Contract No. 54RR-420, Coverboard Enhancement, L-Line, with L.C. General Engineering, Inc., for Additional Pin Assemblies (C.O. No. 001), before the Board. Ms. Tamar Allen, Assistant General Manager, Operations, briefly presented the item.

Director Dufty made the following motions as a unit. Director Saltzman seconded the motions.

1. That the General Manager be authorized to award Contract No. 15CQ-125, A65 and A75 Interlocking Renewal, to ProVen Management Inc. of Oakland, California for the Bid Price of \$16,883,964.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.
2. That the General Manager be authorized to execute Change Order Number 001 to Contract No. 54RR-420, Coverboard Enhancement, L-Line, in the amount of \$670,054.00.

Director Foley asked whether Contract No. 15CQ-125 allows BART to inform the contractor that work cannot be performed over the weekend; commented on flexibility for weekend events; requested that staff develop strategies to avoid safety and scheduling conflicts and publish weekend work schedules as far in advance as possible, with repeated notices issued as the weekend approaches, to inform the public.

Director Allen asked staff to coordinate current delay information on the BART mobile application.

The motions brought by Director Dufty and seconded by Director Saltzman carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Dufty brought the matter of Award of Contract No. 15LK-140, Market Street Entry Canopies, before the Board. Ms. Shirley Ng, Group Manager, Capital Projects, Extensions, and Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

Director Ames asked for an explanation of the additional \$20,000,000 cost, the approval process for the canopies, and the collaboration with San Francisco.

Director Raburn commented on former Director James Fang's comments regarding elevator unavailability along Market Street in San Francisco and the development of canopies at other stations, and expressed his support for the project.

Director Raburn moved that (1) the General Manager be authorized to award Contract No. 15LK-140, Market Street Entry Canopies, to Shimmick Construction Company, Inc., for the Total Base Bid price of \$64,565,000.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures; and (2) in addition, that the General Manager be authorized to exercise Bid Option No. 1 for \$3,160,000.00, Bid Option No. 2 for \$2,600,000.00, and Bid Option No. 3 for \$855,000.00, all subject to certification by the Controller/Treasurer that funding is available.

Director Li commented on her and her constituents' preference for arrival time screens to be installed at the front of the station entrances, rather than the back side, and requested that staff return to the Board if there is an additional cost for installation of arrival time screens at the front of the station entrances, or include the preferred placement of the screens in the design.

Director Dufty indicated that Contract Nos. 15CQ-125 and 15LK-140 had positive Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) participation; commended the bidders for their work; and commented on the Board's consideration of front-line employees' experiences and safety.

Director Foley expressed support for the project and Director Li's comments regarding the location of arrival time screens.

John Arantes and Jerry Grace addressed the Board.

Director Dufty seconded the motion brought by Director Raburn, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Agreement with the Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRA) to Provide Funding to BART for Review of the Valley Link Project before the Board. Mr. Val Menotti, Chief Planning and Development Officer, presented the item.

Director Ames asked whether BART staff is commenting on the project plans or providing feedback on possible changes to the design; requested clarification of how BART conveys information, such as a desire for an all-electric train, to the TVSJVRRA; commented on providing feedback; and requested information about the express bus system, network, and design.

Director Saltzman suggested that the Board request that the TVSJVRRA provide an informational presentation to the Board.

Director Allen noted that the Board was provided with an update on the project in September 2019.

Director Ames expressed hope that BART can facilitate a better design.

Director Raburn commented on the number of potential new BART riders entering the system at Dublin/Pleasanton Station and the associated additional BART resources required; asked whether the additional resources would be funded by the \$400,000,000 Alameda County Transportation Commission (ACTC) allocation to the Tri-Valley area; and suggested that the Castro Valley, West Dublin, and Dublin/Pleasanton stations be considered for the ACTC allocation for faregate improvements.

Director Allen recognized Mr. Michael Tree, Executive Director, TVSJVRRRA, and asked him about the progress of the project.

Mr. Tree addressed the Board.

Director Allen expressed support for the continued negotiation between BART and TVSJVRRRA/Valley Link for the reimbursement program and ongoing work.

Director Li requested a roadmap for all the decisions that need to be made prior to the Board's decisions regarding Dublin/Pleasanton Station.

Director Foley asked clarifying questions regarding the scope of the contract.

Director Saltzman expressed a desire for additional information, a timeline, and subsequent presentations, and requested that the timeline show when decisions regarding funding for BART costs will be made and outline the funding plan and multiple decisions.

President Simon moved that the General Manager or his designee be authorized to enter into an agreement with the Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRRA) for the TVSJVRRRA to provide funding to BART for BART to review the development of the TVSJVRRRA's proposed Valley Link Project. Director Allen seconded the motion, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Saltzman brought the matter of Grant Application Agreements for Affordable Housing and Sustainable Communities for Fiscal Year 2018-2019 before the Board. Mr. Menotti presented the item.

Director Raburn moved that the General Manager or his designee be authorized to enter into agreements required to apply for the Fiscal Year (FY) 2018-2019 Affordable Housing and Sustainable Communities grant program, including Memoranda of Understanding and Pass-Through Agreements to receive funds; the agreements will be with the following parties: City of Oakland with BRIDGE Housing and the Spanish Speaking Unity Council, City of Oakland with China Harbour Engineering Corp. and Strategic Urban Development Alliance, City of San Francisco with the Related Companies of California, LLC, and Mission Housing Development Corporation, City of San Francisco with Tenderloin Neighborhood Development Corporation, Satellite Affordable Housing Associates, and Resources for Community Development. Director Li seconded the motion.

Director Saltzman expressed support for the item and commented on the inclusion of rail cars.

The motion brought by Director Raburn and seconded by Director Li carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes presented the item.

Director Ames commented on the delayed opening for Phase I and requested information at the next Meeting regarding how to achieve a summer opening for Phase I.

President Simon called for the General Manager's Report. Mr. Robert Powers, General Manger, reported that he had met with the Executive Director of the Ed Roberts Campus and held Listening Tour sessions at the Ed Roberts Campus and Downtown Berkeley, Antioch, and Pittsburg/Bay Point stations; noted that he would be holding Listening Tour sessions at the Castro Valley and Balboa Park stations and that information for the February sessions was posted online; reported that he had met with members of the Bay Area legislative delegation at the State Capitol to discuss funding opportunities for BART, increasing connectivity, and decreasing greenhouse gas emissions and had met with Mr. David Kim, Secretary of the California State Transportation Agency; commented on the implementation of a Train Patrol team, Clipper card utilization, active RCI requests, and the 5th Annual Martin Luther King Jr. celebration event.

Director Li requested an update on the Ambassador Program.

Director Dufty asked for discussion of mobile phone thefts at BART stations.

Mr. Powers indicated that the Ambassador Program will be implemented on February 10, 2020 and that the Program was on schedule.

Director Dufty commented on recruitment for Community Service Officers through community organizations and requested an update.

Ms. Gia Ilole, Acting Assistant General Manager, Administration, addressed Director Dufty's questions regarding recruitment.

Deputy Police Chief Lance Haight addressed Director Dufty's question regarding mobile phone thefts.

Director Dufty asked for clarification of fix post shifts and Deputy Chief Haight addressed his question. Director Dufty asked that Mr. Rodd Lee, Assistant General Manager, External Affairs, arrange a meeting with Police Lieutenant Gina Galetti, San Francisco Supervisor Ahsha Safai, himself, and Director Li. Director Dufty suggested that Lieutenant Giletti and Director Dufty or Director Li speak at neighborhood organizations surrounding Balboa Park Station; asked if Lieutenant Giletti is responsible for Glen Park Station; indicated a desire for outreach around Glen Park Station, as he suggested with Balboa Park Station; expressed appreciation for Director Allen's sharing information about an assault at Glen Park Station and BART's proactive response; requested information regarding the disposition of theft cases; commented on utilizing partners, such as District Attorney offices, his experience with automobile break-ins in his District, the Community Justice Center, a meeting involving the San Francisco County District Attorney, Mr. Powers, Deputy Chief Haight, Police Chief Ed Alvarez, and the San Francisco Directors; thanked Chief Alvarez for his allocation of resources; indicated that elected representatives of cities and counties will reach out to BART when incidents occur and BART should be proactive in reaching out to the representatives; and highlighted that BART is not going to accept responsibility for statistics if sister agencies are not helping to break the crime cycle.

Deputy Chief Haight offered additional comments.

Director Dufty expressed appreciation for Police Lieutenants Galetti and Angela Averiett's relationships with colleagues.

President Simon asked for confirmation that a meeting with the San Francisco County District Attorney would be arranged.

Mr. Robert Padgett, Managing Director of the Capitol Corridor Joint Powers Authority, presented the Review of Draft Agenda for Capitol Corridor Joint Powers Board Meeting of February 12, 2020 to the Board.

Director Ames asked for information about the regional conversation regarding protecting infrastructure and capital investments; commented on the Business Plan; and expressed a desire for a regional climate change approach.

President Simon brought the matter of Resolution in Support of a Bus-Only Lane on the Bay Bridge before the Board.

Director Saltzman commented on the development of the Resolution; current consideration of supporting a Bus-Only lane Resolution among other agencies; reasons for supporting the Resolution; her hope for support from the Board; and a desire for the Board to consider legislation regarding this issue.

Director Saltzman moved that Resolution No. 5432, In the Matter of Support of Bus-Only Lane on the Bay Bridge, be adopted. Director Ames seconded the motion.

Director Raburn commented on his experience with transbay bus service during the rebuilding of the M-15 and Transbay Tube closure and his involvement with issues regarding the Bay Bridge as a bicyclist; reminded the Board that there is currently an incomplete path halfway across the Bridge; and asked Director Saltzman to amend the Resolution to include completion of the pathway.

Director Saltzman responded that she would prefer to keep the Resolution limited to the bus-only lane and expressed that she would support a future Resolution regarding completion of the pathway.

Director Ames shared her experience as a bus rider; expressed support for the Resolution; commented on riders' motivation to take a bus; indicated a desire for more legislation regarding cycling and buses using the shoulder, and the implementation of express buses.

The motion brought by Director Saltzman and seconded by Director Ames carried by electronic vote. Ayes: 7 – Directors Allen, Ames, Dufty, Foley, Li, Saltzman, and Simon. Noes: 1 – Director Raburn. Absent: 1 – Director McPartland.

President Simon brought the matter of Resolution in Support of Proposition B in the City and County of San Francisco before the Board.

Director Dufty noted that Proposition B would not increase property taxes and the funds would reinforce police, fire, and other emergency services during a seismic event; and that he had not heard of any opposition to Proposition B.

Director Dufty moved that Resolution No. 5433, In the Matter of Support of 2020 Earthquake Safety and Emergency Response Bond (ESER), be adopted. Director Li seconded the motion, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director McPartland.

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

Director Saltzman requested that the Meeting be adjourned in honor of Ms. Mae Z. Meidav, former BART employee and theater luminary.

Director Foley thanked Mr. Powers for appearing in East Contra Costa County for his Listening Tour and reported that he had attended the Contra Costa Mayors Conference; met with Mr. Greg Enholm, Member of the Governing Board of the Contra Costa Community College District, to discuss developing a pipeline from the District's Administration of Justice program into BART's Community Service Officer and Ambassador positions; provided a presentation about the state of BART to the Oakley City Council; and attended the Contra Costa Transportation Authority (CCTA) meeting.

President Simon requested that the Meeting be adjourned in honor of The Honorable Robert S. Allen, former Member of the San Francisco Bay Area Rapid Transit District Board of Directors, representing District 5.

President Simon announced and commented on the applications and open vacancies for the Transit Security Advisory Committee (TSAC).

President Simon reported that she had attended the following events: the Contra Costa County Mayors Conference; a conference for African-American elected officials in Contra Costa County hosted by the Safe Return Project; the announcement event for Chief Alvarez's appointment as Police Chief; and the Martin Luther King Jr. breakfast event hosted by the San Francisco Labor Council.

Director Dufty requested that the Meeting be adjourned in honor of The Honorable Terence Hallinan, former San Francisco Supervisor and District Attorney. Director Dufty reported he had attended a meeting with Alstom Signaling Inc. (Alstom) and Mr. Powers; and thanked Ms. Muriel Luo, Vice President and Customer Director of Alstom, and all of Alstom for standing with BART and looking long-term at the ways in which Alstom can work with BART.

Director Li thanked Ms. Tamar Allen, her team, and Mr. Leonardo Pica, Assistant Chief Mechanical Officer, Rolling Stock and Shops, for facilitating her visit to the Concord shop; reported on her visit; thanked Mr. John Arantes, President of the BART Chapter of the Service Employees International Union (SEIU), for joining her during her visit and introducing her to people at the shop; noted that she visited the e-BART shop in Antioch, met people at the e-BART shop, and rode e-BART; and expressed appreciation for BART staff's assistance with opening the shops and yards to provide tours.

Director Raburn thanked President Simon for mentioning the TSAC recruitment; commented on Director Dufty and Deputy Chief Haight's discussion of thefts and the TSAC; reported that he had attended the Oakland Chinatown New Year's Bazaar, and a Fruitvale security meeting with the Unity Council; and indicated that a follow-up event would be held for Chief Alvarez to meet the Fruitvale community.

Director Raburn requested that the Lake Merritt Customer Services Center be opened on Saturdays on a trial, ideally cost-neutral, basis to improve customer service for weekday workers and youth. He shared his experience speaking with families during the Lunar New Year and Women's March events; noted that extended hours for the Customer Services Center would provide security for Station Agents; and commented on Station Agents' vulnerability along the A-Line. President Simon seconded Director Raburn's request.

Director Raburn requested that the Meeting be adjourned in honor of The Honorable Whitney Dotson, former Member of the East Bay Regional Park District Board of Directors and environmental advocate.

Director Ames reported on her vacation in New Zealand and Sydney, Australia; commented on the double-decker train cars in Sydney and capacity issues with BART's extension into San Jose; and expressed support for Chief Alvarez's appointment and the Ambassador Program. Director Ames reported that she had met with the Bay Area Transportation Working Group to discuss express bus service on the freeway and she expressed support for BART and AC Transit's collaboration regarding bus service on the freeways.

President Simon called for Public Comment. Jerry Grace addressed the Board.

The Meeting was adjourned at 12:57 p.m.

Patricia K. Williams
District Secretary

BART ADVERTISING CONTENT GUIDELINES

OBJECTIVE

Through these guidelines, the San Francisco Bay Area Rapid Transit District ("BART"), in keeping with its primary function as a provider of public transportation, does not intend to convert its property into an open public forum for public discourse, debate, or expressive activity. In furtherance of the discrete and limited objectives described below, BART shall retain control over the nature of advertisements accepted for posting in the BART system, and maintain its advertising space as a nonpublic forum with limited content neutral subject matter restrictions. In setting its advertising standards, BART seeks to meet the following goals and objectives:

- (a) Maintain a secure and orderly operating environment;
- (b) Maintain a safe and welcoming environment for all BART passengers, including minors who use the BART system, without regard to race, color, marital status, sexual orientation, religion, national origin, ancestry, age, sex, gender identity, disability, medical condition, or veterans' status, and avoid claims of discrimination from the public;
- (c) Maintain and increase ridership and fare revenue;
- (d) Avoiding unintentional appearance of favoritism, association with, or bias towards any group, movement, or viewpoint;
- (e) Preserve the marketing potential of the advertising space by avoiding content that the community could view as inappropriate or harmful to the public;
- (f) Increase advertising revenue to help support BART service to the public;
- (g) Avoid imposing demeaning or disparaging messages on a captive audience; and
- (h) Reduce the diversion of resources from BART objectives caused by controversy surrounding advertisements.

BART retains the unqualified right to display, on or in its facilities, advertisements and notices that pertain to BART operations and promotions, consistent with the provisions of its agreement with the Advertising Contractors. Promotional materials may include, but not be limited to, internal marketing collateral, BART branding campaigns, and co-promotional campaigns with third parties. Consistent with the status of the BART premises to which this policy pertains as a nonpublic forum, BART does not accept free public service announcements. These Guidelines shall be effective upon adoption and shall be enforced to the degree that it does not impair the obligations of any executed contract. BART reserves the right, from time to time, to suspend, modify, or revoke the application of any or all of these Guidelines as it deems necessary to comply with legal mandates, facilitate its primary transportation function, to ensure the safety or security of BART customers and BART facilities, or to fulfill the goals and objectives referred to herein. All provisions of these Guidelines shall be deemed severable.

For purposes of understanding the meaning of advertisements, BART may refer to information beyond the advertisement including, but not limited to, dictionaries, reviews by authoritative bodies,

or public information regarding the advertiser. BART shall assess whether an independent, reasonably prudent person, knowledgeable of BART's customer profile and using prevailing community standards, would believe that the advertisement complies with the provisions of these Guidelines. In the case of advertisements that use double entendres or multiple interpretations, all meanings of the advertisement must comply with these Guidelines. BART reserves the right, in all circumstances, to require that an advertisement in the BART system include a disclaimer indicating that such advertising is paid for by the advertiser, stating that "The views expressed in this advertisement do not reflect the views of BART," or a similar statement, and BART may set minimum size standards for the disclaimer to ensure legibility.

ADVERTISING STANDARDS

A. Permitted Advertising Categories

The BART system is limited to only the following categories of advertising:

1. **Commercial Advertising.** Paid communications from a for-profit entity or entities.
2. **Governmental Advertising.** Paid communications from public entities created by government action with the intent to advance a specific government purpose as well as communications from BART related to BART programs, products, services, or partnerships.
3. **Public Service Announcements.** Paid communications from any entity not described under Sections A1 or A2 of these guidelines which promotes or furnishes any of the following goods or services:
 - a. The prevention or treatment of an illness, injury, condition, or syndrome recognized by the most recent Diagnostic and Statistical Manual ("DSM") or the Centers for Disease Control ("CDC");
 - b. The recruitment or solicitation of participants for medical, psychological, or behavioral studies;
 - c. Museums, theaters, or galleries which are open to the general public;
 - d. Licensed or accredited pre-K through 12 education programs or services;
 - e. Colleges or universities that have received regional or statewide accreditation;
 - f. Vocational or trade programs;
 - g. Visual or performing arts, fairs, or festivals, provided that the venue or event is open to the general public and has a valid operating permit issued by a governmental entity;
 - h. Environmental matters;
 - i. Provision of services and programs that provide support to low income citizens, victims of abuse, families, youth, immigrants, historically disadvantaged populations, senior citizens, veterans, people identifying as LGBT, or people with disabilities;
 - j. Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations;
 - k. Diet or nutrition;
 - l. Sporting events, sporting activities, or services related to sports;
 - m. Travel services, information, or promotion;
 - n. Licensed farmers markets, public botanical gardens, or public parks;
 - o. Commercial or professional trade organizations;

- p. Credit unions, investment entities, or financial services;
- q. Zoos, planetariums, or aquariums;
- r. Governmentally funded public broadcast entities; or
- s. Government-designated historic sites.

B. Prohibited Advertising Categories

Notwithstanding any provisions in Section A of these Guidelines, advertising content that falls into one or more of the following categories is prohibited in the BART system based on inconsistency with the goals and objectives described above:

1. **Political or Public Issue Content.** Any material that, when viewed as a whole, can reasonably be regarded as directly:
 - a. Supporting or opposing a political party;
 - b. Supporting or opposing any political or judicial office holder;
 - c. Supporting or opposing a proposed ballot measure;
 - d. Supporting or opposing a law, ordinance, regulation, or proposed legislation;
 - e. Supporting or opposing a constitutional amendment or amendments;
 - f. Supporting or opposing an active governmental investigation;
 - g. Supporting or opposing ongoing civil litigation;
 - h. Supporting or opposing ongoing criminal prosecution;
 - i. Supporting or opposing a judicial ruling or rulings;
 - j. Supporting or opposing a strike, walkout, boycott, protest, divestment, embargo, or groupings thereof;
 - k. Supporting or opposing the election of any candidate or group of candidates;
 - l. Supporting or opposing any foreign nation or group of nations or any policy of a foreign nation or group of nations other than the policies of the advertiser itself;
 - m. Depicting an image or images of one or more living political or judicial figures or depicting an image of one or more political or judicial figures that have died within the last five (5) years;
 - n. Referring to one or more living political or judicial figures or referring to one or more political or judicial figures that have died within the last five (5) years; or
 - o. Using a slogan, symbol, slogans, or symbols associated with any prohibited category of this section B1.

2. **Religious Content.** Any material that, when viewed as a whole, can reasonably be regarded as directly:
 - a. Promoting or opposing any religion, atheism, spiritual beliefs, or agnosticism, inclusive of images depicting religious iconography occupying 15% or more of any advertisement frame.

3. **Obscene or Vulgar Content.** Any material that, when viewed as a whole, can reasonably be regarded as:
 - a. Meeting the standards for obscenity as set forth in the California Penal Code Section 311; or
 - b. Utilizing words, text, symbols, or images recognized by the community as extremely vulgar, indecent, or profane for display in a public setting that includes minors.
4. **Unlawful, Unsafe, or Disruptive Content.** Any material that depicts or, when viewed as a whole, can reasonably be regarded as encouraging or promoting any of the following:
 - a. The sale, use, possession, or distribution of goods or services that are unlawful;
 - b. A contest or contests that violate applicable law;
 - c. Unlawful or unsafe behavior;
 - d. Detrimental actions to the maintenance and safe operation of public transportation; or
 - e. Graffiti or vandalism.
5. **False, Misleading, or Tortious Content.** Any material that depicts or, when viewed as a whole, can reasonably be regarded as:
 - a. False or fraudulent;
 - b. Deceptive or misleading;
 - c. Copyright, trademark, or patent infringement;
 - d. Constituting a tort of libel, trade libel, public disclosure of private facts, intrusion into private matters, misappropriation of a person's name or likeness, or depiction in a false light; or
 - e. BART graphics, logos, or representations without the express written consent of BART, or which implies or declares an endorsement by BART, its directors, management, or employees, of any service, product, or point of view, without prior written authorization by BART.
6. **Content Advertising Specified Goods or Services.** Any material that directly advertises any of the following categories of goods or services:
 - a. Alcohol, or any material that depicts the consumption of alcoholic beverages or signs of excessive alcohol intoxication;
 - b. Firearms or non-firearm weapons;
 - c. Tobacco, or depictions of tobacco-related products, e-cigarettes, products that simulate smoking, or products that resemble tobacco products; or
 - d. "Adult"-oriented goods or services, including the use of brand names, trademarks, or slogans, for goods or services rated "X" or NC-17 by the Motion Picture Association of America ("MPAA"), adult book stores, adult video stores, nude dance clubs, adult telephone services, adult internet sites, or escort services.

Notwithstanding items 6.a. and 6.c. above, depictions of tobacco products or alcohol consumption are permissible to the extent that the purposes of such depictions are non-commercial and are otherwise advancing a scientific, medical, journalistic, artistic, or public health objective.

7. **Inappropriate, Offensive, or Violent Content.** Any material that, when viewed as a whole, can reasonably be regarded as depicting or describing any of the following:
- a. A graphic or realistic dead, mutilated, or disfigured human body or bodies;
 - b. A graphic or realistic human body part or body parts in a state of mutilation, dismemberment, decomposition, or disfigurement;
 - c. A fetus or fetuses in a state of mutilation, dismemberment, decomposition, or disfigurement;
 - d. Human or animal excrement, vomit, or graphic depictions of blood or viscera;
 - e. An act of animal abuse as defined in California Penal Code Section 597;
 - f. The act of killing, mutilating, or disfiguring human beings or animals;
 - g. Genocide, mass-murder, or war crimes recognized under the laws and customs of war;
 - h. Weapons or violent implements, if either appear to be aimed or pointed at the viewer;
 - i. Images of firearms, non-firearm weapons, or threatening sharp-edged device in the foreground of an image or occupying 15% or more of any advertisement image or frame;
 - j. Graphic violence or graphic sexual harassment;
 - k. Denigrating public transportation or the mission of BART;
 - l. Graphic images that, under contemporary community standards, would be reasonably considered extremely frightening to minors or the elderly; or
 - m. Material that is insulting, degrading, disparaging, demeaning, or disrespectful; or material that belittles or is dismissive of genocide, war crimes, or slavery that is so objectionable under contemporary community standards as to make it reasonably foreseeable that the material will result in harm to (including loss of ridership), disruption of, or interference with the transportation system.

ADVERTISING PROGRAM ADMINISTRATION

- (a) BART may, from time to time, select "Advertising Contractors" who shall be responsible for the daily administration of BART's advertising programs, in a manner consistent with these Guidelines and with the terms and conditions of their agreements with BART.
- (b) BART shall designate an employee as its "Contract Administrator" to be the primary contact for the Advertising Contractors on issues related to advertising content. Questions regarding the terms, provisions, and requirements of these Guidelines shall be addressed initially to the Contract Administrator.
- (c) The Advertising Contractors shall comply with these Guidelines, and shall review all advertising with reference to them. If there is any question as to whether a proposed advertisement falls into a prohibited category--as outlined in these Guidelines--the Advertising Contractors shall refer that advertisement to the Department Manager of Marketing and Research, or their designee for review and consideration. The Department Manager of Marketing and Research or their designee shall determine whether the proposed advertising will be accepted. In the event that the advertising is rejected, the advertiser may request in writing that the decision be reconsidered. Upon such request, the Department Manager of Marketing & Research shall consult with BART's Office of the General Counsel and with the Assistant General Manager for External Affairs, or the officer designated by the General Manager for this purpose. The Assistant General Manager for External Affairs or General Manager designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.

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

Board of Directors
Minutes of the 1857th Meeting
February 13 and 14, 2020

A regular meeting of the Board of Directors was held February 13 and 14, 2020. The Meeting was a Board Workshop. The first session convened at 8:39 a.m. in the Metro Center, 101 8th Street Oakland, California. Vice President Foley presided; Patricia K. Williams, District Secretary.

Directors present: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman and Foley.

Absent: None. Director Simon entered the meeting later.

District Secretary Williams gave an overview of the logistics of the room and facilities.

Vice - President Foley called for Public Comment. No comments were received.

Consent Calendar item brought before the Board was:

1. Letter of Support for Additional Funding for the Office of the Inspector General.

Director Raburn moved that the Board sign the Letter of support to the Board of Commissioners of the Metropolitan Transportation Commission to consider the request for additional funds as requested by the Office of the Inspector General. Director Dufty seconded the motion which carried by unanimous acclamation. Ayes: 8 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 1 – Director Simon.

General Manager Robert Powers; Mr. Michael Jones, Deputy General Manager; Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. Val Menotti, Chief Planning and Development Officer, gave an overview of the workshop, the District's accomplishments during Fiscal Year 2019, and the focus on World Class Transit and the Customer Experience in 2025. The presentation was discussed.

President Simon entered the meeting and assumed the gavel.

Mr. Menotti; Ms. Abigail Thorne-Lyman, Manager of Transit Oriented Development; and Mr. Jones gave a presentation on the State of the Region. The presentation was discussed.

The Board Meeting recessed at 10:22 a.m.

The Board Meeting reconvened at 10:42 a.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman and Simon.

Absent: None.

Ms. Pamela Herhold, Assistant General Manager, Performance and Budgets; Mr. Michael Eisemann, Division Manager, Financial Planning; Ms. Priya Mather, Manager, Capital Financial Planning; and Mr. Powers, gave a presentation on Financial Outlook. The presentation was discussed.

Chief of Police, Ed Alvarez; Ms. Lateefa Davis, BART Ambassador; Mr. Michael Fischer, Contra Costa Coordinator Outreach Referral Engagement (CORE) program; Mr. Michael Callahan, CORE Outreach Supervisor; Mr. Mark Mazza, San Francisco Homeless Outreach Team (HOT) Clinical Supervisor; Mr. Tim Chan, Group Manager, Station Planning; and Mr. Powers, gave a presentation on the BART Police Department's Vision for Safety. The presentation was discussed.

The Board Meeting recessed at 1:04 p.m.

The Board Meeting reconvened at 1:15 p.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland,, Raburn, Saltzman and Simon.

Absent: None.

Dr. Sasha Joseph – Matthews, University of the Pacific, facilitated a discussion with the Board of Directors on the Board Member Priorities.

Mr. Aaron Weinstein, Director of Marketing & Research; Mr. Chan; and Mr. Roddrick Lee, Assistant General Manager, External Affairs, gave a presentation on Rebuilding Ridership. The presentation was discussed.

The Board Meeting recessed at 3:35 p.m.

The Board Meeting reconvened at 3:47 p.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland,, Raburn, Saltzman and Simon.

Absent: None.

Kelly Abreu addressed the Board.

The discussion on Rebuilding Ridership continued.

Mr. Bob Franklin, Director of Customer Access; Ms. Ryan Greene-Roesel, Manager of Special Projects, Systems Development; and Mr. Powers, gave a presentation on the Parking Program Update. The presentation was discussed.

President Simon called for Public Comment. The following individuals addressed the Board.

Jade Teriault
Alissa Westerland

President Simon announced that that the Board would enter into closed session under Item 6-A (Conference with Legal Counsel and Item 6-B (Public Employee Performance Evaluation) of the Regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 4:46 p.m.

The Board reconvened in closed session at 4:53 p.m. in Conference Room 171.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland,, Raburn, Saltzman and Simon.

Absent: None.

The Board Meeting recessed at 5:19 p.m.

The Board reconvened in closed session at 5:47 p.m. in Room PDR, 1520 Lakeside Drive, Oakland.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland,, Raburn, Saltzman and Simon.

Absent: None.

The Board reconvened in open session at 8:02 p.m.

President Simon announced that the Board had concluded its closed session and there were no announcements to be made.

The Board Meeting adjourned at 8:02 p.m.

The Board Meeting reconvened on February 14, 2020, at 8:30 a.m., in the Metro Center, 101 8th Street Oakland, California. President Simon presided; Patricia K. Williams, District Secretary.

Directors present: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman and Simon

Absent: None. Directors Allen and Dufty entered the Meeting later.

President Simon called for Public Comment. No comments were received.

Ms. Tamar Allen; Mr. David Hardt, Chief Mechanical Officer; Mr. John McCormick, Director of Operations Planning; and Mr. Shane Edwards, Chief Maintenance and Engineering Officer, gave a presentation on Operations Update.

Directors Allen and Dufty entered the meeting.

The presentation was discussed.

Mr. Chan; and Ms. Thorne-Lyman gave a presentation on Transit-Oriented Development. The presentation was discussed.

Ms. Gia Ilole, Acting Assistant General Manager, Administration; and Mr. Ronnie Rhoe, Manager of Workforce Development, gave a presentation on Workforce Development.

The Board Meeting recessed at 10:48 a.m.

The Board Meeting reconvened at 11:00 a.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland,, Raburn, Saltzman and Simon.

Absent: None.

Olivia Rocha addressed the Board.

Mr. Menotti; Mr. Rod Padgette, Managing Director of Capitol Corridor; Mr. Roddick Lee, Assistant General Manager of External Affairs; and Ms. Sadie Graham, Project Manager, New Transbay Rail Crossing, gave a presentation on the New Transbay Rail Crossing Update and Regional Funding Measures. The presentation was discussed.

Mr. Lee; Mr. Weinstein; Ms. Alicia Trost, Chief Communications Officer; and Mr. Dave Martindale, Manager of Marketing, gave a presentation on The BART Brand. The presentation was discussed.

DRAFT

President Simon brought Workshop Review before the Board. Mr. Powers and Mr. Menotti recapped the items covered in the Workshop.

Director McPartland requested an In Memoriam for former Congressman Forney "Pete" Stark Jr.

The Board Meeting was adjourned at 12:17 p.m. in memory of Pete Stark.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/11/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debora Faniel Huff Dept: Office of the General Counsel	General Counsel <i>[Signature]</i> 2/11/2020 []	Controller/Treasurer <i>[Signature]</i> 2/12/2020 []	District Secretary []	BARC <i>[Signature]</i> 2/18/20 []
Signature/Date: 1/21/2020 <i>Debora A. Faniel</i>				

Amendment to Legal Services Agreement with Glynn & Finley, LLP

PURPOSE: To request that the Board of Directors approve an increase in funding for Glynn & Finley, LLP for defense of litigation involving three (current and retired) employees alleging discrimination in promotions.

DISCUSSION: The firm of Glynn & Finley, LLP currently jointly represents the District in Maynard, et. al. v. BART, et. al. The law firm of Glynn & Finley, LLP was retained in 2019 when the case was set for trial in January 2020 and it did not appear that the case would settle. The firm was chosen following discussions with three (3) firms and it was determined that Glynn & Finley, LLP had the most experience in handling these types of matters and was available to take over and prepare the matter for trial in a short period of time. As a result, it was determined that Glynn & Finley, LLP provided the best value.

The case was continued by the court and is now set for trial in October 2020. Preparation for and the trial of this matter will be intensive. There are three plaintiffs all of which have significantly different claims and one of the plaintiffs has multiple job applications each of which must be addressed. It is recommended that Glynn & Finley, LLP which has significant experience in such matters and has been responsible for this matter for trial preparation continue representation through the conclusion of this matter.

FISCAL IMPACT: The value of the legal services agreement to date from FY20 is \$99,000. This action would be funded by existing operating funds as needed for continued representation on this matter, estimated to be an additional \$500,000 through trial. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. Funding will be budgeted in Human Resources' operating budget (Dept. 0502420, Account 681352 Legal Fees) for FY 2020 and 2021. This action is

not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES: To not authorize this amendment to Glynn & Finley, LLP would result in Glynn & Finley's withdrawal and result in additional costs of outside counsel.

RECOMMENDATION: That the Board adopt the following motion.

MOTION: That the Board approves the amendment of this agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>M. Iwata</i> 2/20/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/19/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration <i>Diane Iwata</i> Signature/Date: 2/19/20	General Counsel <i>[Signature]</i> 2/19/20	Controller/Treasurer <i>[Signature]</i> 2/19/2020	District Secretary []	BARC <i>[Signature]</i> 2/19/20 []

Amendment to Agreement No. 6M4516, Temporary Staff Services

PURPOSE:

To obtain Board authorization for the General Manager to execute an amendment to Agreement No. 6M4516, Temporary Staff Services, with Human Resources Management, Inc. (HR Management) to extend the term of the Agreement through April 30, 2023.

DISCUSSION:

On March 23, 2017, the Board authorized award of Agreement No. 6M4516 to HR Management, in an amount not to exceed \$3,000,000. The term of the Agreement is three years, from May 1, 2017 through April 30, 2020. The District has not spent the full amount of funding authorized by the Board for the Agreement. Extending the term of the Agreement will allow for continued temporary help services utilizing the remaining financial capacity in this existing Agreement. This will provide the District with more flexibility and options to meet its temporary staffing needs.

FISCAL IMPACT:

There is no fiscal impact since this is only a request to extend the time period.

ALTERNATIVE:

To not amend Agreement No. 6M4516, which will cause the Agreement to expire on April 30, 2020.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

That the Board authorizes the General Manager to execute an amendment to Agreement No. 6M4516, Temporary Staff Services with HR Management, Inc. to extend the term of the Agreement through April 30, 2023.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2/19/2020		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 1/23/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Lee Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 2/14/2020	General Counsel <i>[Signature]</i> 2/14/2020	Controller/Treasurer <i>[Signature]</i> 2/14/2020	District Secretary []	BARC <i>[Signature]</i> 2.18.2020 []

To Request for Board Authorization to Award Bid #9074-A Assisted Lift Retractable Bollards

PURPOSE: To obtain Board authorization for the General Manager to award Invitation for Bid Number 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., of Palmdale, CA for the Bid Price of \$423,248.90.

DISCUSSION: This Contract is for procurement of assisted lift retractable bollards to be installed as part of the Installation of Safety Barriers and Right of Way Fencing Systemwide, Phase III Project. These bollards will increase safety and security by deterring vehicle intrusion into the BART operating envelope.

This is a twelve (12) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on November 12, 2019. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to six (6) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on December 17, 2019 and one (1) bid was received.

To obtain Board authorization for the General Manager to award Bid No. 9074-A

BIDDER	LOCATION	GRAND TOTAL PLUS 9.75% TAX
Delta Scientific Corp.	Palmdale, CA	\$423,248.90
Engineer's Estimate		\$457,000.00

After review by District staff, the Bid submitted by Delta Scientific Corp. was deemed responsive to the solicitation. Furthermore, a review of Delta Scientific Corp.'s license, business experience, and financial capabilities has resulted in a determination that Delta Scientific Corp. is responsible. Staff has also determined that Delta Scientific Corp.'s total Bid price of \$423,248.90 is fair and reasonable.

This Invitation for Bid (IFB) was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this IFB and determined that there were no DBE or SBE subcontracting opportunities; therefore, no DBE or SBE participation goal was set for this IFB.

FISCAL IMPACT:

Funding in the amount of \$423,248.90 for IFB#9074-A is included in the total project budget for FMS# 15QN000 – Safety Barriers Phase 3.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Proposed Funding	
F/G 3602 - FY13 CA-54-0007	189,902.01
F/G 802A - 2017 Measure RR GOB	343,437.27
F/G 802B - 2019 Measure RR GOB	2,656,562.73
F/G 851W - FY07-11 Capital Allocation	47,473.50
F/G 8532 - FY 2018 Operating Cap Allocation	200,000.00
TOTAL	3,437,375.51

As of January 21, 2020, \$3,437,375.51 is the total budget for this project. BART has expended \$820,527.67, committed \$1,424,385.17, and reserved \$101,562.33 to date. This

To obtain Board authorization for the General Manager to award Bid No. 9074-A

action will commit \$423,248.90, leaving an available fund balance of \$667,651.44 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVE: The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that re-bid would increase the number of bidders or result in any lower bids. Failure to proceed with the Contract would delay the bollard installation work, which will leave maintenance of ways at risk to vehicle intrusion.

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

MOTION: The General Manager is authorized to award IFB No. 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., for the Bid price of \$423,248.90 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 2/19/2020		GENERAL MANAGER ACTION REQ'D: N/A		
DATE: 1/15/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joel Soden Dept: Operations Planning Signature/Date: 2/18/20	General Counsel 2/18/20 []	Controller/Treasurer 2/19/2020 []	District Secretary []	BARC 2.19.2020 []

Authority to Enter into Agreements for Temporary Bus Bridge Services

PURPOSE:

To obtain Board authorization for the General Manager to enter into agreements with public and/or private bus operators, including but not limited to the Alameda-Contra Costa Transit District (AC Transit) and Central Contra Costa Transit Authority (County Connection), to provide temporary bus bridge services (bus bridge) in a total amount not to exceed \$200,000 per day for each day that the District cannot provide complete train service due to planned maintenance projects.

DISCUSSION:

Staff seeks authority to enter into agreements for calendar year 2020 with bus operators including, but not limited to, AC Transit and County Connection, to provide temporary bus transportation services in a total amount not to exceed \$200,000 per day for each day the District is unable to provide complete train service due to a maintenance or track-work project.

For the C25 and A65 interlocking replacement projects, BART seeks to enter into an agreement with AC Transit and County Connection to operate bus bridge service. The first such maintenance project will be the C25 interlocking project near Orinda Station, which will be operated for four weekends in May and June 2020. Bus bridge service for the second project, the A65 interlocking project near Hayward Station, will be operated for five weekends between July and September 2020. Funding for the bus bridge agreement will be identified prior to entering into an agreement and will come from the responsible Department or project budget. While the District expects to utilize only nine weekends for interlocking replacement work, if additional weekends are required for this work, this authorization would expire after fourteen weekends.

As a part of this authorization request, staff may also incur additional expenses (i.e. traffic control, permit fees, police services, etc.) to support the implementation of the bus bridge operations. The total amount, not to exceed \$200,000 per day, includes both the temporary bus bridge services and any additional necessary expenses.

The Board's authorization for the General Manager to enter into bus operator agreements and pay for other additional bus bridge expenses will expire December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first. The Office of the General Counsel will approve all negotiated agreements as to form prior to execution.

FISCAL IMPACT:

For expenses that are chargeable to the operating fund (General Fund), funding for these agreements and payment of related expenses will come from the budget of the sponsoring department. For expenses that are chargeable to capital funds, funding for each bus bridge agreement will be identified prior to entering into an agreement and Capital Development and Control will certify the eligibility of identified funding sources. The Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement.

ALTERNATIVES:

To not authorize the General Manager to enter into agreements to establish temporary bus bridge services. Without this authorization, there will be limited funding available to operate bus bridge services during maintenance projects, which will force BART patrons to seek alternate means of transportation.

RECOMMENDATION:

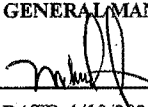
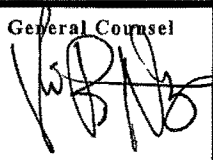
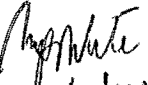

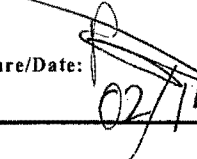
Staff recommends that the Board adopt the following motion:

MOTION:

The General Manager is authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to AC Transit and County Connection, to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000 per day for each day that the District is unable to provide complete train service due to maintenance projects. These authorizations will expire on December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  2/14/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: R. Elliott Vantrese Dept: Maintenance and Engineering	General Counsel  2/14/20 []	Controller/Treasurer  2/14/2020 []	District Secretary []	BARC  2/18/2020 []
Signature/Date:  02/14/2020				

Authorize Contract Change Order to Contract No. 6M4549 for the Relocation Support of M&E Capital Projects

PURPOSE:

To authorize the General Manager to execute a Contract Change Order No. 4 to Contract No. 6M4549 Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network with Phase 3 Communications, Inc. for a total amount not to exceed \$750,000.

DISCUSSION:

On April 25, 2019 the Board authorized the General Manager to award Contract No. 6M4549 to Phase 3 Communications, Inc. for the Base Bid amount of \$1,561,814. This contract provided emergency restoration services and maintenance services for the Commercial Communications Revenue Program (formerly known as the Commercial Telecommunication Revenue Program).

This change order to the Phase 3 Communications, Inc. contract for an amount not to exceed \$750,000 is required to accommodate relocation of commercial communications infrastructure. This work is necessary to accomplish certain Measure RR funded projects. No time extension is necessary to accommodate this work.

The District is replacing track interlockings and miles of 34.5kV cable segments. The District has identified vital communications infrastructure that must be relocated. Relocation of fiber infrastructure requires work by specialized technicians to ensure maintainability and reliability of the fiber cables and network infrastructure.

The Office of the General Counsel will approve the Change Order as to form.

FISCAL IMPACT:

CAPITAL FISCAL IMPACT:

Project 15CQ008:

Funding in the amount of \$100,000 for Change Order No. 4 to Contract No. 6M4549 is included in the total project budget for FMS# 15CQ008 –Track Rail and Fasteners K-Line Interlocks K23, K25,K33,C15.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Proposed Funding	
F/G 802A – 2017 Measure RR GOB	\$542,158
F/G 802B – 2019 Measure RR GOB	112,705,348
TOTAL	\$113,247,506

As of January 10, 2020, \$113,247,506 is the total budget for this project. BART has expended \$2,320,439, committed \$7,996,796, and reserved \$0 to date. This action will commit \$100,000, leaving an available fund balance of \$102,830,271 in these fund sources for the project.

Project 15CQ011:

Funding in the amount of \$100,000 for Change Order No. 4 to Contract No. 6M4549 is included in the total project budget for FMS# 15CQ011 – A65/A75 Interlocking (Replacement).

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Proposed Funding	
F/G 802A – 2017 Measure RR GOB	135,461
F/G 802B – 2019 Measure RR GOB	33,564,539
TOTAL	33,700,000

As of January 10, 2020, \$33,700,000 is the total budget for this project. BART has expended \$224,054, committed \$426,487, and reserved \$16,883,964 to date. This action will commit \$100,000, leaving an available fund balance of \$16,065,494 in these fund sources for the project.

Project 15EJ450:

Funding in the amount of \$550,000 for Change Order No. 4 to Contract No. 6M4549 is included in the total project budget for FMS# 15EJ450 –TRACTION POWER M-Line 34.5 KV Replace Ph.II.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Proposed Funding	
F/G 3602 - FTA CA-54-0007-00 FY13 Cap Imp	\$1,120,000
F/G 3603 - FTA 5337 CA-54-0023-00	400,000
F/G 6302 - B-Toll AB664 FY12-13, in re:13408004	80,000
F/G 851W BART FY07-11 Operating Cap Allocation	200,000
F/G 8525 BART FY2013 Operating Cap Allocation	100,000
F/G 802A – 2017 Measure RR GOB	14,839,459
F/G 802B – 2019 Measure RR GOB	102,294,541
TOTAL	\$119,034,000

As of January 10, 2020, \$119,034,000 is the total budget for this project. BART has expended \$31,976,154, committed \$60,831,157, and reserved \$0 to date. This action will commit \$550,000 leaving an available fund balance of \$25,676,688 in these fund sources for the project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

To not authorize the Contract Change Order would cause significant delays to the ongoing replacement works for 34.5kV cabling and track interlockings.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to execute and Contract Change Order to Contract No. 6M4549 Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network in an amount not to exceed \$750,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Mull</i> 2/20/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 2/12/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Reza Hessabi Dept: Maintenance and Engineering <i>Reza Hessabi</i> Signature/Date: 2-14-2020	General Counsel <i>[Signature]</i> 2/18/20 []	Controller/Treasurer <i>[Signature]</i> 2/18/2020 []	District Secretary []	BARC <i>[Signature]</i> 2/18.2018 []

Reject All Bids for Contract Number 15EI-182, Cast Coil Transformer Replacement Project

PURPOSE:

To obtain Board authorization for the General Manager to reject all Bids received for Contract No. 15EI-182, Cast Coil Transformer Replacement Project.

DISCUSSION:

Contract No. 15EI-182 is for the replacement of 24 Traction Power heavy duty Cast Coil transformers at 12 Traction Power Substations located on the C-Line and L-Line. The contract work includes the demolition and disposal of the existing transformers, construction of new foundation pads and oil containment facilities, and installation of the replacement Transformers.

Advanced Notice to Bidders was emailed, published and posted to the BART Procurement Portal to one hundred ninety-four (194) prospective bidders with an A Contractor License Classification on September 30,2019. Bids were opened on November 11, 2019, and the following two (2) bids were received:

BIDDER	TOTAL BID PRICE
Blocka Construction, Inc., Fremont, CA	\$20,347,400.00
Becker Electric, Inc., San Francisco, CA	\$23,268,025.52
Engineer's Estimate	\$14,106,200.00

Review of the Bids by District staff revealed that the low bidder's bid is \$6,241,200 higher than engineer's estimate and exceed the project budget.

Staff conducted a line-item evaluation and determined the Transformer unit price submitted by the lowest bidder is significantly higher than engineer's estimate in material/equipment cost as well as design testing. Staff also reached out to different suppliers and determined the Engineer's estimate is fair and reasonable.

In addition, staff found that the limited competition due to the saturated job market also contributed to the bid price above the Engineer's Estimate.

Staff recommends that the Board reject all Bids. Staff will be re-evaluating the details of Contract requirements. Staff will determine if repackaging and re-advertising will attract more favorable bids to the District.

CAPITAL FISCAL IMPACT:

There is no fiscal impact as a result of rejecting all Bids.

ALTERNATIVES:

Award the Contract to the lowest Bidder, which will involve expenditures beyond the project's budget.

RECOMMENDATION:

On the basis of analysis and evaluation by Staff, it is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to reject all Bids for Contract No. 15EI-182 - Cast Coil Transformer Replacement Project.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2-19-2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 2/17/20	<i>[Signature]</i> 2/18/20 []	<i>[Signature]</i> 2/19/2020 []	[]	<i>[Signature]</i> 2/19/2020 []

Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension/Irvington Station Project

PURPOSE:

To obtain approval of a Resolution of Project Compliance (“Resolution”) and Initial Project Report (“IPR”) based on the attached IPR Summary for Regional Measure 2 (“RM2”) funds for the Irvington Station (“Project”) portion of the Warm Springs Extension (“WSX”). The IPR includes an allocation request for a total of \$2.0 million in WSX RM2 funding to support the design phase of the Irvington Station Project.

DISCUSSION:

As adopted by the BART Board in 2003, the WSX Project included an “optional” station mid-way between the Fremont and Warm Springs stations in the Irvington district of Fremont. The City of Fremont (“City”) assumed responsibility for identifying funding for the optional Irvington Station and initially set aside City Redevelopment funds. When redevelopment agencies were dissolved, this funding source was eliminated and the City was not readily able to identify an alternate source. Sufficient funding was not identified in time to include the Irvington Station design and construction in conjunction with the WSX Project; therefore, when BART service to southern Fremont began in March of 2017, the Irvington Station was not included.

In 2014, the voters of Alameda County passed Measure BB, which committed \$120 million toward construction of the Irvington Station. In 2017, pursuant to a Letter of Intent between BART and the City, the Alameda County Transportation Commission (“Alameda CTC”) allocated \$2.85 million of Measure BB funding to the City of Fremont to update the

station concept plan and environmental review, as well as produce and adopt a station area plan to guide future development around the Irvington Station. This work, which was driven by the need to better meet current BART and City policy objectives particularly with respect to access and sustainability and to make the station more neighborhood-friendly and cost-effective, resulted in significant modifications to the 2003 Station Concept Plan. On July 16, 2019, the Fremont City Council approved the Irvington Station Area Plan and on August 22, 2019, the BART Board of Directors adopted the modifications to the Irvington Station Concept Plan and certified the associated California Environmental Quality Act (“CEQA”) Addendum to the WSX Project’s Environmental Impact Report/Supplemental Environmental Impact Report (EIR/SEIR).

The Irvington Station Project was rated by the Metropolitan Transportation Commission (“MTC” or “Commission”) in a project performance assessment, which was conducted by MTC to support the development of Plan Bay Area. In this assessment, MTC found the Irvington Station to be one of the highest-rated transit projects.

In the spring of 2019, the Alameda CTC allocated \$16.45 million for BART to begin the engineering design phase for the Project and to produce plans, specifications, and estimates for the Station’s construction phase. With the concurrence of MTC staff, the City and BART have jointly requested that \$2.0 million in WSX RM2 funding be reallocated to the Irvington Station Project, so as to fully fund the Project’s design phase.

MTC Resolution No. 2626, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires that the BART Board approve a Resolution and IPR each time the project sponsor requests an allocation of RM2 funds.

The proposed Board action, coupled with a subsequent Commission action, would result in the rescission of \$2.0 million in WSX RM2 funding and its re-allocation to the Irvington Station Project.

FISCAL IMPACT:

Approval of the Resolution and IPR is a requirement for BART to receive this reallocation of WSX RM2 funds from MTC. The action will have no fiscal impact on unprogrammed District Reserves.

ALTERNATIVES:

Do not approve the Resolution and IPR. This will result in an under-funding of the design phase for the Irvington Station Project and the potential loss of access to the WSX RM2 funding to complete the Irvington Station Project. This RM2 funding for the WSX Project is not available to the District for purposes outside the scope of the Warm Springs

Extension, which includes the Irvington Station Project.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The BART Board of Directors approve the attached Resolution of Project Compliance and Initial Project Report Summary in connection with BART's application for Regional Measure 2 Funds for the Irvington Station Project. This action will approve acceptance of Regional Measure 2 funds, in the amount of \$2.0 million, to fully fund the Irvington Station Project's design phase.

Warm Springs Extension Irvington Station Project

Initial Project Report Summary

The Irvington Station project, which will complete the Warm Springs Extension (WSX), includes the design and construction of a new BART station in the Irvington district of Fremont, approximately halfway between the existing Fremont and Warm Springs/South Fremont BART stations. The City of Fremont is responsible for identifying funding for the Irvington Station. The project will also include improvements and stabilization of the Historic Gallegos Winery site across Osgood Road from the station, a mitigation requirement of the Irvington Station component of the WSX project.

The project may be constructed in phases depending upon funding availability.

Project Delivery Milestones

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	1/2017	8/2019
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	1/2017	7/2020
Final Design - Plans, Specs. & Estimates (PS&E)	7/2020	7/2022
Right-of-Way Activities /Acquisition (R/W)	7/2020	7/2022
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	8/2022	8/2026

Total Project Budget Information

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	2,747
Design – Plans, Specifications and Estimates (PS&E)	18,450
Right-of-Way Activities /Acquisition (R/W)	14,000
Construction / Rolling Stock Acquisition (CON)	170,103
Total Project Budget (in thousands)	205,300

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

In the Matter of the Approval
of a Resolution of Project Compliance
and Initial Project Report for Regional
Measure 2 Funds for the
Warm Springs Extension
Irvington Station Project

Resolution No. _____

Implementing Agency: San Francisco Bay Area Rapid Transit District (BART)
Project Title: BART Warm Springs Extension Irvington Station Project

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, BART is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the BART Warm Springs Extension Irvington Station Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BART is requesting that MTC allocate Regional Measure 2 funds; now, therefore, be it

RESOLVED, that BART, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that BART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BART approves the updated Initial Project Report, attached to this resolution; and be it further

RESOLVED, that BART approves the cash flow plan, as included in the Initial Project Report; and be it further

RESOLVED, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART is authorized to submit an application for Regional Measure 2 funds for BART Warm Springs Extension Irvington Station Project in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. Seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BART making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

RESOLVED, that BART agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BART shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that BART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that BART authorizes its General Manager, or his/her designee to execute and submit an allocation request for the design phase with MTC for Regional Measure 2 funds in the amount of \$2.0 million, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the General Manager, or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BART application referenced herein.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/14/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration Signature/Date: <i>[Signature]</i> 2/18/2020	General Counsel <i>[Signature]</i> 2/18/20 []	Controller/Treasurer <i>[Signature]</i> 2/19/2020 []	District Secretary []	BARC <i>[Signature]</i> 2/28/20 []

Award of Agreement No. 6M4690, 6M4692, 6M4693, and 6M4694 for Temporary Help Services

PURPOSE:

To obtain Board authorization for the General Manager to award four (4) temporary help services agreements: Agreement No. 6M4690 to SearchPros Staffing, Agreement No. 6M4692 to Tryfacta, Inc., Agreement No. 6M4693 to Howroyd-Wright Employment Agency, Inc. dba AppleOne, and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. The maximum compensation for all four (4) agreements shall not exceed \$20,000,000 for temporary help services.

DISCUSSION:

The District has utilized staffing agencies to hire temporary staff since 1986. Typically, temporary staffing is used to backfill vacancies, provide leave coverage or assist on special projects. Currently there are three (3) temporary staff services agreements awarded in 2017. These agreements will expire on April 30, 2020.

In order to improve the availability of temporary staff and to enhance opportunities provided to interested staffing agencies, the District increased the number of potential awards for this RFP to four (4).

On December 9, 2019, the RFP announcement was emailed to 450 potential proposers including 428 certified small businesses, followed by a posting on BART's Procurement Portal on December 9, 2019. The RFP was also advertised in ten (10) local newspapers on December 9, 2019. A Pre-Proposal Meeting and Networking Session was held on December

20, 2019 with seventeen (17) firms in attendance. The following seven (7) proposals were received by January 28, 2020:

Proposer	Location
HR Management, Inc.	Oakland, CA
SearchPros Staffing	Concord, CA
PsiNapse	Pleasanton, CA
Tryfacta, Inc.	Pleasanton, CA
Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services	Pleasanton, CA
Wollborg Michelson Personnel Service, Inc.	San Ramon, CA
Tellus Solutions, Inc.	Santa Clara, CA

These proposals were reviewed by a Source Selection Committee chaired by Contract Administration and included representatives from Human Resources and the Office of Civil Rights. The Committee conducted a technical evaluation of the proposals. Four (4) proposals met the minimum technical requirements.

The RFP indicated that up to four (4) awards would be made to lowest priced technically acceptable proposals, in this case, the four (4) lowest total markup rates.

The following price proposals for the four (4) technically acceptable proposals were evaluated, listed in descending order based on the price proposed:

Technically Acceptable Proposals	Price Proposal*
Tryfacta, Inc.	28%
SearchPros Staffing	35%
Wollborg Michelson Personnel Service, Inc.	35%
AppleOne Employment Services	59.5%

*Mark up rates to be added for BART's hourly rate for temporary staff hire.

The Source Selection Committee has determined the prices to be fair and reasonable based on adequate competition achieved, as indicated above, and comparable client reports provided by each proposer to confirm current market conditions. A further review of Tryfacta, SearchPros Staffing, Wollborg Michelson Personnel Service and AppleOne Employment Service's financial and business data indicate that all four (4) Proposers are responsible firms.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Tryfacta, is a certified Small Business, thus, making it eligible for the Prime Preference. Since Tryfacta is the lowest responsive Bidder and is eligible for the 5% Small Business Prime Preference, the application of the Prime Preference will not alter the award to Tryfacta.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). AppleOne Employment Services, SearchPros Staffing, Tryfacta, and Wollborg Michelson Personnel Service will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Based on the above determination, the Source Selection Committee recommends that awards be made to AppleOne Employment Services, SearchPros Staffing, Tryfacta, and Wollborg Michelson Personnel Service to provide temporary help services to the District as described in the RFP.

The agreements will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT:

The maximum compensation for each agreement, which will be for three (3) years with two (2) one-year options, shall not exceed \$5,000,000. The maximum compensation for all four (4) agreements shall not exceed \$20,000,000 for temporary help services. No amount is guaranteed. The cost for temporary help will be paid for by the requesting Department's operating budget or project.

ALTERNATIVES:

The District could move forward with the following two alternatives:

- 1) Discontinue the use of agency temporary staff services or
- 2) Initiate another Request for Proposal (RFP).

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M4690 to SearchPros

Staffing, Agreement No. 6M4692 to Tryfacta, Inc., Agreement No. 6M4693 to Howroyd-Wright Employment Agency, Inc. dba AppleOne, and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. to provide temporary help services, and to execute two one-year options for each Agreement, in an amount not to exceed \$5,000,000 for each Agreement, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

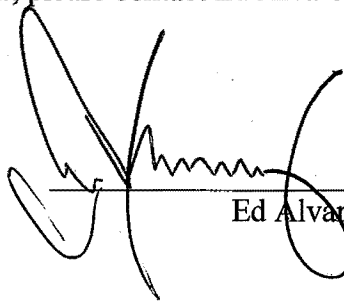
DATE: February 18, 2020

FROM: Chief of Police

SUBJECT: BART- "Quality of Life" Citations and Contacts - For Information

At the Board of Directors meeting on February 27, 2020, the BART "Quality of Life" citations and contacts data will be presented for information. Attached is a copy of the presentation.

If you have any questions, please contact Ed Alvarez at (510) 464-7080.



Ed Alvarez

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 2/19/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 1/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bryant Fields Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 2/13/2020	General Counsel <i>[Signature]</i> 2/19/2020	Controller/Treasurer <i>[Signature]</i> 2/19/2020	District Secretary []	BARC <i>[Signature]</i> 2/19/2020 []

**Request for Authority to Execute Change Order No. 007 to Contract No. 15EJ-171
for Additional Expansion Joints for Phenolic Reinforced Thermosetting Resin
Conduit**

PURPOSE:

To authorize the General Manager to Execute Change Order No. 007 to Contract No. 15EJ-171 for Additional Expansion Joints for Phenolic Reinforced Thermosetting Resin Conduit (RTRC), in an amount not to exceed \$1,000,000.00 with zero (0) compensable calendar day extension of the Contract duration.

DISCUSSION:

On August 9, 2018 the Board of Directors authorized the General Manager to award Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, to DMZ Builders Co., Inc. in the amount of \$79,195,100.00. The Contract provided for the upgrade of the aging 34.5 kV cable system and includes replacement and installation of sections of 34.5 kV feeder cable circuits (MLC and MRC circuits), on M2 and M1 tracks between MVS Switching Station and MTW Substations.

The District has determined that there is a need to reduce expansion joint spacing along the phenolic RTRC. This will increase the total number of expansion joints to be installed on the project. Based on recent lab testing results, the additional expansion fittings will enhance pull-out strengths of phenolic RTRC fittings in the event of a significant seismic event.

The Change Order will compensate the Contractor for the labor, equipment, and material expenditure for installing the additional expansion joints.

This Change Order cost represents approximately 1.26% of the base amount of the contract and compensates the contractor for the additional increased cost of working during non-revenue hours.

CAPITAL FISCAL IMPACT:

Funding of the not to exceed amount of \$1,000,000 for change order No. 007 to Contract No. 15EJ-171 is included in the total project budget for FMS# 15EJ450 M-Line 34.5KV Replacement Phase II. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project 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 these sources as listed.

As of January 14, 2020, \$119,034,000 is available for this project from the following sources:

Fund Description	Amount
Various FTA Grant Sources	1,520,000
Local Area Bridge Toll	80,000
BART Funds	300,000
Measure RR GOB	117,134,000
Total	119,034,000

BART has expended \$31,979,770, committed \$60,831,157 and reserved \$1,500,000 to date for other action. This action will commit \$1,000,000 leaving an available fund balance of \$23,723,073 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may elect not to authorize the execution of this Change Order. Failure to issue this Change Order may lead to equipment damage and/or impacts to system operations in the event of a seismic event along the M-Line Tunnel.

RECOMMENDATION:

Recommend that the Board approve the following Motion:

MOTION:

The General Manager is authorized to execute Change Order No. 007 to Contract No. 15EJ-171 for Additional Expansion Joints for Phenolic Reinforced Thermosetting Resin Conduit, with DMZ Builders Co., Inc. in the amount not to exceed \$1,000,000.00 and to extend the Contract completion date by zero (0) calendar days.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: DMZ Builders Co., Inc.
Contract No./NTP: 15EJ-171 / September 28, 2018
Contract Description: 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations
Percent Complete as of 11/30/2019 30.23%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$79,195,100.00
Change Orders:	6.81%	5,394,000.00	
Other than Board Authorized C.O.s	0.09%	\$74,547.10	
Pending Board Authorized C.O.s	<u>1.26%</u>	<u>\$1,000,000.00</u>	
Subtotal of all Change Orders	8.17%	\$6,468,547.10	
<u>Revised Contract Amount:</u>			\$85,663,647.10

SCHEDULE

Original Contract Duration: 1800 days
Time Extension to Date: 249 days
Time Extension Due to Approved COs: 0 days
Revised Contract Duration 2049 days

SUMMARY REASON FOR THESE CHANGE ORDER(S)

The District also wishes to reduce expansion joint spacing along the phenolic RTRC. This will increase the total number of expansion joints to be installed on the project. Based on recent lab testing results, the additional expansion fittings will further enhance pull-out strengths of phenolic RTRC fittings in the event of a significant seismic event.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

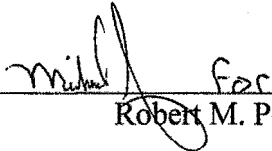
DATE: February 21, 2020

FROM: General Manager

SUBJECT: Quarterly Service Performance Review – Second Quarter FY 2020

Attached is the “Quarterly Service Performance Review – Second Quarter FY 2020” presentation that will be presented at the February 27, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.

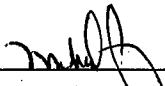
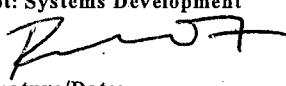

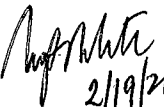
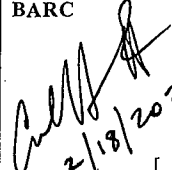


Robert M. Powers

cc: Board Appointed Officers
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  2/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/6/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Factor Dept: Systems Development  Signature/Date: 2/18/2020	General Counsel  2/18/20 []	Controller/Treasurer  2/19/2020 []	District Secretary []	BARC  2/18/2020 []
Status: Routed		Date Created: 2/6/2020		

Safe Routes to BART (SR2B) Grant Program

PURPOSE:

To authorize the General Manager to administer the Measure RR-funded Safe Routes to BART (SR2B) Grant Program through capital project funding agreements for an aggregate amount not to exceed \$25,000,000.

DISCUSSION:

As ridership grows, the District's goal is to encourage patrons to become less reliant on driving and parking at stations and to walk or bike to access BART stations. BART's 2016 Board-adopted Station Access Policy aims to increase BART's walk and bike access mode shares from 44% in 2015 to 52% by 2025.

The Measure RR General Obligation (GO) Bond includes \$135 million (4% of the \$3.5 billion bond) to deliver capital projects to expand opportunities to safely access BART stations. \$77 million of this amount has been tentatively allocated for the development and construction of Active Access (walking and bicycling) projects.

Recognizing that local jurisdictions may improve active access through infrastructure improvements to municipal facilities that demonstrate a clear nexus to BART station access, BART has set aside \$25 million of the \$77 million allocated to Active Access for the Safe Routes to BART (SR2B) Grant Program.

As previously presented to the Board in May 2017, March 2018 and October 2019, the

SR2B grants will assist local jurisdictions and partner agencies with the implementation of active transportation capital projects primarily off BART property to support BART's Station Access Policy goals, expand station access choices and to improve overall rider access to the BART system.

Approximately \$5 million in Measure RR funds will be made available during the first grant cycle with funding disbursements ranging between \$0.5 million and \$1.5 million per funding agreement with local jurisdictions and partner agencies from Alameda, Contra Costa and San Francisco counties. Projects must comply with the General Obligation Bond rules and BART's commitments to the public. Depending on the outcome of the first cycle of grant funding, BART staff will launch one or more cycles of the grant program.

Recipients that have small business programs designed to encourage and facilitate the participation of small businesses in its contracts shall be required to implement those programs on all contracts funded the SR2B program. To the extent that a recipient does not have a small business program, it will be required to encourage small business participation on all contracts funded by SR2B funds. The recipient will be responsible for including a report of all awards and payments to small businesses (whether as a Prime or Subcontractor) with each invoice to BART.

A Selection Committee made up of BART staff and external participants will review project proposals and determine which projects best meet the goals of the SR2B Program by evaluating the proposed projects against the policy and technical criteria directly linked to the Board-Adopted 2016 Station Access Policy and Performance Targets identified below:

Key Criteria	Details
1 Connectivity and Mode Shift	Enhance customer experience through improved connectivity for pedestrians and cyclists to safely access BART stations with potential to shift people from driving and parking to walking and biking.
2 Project Readiness	The project is "shovel ready" in that they are nearly complete with finished design but have a funding gap. Project is a permanent improvement that will likely be completed within 3 years of grant award.
3 Partnerships	Collaborate with local partners to create more sustainable communities
4 Equitable Access	Provide equitable access for disadvantaged communities.
5 Customer Experience, Personal Safety and Security	Enhance personal safety and security; add to user comfort and sense of place.
6 Complete Communities	Promote Transit-Oriented Development (TOD) and

	complete communities.
7 Leveraged Funding	Project has all other funding necessary to deliver the project or a realistic plan to do so.

The Office of General Counsel will approve the SR2B funding agreements as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$24,600,000 for the Safe Routes to BART Grant Program is included in the total Project budget for FMS #57RR101 – Safe Routes to BART Program.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund Source	Amount
Measure RR	\$25,000,000
Total	\$25,000,000

As of 02/06/2020, \$25,000,000 is the total budget for this project. BART has expended \$351,964, committed \$39,346, and reserved \$0 to date. This action will commit \$24,600,000 leaving an available fund balance of \$8,690 in these fund sources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

ALTERNATIVES:

To not authorize the execution of the Measure RR Safe Routes to BART. Failure to authorize will limit the number of access improvement projects BART can make to improve connectivity to BART stations.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

To authorize the General Manager to administer the Measure RR-funded Safe Routes to BART (SR2B) Grant Program through capital project funding agreements for an aggregate amount not to exceed \$25,000,000.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

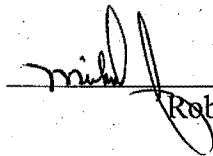
DATE: February 21, 2020

FROM: General Manager

SUBJECT: PPAAL Agenda: BART-VTA Phase 1 Extension - For Information

At the Board of Directors meeting on February 27, 2020, the Silicon Valley BART Extension (SVBX) Phase I, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.

 For

Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: February 21, 2020

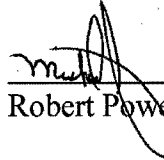
FROM: General Manager

SUBJECT: Board Matters: Resolution in Support of Alliance for Girls

At the request of Board President Lateefah Simon, attached is a proposed resolution supporting the work of the Alliance for Girls to be presented for adoption by the Board at the February 27, 2020 meeting.

The Alliance for Girls has been working with BART Communications and BART's Art Program Manager to develop a sexual harrassment prevention campaign to enhance the experience of girls, women, transgender, and gender non-confirming people ridng BART.

If you have any questions, please contact President Simon or Alicia Trost at (510) 464-6154. Thank you.



Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

In the Matter of Support of
Enhancing the experience of
girls and women riding BART

Resolution No. _____

WHEREAS, BART is committed to delivering safe transit in the San Francisco Bay Area; and

WHEREAS, a recently published report from the Alliance for Girls developed in partnership with high-school aged girls titled "Together, We Rise," included community-based research finding girls in the Bay Area expressed feeling unsafe on public transportation and while walking through their communities; and

WHEREAS, "Together, We Rise" outlines how girls experience physical and verbal harassment often of a sexual nature on transit along with the lack of intervention from bystanders; and

WHEREAS, according to the "Youth Transportation Justice Report," released in December 2019, compiled by the One Day at a Time Transportation Justice Youth Team from East Contra Costa County, 45.3% of 274 surveyed East Contra Costa County middle and high school students did not feel safe taking BART and called on BART to create a safe environment for youth and young adults; and

WHEREAS, according to the report "Measuring #METOO in California, A Statewide Assessment of Sexual Harassment and Assault," published in May 2019, among all women surveyed, most (77%) reported experiencing sexual harassment in public spaces with 29% reporting the harassment took place on mass transit.

WHEREAS, BART is constantly striving to build relationships with the community it serves; and

WHEREAS, during the General Manager's Listening Tour female riders expressed concerns about being groped while on board crowded trains and feeling unsafe especially at night; and

WHEREAS, during listening sessions with BART staff and the Alliance for Girls with local students, girls asked that more be done to provide a safe public transportation experience; and

WHEREAS, the Alliance for Girls defines girls as gender-expansive youth (cis girls, trans girls, non-binary youth, gender non-conforming youth, gender queer youth and any girl-identified youth); and

WHEREAS, the Board of Directors adopted a Safe Transit Policy in 2017 stating The San Francisco Bay Area Rapid Transit District is committed to ensuring all employees and users of our transportation system can move safely and conveniently in our parking lots, stations, trains buildings, and facilities and the Board of Directors have a special responsibility not to stay silent

in the face of hate and discrimination against any of our customers, employees or contractors, and we choose to be a leader in protecting the human rights, equity, public safety and social well-being; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (LA Metro) established a Women and Girls Governing Council in 2017 made up Metro employees to provide recommendations to advance gender-specific equity initiatives to improve women and girls' experiences on Metro and their recommendations and reports could serve as guidance for BART; and

WHEREAS, centering girls and uplifting the needs of girls to create safety on public transportation is a powerful approach that would increase safety for others as well and could potentially increase ridership; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby commends the founders of the Together, We Ride Working Group, an intergenerational working group made up of local community based organizations, local youth, and other engaged stakeholders as organized through the Alliance for Girls to oversee the development of a Gender Equity Safety Action Plan for Bay Area Transit Spaces, providing recommendations to BART for consideration to enhance safety and the rider experience for girls, women, transgender, and gender non-confirming people, while declining to create a formal advisory subcommittee; and

BE IT FURTHER RESOLVED, to the extent this independent group wishes to do so, the Together, We Ride Working Group may partner with BART Communications and BART's Art in Transit Program to discuss a sexual harassment prevention campaign using voices and art from the community; and

BE IT FURTHER RESOLVED, that the Board of Directors encourages the General Manager to assign BART staff to collaborate with the Together, We Ride Working Group to advance recommendations prioritized by the Board of Directors and General Manager pending available funds; and

BE IT FURTHER RESOLVED, representatives from the working group are invited to offer to the Board of Directors, if they wish to do so, their findings and recommendations twice a year for a two-year period regarding their Gender Equity Safety Action Plan for Bay Area Transit Spaces.

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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: February 21, 2020

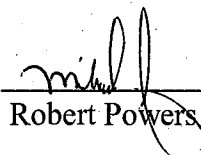
FROM: General Manager

RE: Resolution in Support of United States Census 2020

At the request of Director Foley and in response to Roll Call for Information Item (19-826), attached is a proposed resolution in support of United States Census 2020.

The 2020 Census will count the nation's population and households, providing the basis for reapportioning congressional seats, redistricting, and distributing billions of dollars in federal funds annually to support state and local programs such as housing, education, transportation, employment, and health care.

If you have any questions, please contact Rodd Lee, Assistant General Manager of External Affairs, at (510) 464-6235.

 for

Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

In the Matter of Support of
United States Census 2020

Resolution No. _____

WHEREAS, the United States Census Bureau is required by the United States Constitution to conduct a count of the population every ten years; and

WHEREAS, accurate 2020 Census data are essential to fairly apportion the seats each state will have in the United States House of Representatives and redraw these voting district boundaries, as well as state legislative seats, county, city and special districts, like the San Francisco Bay Area Rapid Transit District.

WHEREAS, billions of dollars per year in federal and state funding are allocated to communities, and decisions are made on matters of national and local importance based on census data, including healthcare, housing, education, transportation, social services, employment and much more; and

WHEREAS, essential neighborhood resources throughout the Bay Area rely on federal funding that is based on information collected during the Census; and

WHEREAS, the Census creates hundreds of thousands of jobs across our nation thereby improving local economies; and

WHEREAS, the information collected by the census is confidential and protected by law;
and

WHEREAS, for the aforementioned reasons, a complete and accurate census count is essential to the well-being of our state and all Bay Area residents; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby recognizes the importance of the 2020 Census and supports participation in helping to ensure a complete, fair, and accurate count.

Adopted on _____, 2020