

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.
2012 BART Police Department Award Recipients.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 14, 2013.* Board requested to authorize.
- B. Leases on BART-Owned Properties.* Board requested to authorize.
- C. Award of Contract No. 79HV-110A, Lake Merritt Station CCTV (Closed Circuit Television).* Board requested to authorize.
- D. Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting.* Board requested to reject.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Amalgamated Transit Union, Local 1555, Side Letter - New Classification and Modification of Senior Secretary Classification Wage Rate.* Board requested to authorize.
- B. Parking Fee Modification Program and Productivity-Adjusted Inflation-Based Fare Increase Program.*
 - 1. Resolution Adopting New Systemwide Paid Parking Program Modifications and Fees. Board requested to adopt. (TWO-THIRDS VOTE REQUIRED.)
 - 2. Resolution Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation-Based Fare Increases. Board requested to adopt. (TWO-THIRDS VOTE REQUIRED.)
- C. Second Amendment to the Millbrae Use, Operating and Maintenance Agreement between the Peninsula Corridor Joint Powers Board, the San Mateo County Transit District, and the San Francisco Bay Area Rapid Transit District.* Board requested to authorize.
- D. Fiscal Year 2014 Budget: Financial Priorities.* For information.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson
NO REPORT.

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

BOARD MEETING AGENDA

February 28, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 28, 2013, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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

Kenneth A. Duron
District Secretary

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

Director Blalock, Chairperson

- A. Amendment to Purchase Order 6928 for External Cloud Computing Services.* Board requested to authorize.
- B. (CONTINUED from February 14, 2013, Board Meeting)
2013 State and Federal Advocacy Goals.* Board requested to authorize.
- C. 2013 Regional and Local Funding Opportunities.* For information.

6. GENERAL MANAGER'S REPORT

- A. Roll Call for Introductions Process.* For discussion.

7. BOARD MATTERS

- A. Board Member Reports. For information.
(An opportunity for Board members to provide brief reports on meetings attended at District expense.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

9. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Garabedian vs. BART, Alameda Superior Court Case
No. RG1175882
Government Code Section: 54956.9(a)

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Marcia deVaughn,
Deputy General Manager; Rudolph Medina, Department
Manager – Labor Relations.
Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal
Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)
Government Code Section: 54957.6

10. OPEN SESSION

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

Board of Directors
Minutes of the 1,671st Meeting
February 14, 2013

A regular meeting of the Board of Directors was held February 14, 2013, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director McPartland.

President Radulovich brought Introduction of Special Guests before the Board. Director Keller introduced and welcomed the Honorable Greg Enholm, Contra Costa Community College District, Ward 5. Mr. Enholm addressed the Board.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set to hold a public hearing on extending BART's inflation-based fare increase program and modifying BART's paid parking programs, and that this was the venue for the public to comment, and that staff would give a brief presentation on extending BART's inflation-based fare increase program and modifying BART's paid parking programs, and that the meeting would then be opened for comments from the public.

Mr. Carter Mau, Executive Manager, Planning and Budgets, Ms. Pamela Herhold, Financial Planning, and Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

The following individuals addressed the Board.

Mr. Clarence Fischer
Ms. Ruth Miller
Ms. Antonette Bryant
Mr. Brian Geiser
Mr. Chris Finn
Mr. Jerry Grace

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 24, 2013.
2. Award of Contract No. 11KC-110, 24th and Mission Street Station Southwest Plaza Improvements.

The following individuals addressed the Board.

Mr. Jeffrey Okseu

Ms. Jessica Zenk

Mr. Jerry Grace

Mr. Jon Spangler

Discussion continued.

Director Fang, Chairperson of the Engineering and Operations Committee, announced that the matter of Award of Contract No. 01VM-110A, Union City Intermodal Station Phase II – BART Station Improvements, would be continued to a future meeting.

Director Fang brought the matter of Award of Contract No. 15PJ-110B, Earthquake Safety Program Four Station Structures – A Line, before the Board. Mr. Robert Powers, Assistant General Manager, Transit System Development, presented the item. Director Murray moved that the General Manager be authorized to award Contract No. 15PJ-110B, Earthquake Safety Program Station Structures – A Line, to Robert A. Bothman, Inc., for the Bid amount of \$10,939,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Additional Authority to Execute Agreements with Public and Private Entities to Support the Earthquake Safety Program before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed. Director Murray moved that the General Manager or her designee be authorized to execute agreements as necessary and to implement Work Authorizations with public or private entities and utilities in an aggregate amount not to exceed \$5,000,000.00 to support and advance the District's Earthquake Safety Program, including right of entry permits and agreements and Work Authorizations for the relocation, rearrangement or replacement of facilities and utilities. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Contract Closeout (C.O. No. 25), before the Board. Mr. Powers presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to execute Change Order No. 25, Contract Closeout, to Contract 15ID-110, Pleasant Hill Station Modernization, with Taber Construction Inc., in an amount not to exceed \$337,976.00, for Contract Closeout. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Mr. Jerry Grace addressed the Board.

Director Fang brought the matter of BART Rail Vehicle Projects before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, gave a presentation on New Rail Car

Procurement Update. The presentation was discussed. Mr. Oversier presented the item entitled Agreements with CH2M Hill, Inc. (Agreement No. 6M3223) and LTK Engineering Services, Inc. (Agreement No. 6M3224) for Vehicle Engineering Consultant Services. The item was discussed. Director Blalock moved that the General Manager be authorized to award Agreement No. 6M3223, to CH2M Hill, Inc., and Agreement No. 6M3224, to LTK Engineering Services, Inc., both to provide Vehicle Engineering Services for BART Revenue Vehicle Projects, each in an amount not to exceed \$25,000,000.00 and pursuant to notification to be issued by the General Manager, and that the term of each Agreement will be ten years from the date of execution of the Agreement, or the completion date specified in any Work Plan corresponding to a Purchase Order issued by BART within such ten-year period, whichever is later; and that the awards are subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2013 - Service Performance Review, before the Board. Mr. Oversier and Chief of Police Kenton Rainey presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

President Radulovich announced that the Board Meeting would recess until 1:00 p.m.

The Board Meeting recessed at 12:51 p.m.

The Board reconvened at 1:13 p.m.

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

Absent: Director McPartland.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, announced that Item 5-A, 2013 State and Federal Advocacy Goals, would be continued to a future meeting.

Director Blalock brought the matter of BART Bicycle Access Plan: Update and Next Steps, before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Kit Hodge
Mr. Jon Spangler
Ms. Shirley Johnson
Mr. Nadir Jeevanjee

3. Award of Invitation for Bid No. 8911, Low Speed Bull Gear.
4. Change Order to Contract No. 6M3146, Reconditioning Transit Vehicle Wheels, with Penn Machine Co., for Extension of Time.
5. BART Accessibility Task Force Membership Appointment.

Consent Calendar motions, as follow, were moved as a unit by Director Saltzman. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director McPartland.

1. That the Minutes of the Meeting of January 24, 2013, be approved.
2. That the General Manager be authorized to award Contract No. 11KC-110, 24th and Mission Street Station Southwest Plaza Improvements, to West Bay Builders Inc., for the Base Bid work in the amount of \$1,917,500.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be authorized to exercise the Option Bid price of \$35,000.00, subject to availability of funding.
3. That the General Manager be authorized to award Invitation for Bid No. 8911, an estimated quantity contract, for Low Speed Bull Gears, to Columbia Gear, for the price of \$281,350.80, including sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)
4. That the General Manager be authorized to execute a Change Order to Contract No. 6M3146, with Penn Machine Co., to extend the term of the Contract by 273 days, from July 1, 2013, to March 31, 2014.
5. That the recommendation of the BART Accessibility Task Force (BATF) be accepted, and the nominated candidate, Clarence Fischer, be appointed for membership to the BATF for a term effective February 28, 2013, to June 30, 2013, or until the Board makes new appointments, whichever occurs later.

Director Murray, Chairperson of the Administration Committee, brought the matter of Productivity-Adjusted Inflation-Based Fare Increase Program and Parking Fee Modification Program before the Board. Mr. Mau and Ms. Herhold presented the item. The item was discussed.

Ms. Renee Rivera
Mr. Jerry Grace

Discussion continued.

President Radulovich announced that the order of agenda items would be changed, and brought the matter of Citizen Review Board Appointment: Public-At-Large Member, before the Board.

Mr. Mark Smith, Independent Police Auditor, presented the item.

The following individuals addressed the Board.

Ms. Cora Oliver-Ward
Rev. Dr. Audrey Aurea Lewis
Ms. Cydia Garrett

The Board members completed weighted voting nomination forms to determine the Public-At-Large member appointee.

While the votes were being tallied, President Radulovich brought the matter of Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 20, 2013, before the Board. Mr. David Kutrosky, Managing Director, Capitol Corridor, presented the item. The item was discussed.

President Radulovich returned to the matter of Citizen Review Board Appointment. Mr. Duron announced that Ms. Cydia Garrett and Ms. Cora Ward each received 16 votes. Director Murray moved that Ms. Cydia Garrett be appointed to fill the vacant public-at-large seat for the remainder of its two-year term that expires on June 30, 2014. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

Director Blalock brought the matter of Potential Development of Property Located at BART Millbrae Station before the Board. The Board discussed Forums for Discussion of Potential Development of Property Located at BART Millbrae Station, and determined that the subject would be addressed in open session for discussion and action, if any. Mr. Mau and Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, presented the item.

The following individuals addressed the Board.

Ms. Jessica Zenk
Mr. Michael Van Every
Mr. Robin Chiang
Ms. Ophelia Wilkins
Hon. Norman Mineta
Ms. Marcia Raines
Mr. Sean Hebard
Mr. William Nack
Mr. Michael Bernick

Mr. Jerry Grace
Mr. Lawrence Lui

The item was discussed. Director Keller moved that the General Manager be authorized to enter into exclusive negotiations with Republic Urban Properties/Green Valley Corporation for potential development of property located at the BART Millbrae Station, with an initial term of eighteen (18) months; and that the negotiations include effort on behalf of the District to ensure inclusionary zoning in the project, consideration of relocating bus bays to the west side of the station, reconsideration of the policy of one-for-one parking replacement, that the developer be required to develop an access plan to demonstrate that the reduction of parking is justified, and that the intention be clear that the goal is to build the best transit-oriented development project in the Bay Area.

Director Blalock seconded the motion.

Discussion continued.

Director Fang offered a substitute motion, that the General Manager be authorized to enter into exclusive negotiations with Justin Development for potential development of property located at the BART Millbrae Station, with an initial term of eighteen (18) months; and that the negotiations include effort on behalf of the District to ensure inclusionary zoning in the project, consideration of relocating bus bays to the west side of the station, reconsideration of the policy of one-for-one parking replacement, that the developer be required to develop an access plan to demonstrate that the reduction of parking is justified, that the intention be clear that the goal is to build the best transit-oriented development project in the Bay Area, and that a transportation demand management package be required of the developer.

Director Raburn seconded the substitute motion.

The substitute motion failed by electronic vote. Ayes – 2: Directors Fang and Raburn. Noes - 5: Directors Blalock, Keller, Murray, Saltzman, and Radulovich. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

Discussion continued.

The Board returned to the main motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Keller, Murray, Saltzman, and Radulovich. Noes – 2: Directors Fang and Raburn. Abstain – 1: Director Mallett. Absent - 1: Director McPartland.

President Radulovich called for the General Manager's report. General Manager Grace Crunican advised the Board she would bring a discussion on the Roll Call for Introductions process to the Board at a future meeting.

President Radulovich called for Board Member Reports.

Director Raburn reported he had attended the Citizen Review Board meeting, an Oakland Economic Summit, the Hayward Shop tour, and an Oakland Black Board of Trade meeting.

Director Fang reported he been scheduled to attend a near field communications conference in Sweden.

Director Keller reported he had attended an event for the eBART and Highway 4 widening project.

Director Murray reported she had attended the eBART and Highway 4 widening event and had met with the Hispanic Chamber of Commerce.

Director Blalock reported he had attended a State of the State meeting and the reception for the Northern California Chapter of the Conference of Minority Transportation Officials, had met with the mayors of Fremont and Newark, and had gone to the San Jose State of the City address

President Radulovich called for Roll Call for Introductions.

Director Raburn requested an evaluation of service between the Millbrae and San Francisco International Airport Station, to include use of driverless vehicles, and other opportunities for reducing the costs of providing the service.

Director Mallett requested the Office of Planning and Budget provide the definitive shares of the BART sales tax generated within the boundaries of the AC Transit District and the City and County of San Francisco.

Director Mallett requested the Office of Planning and Budget provide the definitive populations and households within the boundaries of the AC Transit District and the City and County of San Francisco.

President Radulovich called for General Discussion and Public Comment.

Director Fang acknowledged staff for their work at the outreach meeting in the Sunset District, and thanked Wayne Wong and his staff, Alicia Trost, Molly Burke, Kerry Hamill, the General Manager for their great work.

The Board Meeting was adjourned at 5:15 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>2/20/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Sue Dept: Real Estate and Property Development - ext. 7502	General Counsel <i>[Signature]</i> 1/30/13	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> 2-19-13
Signature/Date: <i>Gary Sue 1/30/13</i>	[]	[]	[]	[]
Status: Approved	Date Created: 12/19/2012			

TITLE:

Leases on BART-Owned Properties

NARRATIVE:

PURPOSE: To obtain Board approval for the General Manager or her designee to issue new leases for terms of up to five years, plus options for up to five additional years, to four tenants currently leasing BART-owned property.

DISCUSSION: The District's rental program has been successful in providing a return on its real property, reducing the burden and cost of maintaining these properties, and limiting the liability of the District for them. Generally, these properties are in the operating right of way, such as land under aerial transit structures, or are parcels that may be required for future BART needs. Income is derived from excess land wherever possible until the property can be sold. In most cases, the District derives income from the property, but in some cases BART agrees to have tenants maintain them, sometimes including adjacent property, in lieu of rent. The District currently has one lease that will be expiring in January 2013 and three leases that will expire within the next eleven months. Attachment A lists these accounts, income derived, uses, and respective locations.

Board approval is required for any leases, or extensions of leases, that would provide a total tenancy beyond two years. Staff is seeking approval for the issuance of new term leases for the four accounts described in Attachment A. The leases will be for terms of up to five years, plus options for up to five additional years. Board authorization will provide staff with the authority to execute the leases; however, staff may not enter into all of the leases if there are lease compliance issues.

Staff evaluated the current rental rates for these accounts and will raise rents by 3% on three of the accounts. For the remaining lease, the District will continue to require maintenance of the property, in addition to performing weed abatement on an adjoining three acre parcel, in lieu of rent. BART is currently receiving revenues of approximately \$9,496 annually from the three paying leases. It is anticipated that these revenues will increase to \$9,784 annually during the first year of the new leases. Thereafter, rents will

automatically increase 3% per year for each of the remaining non-option years. For the option years, staff is also proposing increases of 3% for each year. Staff has determined that the proposed rent for each lease is fair and reasonable, given the limitations of the leased property and each tenant's obligations to maintain the property and indemnify the District.

The Office of the General Counsel will approve the standard lease forms that will be used for the four leases.

FISCAL IMPACT: BART anticipates receiving total annual lease payments from the tenants listed in Attachment A of approximately \$9,780 for the first year, and a total of approximately \$111,936 over a ten-year term. The latter figure assumes lease terms of five years (with annual increases of 3% each year) plus a five-year option term (with a 3% annual increase each year). The payments will be deposited into the General Fund 0030.

ALTERNATIVES: Continue the existing rental agreements on a month-to-month basis or terminate them with notice. After termination, the District would be responsible for maintenance expenses and liability for the properties until it entered into agreements with new tenants.

RECOMMENDATIONS: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to issue new leases to City of Concord – Concord (Parcel Numbers O-C001,2,3,8, and 9); Catholic Charities – Oakland (Parcel Number O-K277); B&N Industries – Burlingame (Parcel Number D-3716); Pentecostal Way of Truth Church - Oakland (Parcel Numbers O-B203,204,205), for terms of up to five years, plus an option term for up to five years; to increase existing rents by 3% for the first year and for each remaining non-option year; and to increase rents 3% for each option year.

Attachment A

<u>RENTAL ACCOUNT</u>	<u>PARCEL NUMBER</u>	<u>NAME OF TENANT & CITY</u>	<u>TENANCY START DATE</u>	<u>ANTICIPATED MONTHLY RENT</u>	<u>ANTICIPATED ANNUAL RENT</u>	<u>PARCEL SIZE</u>	<u>TENANT USE</u>	<u>PARCEL ADDRESS</u>
1364	O-C001	City of Concord	1/11/2003	none	none	one acre	skateboard park	south of Concord BART Station (weed abatement of approximately 3 acres of adjacent property in lieu of rent)
1381	O-K277	Catholic Charities	8/1/2011	\$266.00	\$3,192.00	2,100 sq. ft.	parking	433 Jefferson Street, Oakland
1342	D-3716	B&N Industries	1/1/2012	\$515.00	\$6,180.00	2,540 sq. ft.	parking	15 Guillard Road, Burlingame
1380	O-B203	Pentecostal Way of Truth Church	1/1/2012	\$34.33	\$412.00	830 sq. ft.	playground	1551 7th Street, Oakland (irregular shaped parcel)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley DeBarden</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: c 2/20/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Seung Dept: Communications Engineering <i>Anthony Seung</i> Signature/Date: 2/19/13	General Counsel <i>Paula...</i> 2/19/13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Paula...</i> 2/19/13 []

TITLE:

Award of Contract No. 79HV-110A Lake Merritt Station CCTV

NARRATIVE:

PURPOSE:

To request Board authorization to award Contract No. 79HV-110A - Lake Merritt Station CCTV to G4S Technology, LLC.

DISCUSSION:

The BART Lake Merritt Station CCTV Project involves the installation of security systems including video surveillance and access control systems consisting of equipment, devices, mounting assemblies, pull boxes, junction boxes, conduit, wire, and associated interconnection for Lake Merritt Station in Alameda County.

Advance Notice to Bidders was mailed on September 18, 2012 to 131 firms and 22 plan rooms. The Contract was advertised on 09/18/12. A Pre-Bid Meeting was held on 12/05/12 with 5 potential Bidders attending. Four bids were received. Bids were opened publicly on 1/22/13. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>
1. G4S Technology, LLC	San Leandro, CA	\$1,593,128.05
2. Cal Electro, Inc.	Redding, CA	\$1,693,330.00
3. Blocka Construction, Inc.	Fremont, CA,	\$2,333,500.00
4. Rodan Builders, Inc.	Burlingame, CA	\$2,616,800.00
Engineer's Estimate:		\$3,504,800.00

After review by the District Staff, the apparent low Bid, submitted by G4S Technology, LLC has been deemed to be responsive to the solicitation and the Bid price of \$1,593,128.00 has been determined to be fair and reasonable. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security

(DHS), which requires the Bidders to take all necessary affirmative steps to assure that small and minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals. G4S Technology, LLC's Bid indicated participation of small and minority firms, women business enterprises, and disadvantaged business concerns for a total of approximately \$67,145.00, which represents 4.3% of the Contract price.

FISCAL IMPACT:

Funding for \$1,593,128.05 for the award of Contract No. 79HV-110A will come from project budget 79HV000 LMS/Tunnel Hardening. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of the 01/31/13, \$5,085,000 is available for this project from the following fund sources:

Fund No.	Source	Fund Description	Amount
3754	Federal	FY2009 TSGP GRANT#2009	\$5,000,000
		FY07-08 CTSGP PROP 1B(HOMELND)	\$85,000
		Total	\$5,085,000

BART has expended \$933,840, encumbered \$45,139, and pre-encumbered \$4,000,000 including the \$1,593,128.05 for this purchase, to date. This action will not encumber additional funds, leaving an available fund balance of \$106,021.

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

ALTERNATIVES:

The alternative is not to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement at this time the Lake Merritt Station CCTV identified as 79HV - Lake Merritt Station CCTV Project.

RECOMMENDATION:

Staff recommends that the Board adopt the Motion.

MOTION:

The General Manager is authorized to award Contract No.79HV-110A - Lake Merritt Station CCTV, to G4S Technology, LLC, for the Bid price of \$1,593,128.05, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maria DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: <i>2/20/13</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Khawaja Zubair Dept: M&E Engineering <i>Khawaja Zubair</i> Signature/Date: <i>2/19/2013</i>	General Counsel <i>Audrey R... 2/19/13</i> []	Controller/Treasurer <i>Chirban</i> <i>2/19/13</i> []	District Secretary <i>Paul ... 2/19/13</i> []
Status: Routed		Date Created: 01/14/2013	

TITLE:
REJECT ALL BIDS FOR CONTRACT NO. 15II-110, STATION AND TUNNEL EMERGENCY LIGHTING

NARRATIVE:

PURPOSE:

To request that the Board reject all Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting.

DISCUSSION:

On September 26, 2012, Contract No. 15II-110 for Station and Tunnel Emergency Lighting (the "Contract") was advertised. The station and tunnel emergency lighting provides lighting in stations and tunnels in the event of utility power failure, thus allowing safer evacuation of passengers and personnel from stations and tunnels. Advance notice of the Contract was sent to seventy seven (77) prospective bidders. The pre-Bid meeting was conducted on October 3, 2012, with ten (10) prospective bidders in attendance. Following the Board's directive to "unbundle" contracts in order to encourage smaller businesses to bid on contracts, an Addendum was issued on November 13, 2012 to reduce the number of stations subject to the Contract from five (5) to two (2). Three (3) Bids were received and publicly announced on December 11, 2012. The three (3) Bids are shown below, together with the Engineer's estimate:

<u>BIDDER</u>	<u>BID PRICE (Lump Sum)</u>
ABM Electrical and Lighting Solutions, Pleasanton, CA	\$1,823,823.00
Blocka Construction, Inc., Fremont, CA	\$2,388,000.00
Contra Costa Electric, Martinez, CA	\$2,819,438.00
Engineer's Estimate	\$2,100,000.00

Pursuant to the revised Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities and a DBE participation goal of 9% was set. The apparent low Bidder, ABM Electrical and Lighting Solutions ("ABM") committed to 0% DBE participation. ABM did not meet the DBE goal, therefore, it was required to submit Good Faith Efforts documentation to the District. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that ABM did not make sufficient good faith efforts to meet the

DBE goal, rendering the Bid non-responsive. At ABM's request, a good faith efforts hearing was held on January 31, 2013 before an independent hearing officer. The hearing officer upheld the findings of the Office of Civil Rights that ABM neither met the DBE goal nor demonstrated sufficient good faith efforts to do so, therefore, ABM is non-responsive.

The apparent second lowest bidder was Blocka Construction, Inc, with a Bid of \$2,388,000 or \$564,177.00 (31%) higher than the apparent low Bid and \$288,000 above the Engineer's Estimate. As a result of the disparity in Bid prices, staff believe that there is an opportunity for the District to receive more competitive bidding and achieve a lower overall cost for this Contract if it is readvertised. Any resultant savings would enable the District to provide station and tunnel emergency lighting at additional stations. Staff recommends that the Board reject all Bids and authorize staff to readvertise the Contract in order to attract more bidders.

FISCAL IMPACT:

There is no fiscal impact resulting from rejection of all Bids.

ALTERNATIVES:

The alternative is to award this Contract to Blocka Construction, Inc. at a cost of \$2,388,000.00. This will result in substantial increase in project cost, and could severely limit much needed emergency lighting improvements at additional stations.

RECOMMENDATION:

Adoption of the following Motion.

MOTION:

The Board hereby rejects all Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting, and authorizes staff to readvertise the work of this Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marc Delaney</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board of Directors			
DATE: <i>2/20/13</i>		BOARD INITIATED ITEM: No			
Originator/Prepared by: Rudolph Medina Dept: Labor Relations <i>Rudolph C. Medina</i> Signature/Date: <i>2/19/2013</i>	General Counsel <i>Andreea Kayas</i> <i>2/19/13</i>	Controller/Treasurer <i>Churizand</i> <i>2/19/13</i> []	District Secretary []	BARC <i>Ant Hill</i> <i>2-20-13</i> []	
Status: Routed		Date Created: 11/04/2010			

TITLE:
ATU SIDE LETTER - NEW CLASSIFICATION AND MODIFICATION OF SENIOR SECRETARY CLASSIFICATION WAGE RATE

NARRATIVE:

PURPOSE:

To approve Side Letter ATU/SL- 01-10 with ATU Local 1555, a true and correct copy of which is attached. The side letter modifies the 2009-2013 ATU Collective Bargaining Agreement as follows: deletion of the Operation Support System Analyst position, addition of a new ATU-Time and Labor Administration Analyst, within the Time and Labor Administration Department which will primarily work on ATU related time and labor issues, provide a wage schedule for the ATU Time and Labor Administration Analyst and modification of the ATU Senior Secretary wage rate so that the wages for that position match the wages for the ATU-Transportation Administration Specialist.

DISCUSSION:

In June 2005 ATU and the District entered into a Clerical Extra Board Stipulated Decision and Memorandum of Understanding 2005 Clerical MOU , which addressed, among other things, the implementation of technological changes effecting ATU bargaining unit work. The agreement specified that work historically and traditionally performed by bargaining unit job classifications would continue to be done by those same classifications. In 2007 the District implemented a new Time and Labor (PeopleSoft) program that significantly modified ATU time keeping methods and modified the way in which the work was being performed. In connection with the implementation of the new program, two positions were eliminated. ATU filed grievances related to each. ATU also filed 13 complaints related to multiple issues under the Clerical MOU and 25 grievances related to the alleged transfer of work from the ATU clerical to other classifications.

The complaints were mediated under the terms of the 2005 Clerical MOU. Following extensive negotiations, on September 2, 2010, the District and ATU Local 1555 entered into a Stipulated Decision and Memorandum of Understanding 2010 Clerical MOU. Together these agreements resolved the currently outstanding 13 complaints and 25 grievances and all outstanding issues arising as a result of the implementation of the PeopleSoft time keeping system including the elimination of positions and the transfer of bargaining unit work.

The 2010 Clerical MOU addresses the return of primary time keeping functions to the ATU Transportation Administration Specialists. In connection with the return of those functions, the

ATU, Operations Support System Analyst position, previously responsible for maintaining the ATU timekeeping system, is eliminated and a new position added within the Time and Labor Administration Department responsible, generally, for ATU time keeping functions within that department. The addition of that position requires modification of the ATU Collective Bargaining Agreement to reflect that new designation and the new wage rate for that position. The 2010 MOU also includes modification of the wage rate for the Senior Secretary Position, which, in resolution of outstanding grievances, will become the same wage as that given to the Transportation Administration Specialist.

Other salient portions of the MOU include filling the currently vacant Senior Transportation Training Clerk position, adding a lead position to the Transportation Administration Specialists and establishing certain rules regarding the use of time collection devices. These provisions were implemented by the District in 2010, shortly after the agreement was reached on the 2010 Clerical MOU. In addition the District paid a financial settlement to ATU of four hundred and fifty thousand dollars (\$450,000) to settle all financial aspects of the grievances and complaints.

Although, other aspects of the 2010 Clerical MOU were implemented ATU failed to ratify the side letter and, as a result, this side letter was not presented for approval or otherwise implemented. ATU chose to resubmit the side letter for ratification and it was ratified by ATU on December 12, 2012

FISCAL IMPACT:

The addition of a Time and Labor Administration Analyst will have an annual cost of \$132,662 and add 1 FTE headcount to the Operating Budget. This newly created position was previously designated as an Operations Support System Analyst in the ATU contract but was eliminated in 2005-2006.

The wage increase for the Senior Secretary position from \$26.4912/hour to \$28.2561/hour, for the top rate, will increase annual wage and benefit costs by \$6,245.

The cost for the new position and the increase in wages for existing position for FY13 is estimated at \$55,994.

ALTERNATIVE:

Is to decline to approve the Side Letter. If the Side Letter is not approved, the issues resolved by the side letter will be subject to arbitration before the Med-Arbiter responsible for the 2005 Clerical MOU and the mediation of this agreement. ATU has, in exchange for the payment designated in the 2010 Clerical MOU, confirmed that it will not seek further monetary payment or penalties. The arbitration would only relate to whether the currently described positions in the Collective Bargaining Agreement were improperly eliminated and required to be filled. There is a significant risk if that arbitration were to proceed that the District could be required to reinstate those individuals whose positions were eliminated.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The Board approves and authorizes the General Manager to execute the Side Letter of Agreement with ATU Local 1555, ATU/SL-1-10 RE: BAP IMPLEMENTATION.

SIDE LETTER OF AGREEMENT

ATU/SL 01-10

Re: BAP IMPLEMENTATION

Upon signing by the Parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay area Rapid Transit District ("District") and Amalgamated Transit Union Local 1555 ("Union") (hereinafter jointly referred to as "Parties") regarding the Senior Secretary classification and the re-designation of the Operations Support System Analyst classification and compensation to a new ATU-Time and Labor Administration Analyst classification.

1. The Parties agree that the top wage for Senior Secretary classification shall be increased to \$28.2561. The Base Wage Schedule in Section S47.0 of the Labor Agreement shall be amended to reflect this top rate and the associated wage progression for this classification.
2. The Parties agree that the Operations Support System Analyst classification shall be re-designated as the ATU-Time and Labor Administration Analyst, in the ATU Bargaining Unit.
3. The Time and Labor Administration Analyst top rate shall be \$39.3700. The Base Wage Schedule in Section S47.0 of the Labor Agreement shall be amended to reflect this top rate and the associated wage progression for this classification.
4. As a result of this Agreement, the Labor Agreement shall be amended as follows:
 - (a) Section S12.B:
Replace "6. Operations Support System Analyst" with "6. Time and Labor Administration Analyst".
 - (b) Section S18:
Replace "Operations Support System Analyst" with "Time and Labor Administration Analyst" in S18.0, S18.1, and S18.2.
 - (c) Section S47.0:
Replace "Operations Support System Analyst" with "Time and Labor Administration Analyst" and amend the Base Wage Schedule to reflect the top rate and associated progression listed in #3 above.

This Side Letter of Agreement shall be deemed part of the Labor Agreement between the Parties.

Concur For The District:

Concur For The Union:

X

Rudy Crespo
Chief Transportation Officer

Date

X *Antonette C. Bryant*
Antonette C. Bryant
President/Business Agent

Date

12 dec 2012

X

Rudolph C. Medina
Department Manager, Labor Relations

Date



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 2-2-13		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Robert Franklin Dept: Customer Access and Accessibility <i>[Signature]</i> Signature/Date: 2/22/13	General Counsel <i>[Signature]</i> 2/22/13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary <i>[Signature]</i> 02/22/13 []	BARC <i>[Signature]</i> 2-21-13 []
Status: Routed		Date Created: 02/21/2013		

TITLE:

PAID PARKING PROGRAM MODIFICATIONS and FEES

NARRATIVE:

PURPOSE

To obtain BART Board adoption of new systemwide paid parking program modifications and fees.

DISCUSSION

BART operates parking facilities at 33 of its 44 stations. Districtwide, there are about 46,500 spaces that are available to BART riders. BART currently offers its passengers a variety of paid parking programs. These include a daily fee parking charge, which is the amount charged for non-reserved parking spaces on a first-come/first-serve basis. These fees are required between 4:00am and 3:00pm at lots that have a daily fee parking charge. There are also reserved parking programs at BART, where passengers can purchase in advance a reserved permit for either Monthly, Single Day, or Long Term/Airport parking.

There is also a demand-based daily fee parking program for West Bay BART stations, where the fee can vary between \$1 to \$3, based upon the occupancy of the parking facility. All five West Bay stations with parking facilities now charge \$2 for this daily fee. In the East Bay, the daily fee is set at \$1 per day, with the exception of a \$5 daily fee at the West Oakland station. Daily fees are initially implemented at a station once the parking lot is regularly full, as measured in the spring and fall of each year. South Hayward and Richmond stations are scheduled to begin daily fee parking charges in April 2013. The five following stations currently offer free daily parking: Hayward, Concord, North Concord, Glen Park, and Coliseum/Oakland Airport. There is currently no mechanism to adjust the daily fee in the East Bay.

The following table displays the current rules of the paid parking programs at BART:

Current Policies

	Daily Fee	Monthly/Single Day	Long Term/Airport
West Bay	\$1 if > 50% used. \$2 if 50.1%-90% used. \$3 if < 90.1% used.	\$42 monthly/\$3 single day if 0-10%* \$63 monthly/\$4 single day if 10-25%* \$84 monthly/\$4.50 single day if 25-40%* \$105 if 40%*	\$6 per day
East Bay	\$1 if parking lot is full. \$5 at West Oakland.	\$42 monthly/\$3 single day if 0-10%* \$63 monthly/\$4 single day if 10-25%* \$84 monthly/\$4.50 single day if 25%* \$115.50 monthly/\$6 single day at West Oakland	\$5 per day

*: Percentages refer to the amount of monthly permits sold, as a percentage of the total number of spaces at a station.

The total annual operating cost to operate parking at BART is approximately \$21.7 million. This amount includes security, maintenance, lighting, landscaping, and cleaning, but does not include the capital costs for construction and renovation. The amount of revenue collected from the paid parking programs is approximately \$15.6 million annually. The breakdown of these amounts on a daily and per space basis is summarized in the following chart:

	250 Commute Days/year	365 calendar days/year
Daily Cost to Operate one space	\$1.86	\$1.26
Daily Parking Revenue per space	\$1.34	\$0.92

The proposed new policies for paid parking programs would use the daily fee as the basis for the permit fee for Monthly, Single Day, and Long Term/Airport reserved parking. The daily fee would be based on the occupancy of the parking spaces at a station, measured twice each year. If the occupancy exceeds 95% full, the daily fee could be increased by 50¢. If the occupancy is less than 95% full, the daily fee could be decreased by 50¢. Changes would remain in effect for approximately six months. There would be no cap on the daily fee. The calculated additional revenue generated as a result of the new modifications to the paid parking program would only be utilized for station access, station rehabilitation, and station modernization needs. Any change in the daily fee would have a corresponding adjustment to the cost for advanced reserved permits, as detailed in the following table:

Summary of Proposed New Paid Parking Policies

	Daily Fee	Monthly	Single Day	Long Term/Airport
All Parking Spaces	Daily fees could be increased by 50¢ if lot is more than 95% full. Daily fees could be decreased by 50¢ if lot is less than 95% full.	(Daily fee + \$2) x 21**	Daily fee + \$3**	Daily fee + \$4** Or \$6/day in West Bay \$5/day in East Bay, whichever is greater.

** : Since the monthly, single day, and long term/airport are a function of the daily fee, the cost for Monthly, Single Day, and Long Term/Airport permits may be raised or lowered in the equivalent of 50¢ daily increments in accordance with changes to the daily fee. Should there be vacancies in the reserved section as a result of a recent increase, the cost for Monthly, Single Day, and Long Term/Airport permits may be decreased, but not below the cost of the daily fee.

Exhibit A in the attached Resolution provides additional details for the proposed modifications.

BART is obligated to ensure that its actions comply with federal and state law prohibiting discrimination in its programs and activities. District staff conducted an analysis to ascertain whether the proposed parking program would have a disparate impact on minority and/or low-income parkers when compared to overall parkers. Based on this analysis, the District staff determined that there would be no such impact on minority or low-income parkers because the parking fees paid by minority and low-income parkers are virtually the same amounts when compared to overall parkers. If modifications to the parking program are adopted that do not contain a cap on the daily fee parking charge, then an additional analysis will have to be performed in 5 years, to ensure that there is still no adverse impact on minority or low-income parkers when compared to overall parkers.

Consistent with BART’s Public Participation Plan to provide meaningful opportunities for under-represented populations to participate in transportation decisions, BART conducted public outreach to receive input on the proposed demand-based parking program. Surveys were available on BART.gov and distributed to community-based organizations (CBOs), governmental leaders, and BART’s Limited English Proficiency (LEP) Advisory Committee. Of the 8,559 surveys received, approximately 46% of the responses indicated they viewed a demand-based parking program favorably (rating excellent, good or fair). 58% of respondents indicated they viewed a demand-based parking program with a price cap favorably.

FISCAL IMPACT

The overall fiscal impact of modifications to the paid parking programs would be additional revenue of approximately \$6 million in the first year, with about \$10 million in additional income in subsequent years. The calculated additional revenue generated as a result of the new modifications to the paid parking program would only be utilized for station access,

rehabilitation, and modernization needs. There would be a \$40,000 annual capital cost for software reconfiguration for the first year of the program. This amount would decrease in subsequent years as parking prices stabilize. There would also be an annual operating cost for signage, passenger notifications, and additional parking validation machines, which would also decrease in subsequent years as parking prices stabilize. These costs to initially and in the future implement the modifications in the paid parking program would be paid for out of the existing annual operating budget of the Customer Access and Accessibility Department.

ALTERNATIVES

Some alternatives include the following:

1. Implement minor changes or do not make any changes to the current paid parking programs.
2. Adopt a demand-based parking program in the East Bay with a \$2 daily fee cap.
3. Adopt a demand-based parking program throughout the district with a \$3 cap.

RECOMMENDATION

Adopt the following motion.

MOTION

Adopt the attached resolution “In the Matter of Adopting New Systemwide Paid Parking Program Modifications and Fees.” (**Two-thirds vote required.**)

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

In the Matter of Adopting
New Systemwide Paid Parking Program
Modifications and Fees _____

Resolution No. _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District (“District”) to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, the District’s financial forecasts demonstrate the continued need for increased revenue generation to fund certain operating and capital expense; and

WHEREAS, the Board had requested that the District staff study and make proposals to this Board concerning possible parking rates and charges, including a demand-based parking proposal; and

WHEREAS, the District’s adopted Financial Stability Policy has a combination of strategies that address operating expenses, capital investment, revenues and reserves by supporting passenger revenue increases tied to service costs and system needs; and

WHEREAS, BART is obligated to ensure that its actions comply with federal and state law prohibiting discrimination in its programs and activities; and District staff conducted public participation outreach efforts and conducted an analysis to ascertain whether the proposed parking program would have a disparate impact on minority and/or low-income parkers when compared to overall parkers. Based on this analysis, the District staff determined that there would be no such impact on minority or low-income parkers because the parking fees paid by minority and low-income parkers are virtually the same amounts when compared to overall parkers. If modifications to the parking program are adopted that do not contain a cap on the daily fee parking charge, then an additional analysis will have to be performed in five years, to ensure that there is still no adverse impact on minority or low-income parkers when compared to overall parkers; and

WHEREAS, BART has conducted outreach to the public, to ensure under-represented populations’ input on the proposed demand-based parking program, as documented in the memo report by District staff; and

WHEREAS, a public hearing has been held at a special meeting of the Board to consider modifications to the paid parking program on February 14, 2013; and

WHEREAS, the recommended modifications are set forth in the attached Exhibit A entitled “New Systemwide Paid Parking Program Modifications and Fees”; and

WHEREAS, the calculated additional revenue generated as a result of the new modifications to the paid parking program would only be utilized for station access, rehabilitation, and modernization needs; and

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the fees and charges for service, as modified by this Resolution, are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
 - (a) Pay for certain operating expenses of the District; and
 - (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board also determines, as required by the California Environmental Quality Act, Section 21080 (b)(8), that the rates and charges for service, as modified by this Resolution and as set forth in Exhibit A, are for the purposes of:
 - (a) Meeting operating expenses such as employee wage rates and fringe benefits,
 - (b) Purchasing or leasing certain supplies, equipment or materials; and
 - (c) Obtaining funds for certain capital projects, necessary to maintain service within existing service areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The General Manager is authorized to implement a parking fee program including rates and charges for BART service as set forth in Exhibit A.
- (2) The rates and charges for BART service implemented as set forth in Exhibit A are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. § 15273 and that Notices of Exemption shall be filed in the four affected counties.

###

**EXHIBIT A: NEW SYSTEMWIDE PAID PARKING PROGRAMS
MODIFICATIONS AND FEES**

Parking facility utilization will be based on the daily fee section and will be measured twice each year, in the spring and in the fall. Utilization will be determined at 10am, and must meet the criteria described below for three or more days a week for two consecutive weeks. If the occupancy of a station’s daily fee section exceeds 95% full, then daily fees at that station could be increased by 50¢. If the occupancy of the daily fee spaces is less than 95% during the evaluation period, then the fees could be decreased by 50¢. There would be a corresponding adjustment in the price for Monthly, Single Day, Long Term/Airport advanced permits, as described in the following chart. The fees would remain in effect for six months. Customers would be given 30 days notice of any change in fees.

Summary of Proposed Policies

	Daily Fee	Monthly	Single Day	Long Term/Airport
All Parking Spaces	Daily fees could be increased by 50¢ if lot is more than 95% full. Daily fees could be decreased by 50¢ if lot is less than 95% full.	(Daily fee + \$2) x 21*	Daily fee + \$3*	\$6/day for West Bay \$5/day for East Bay Or Daily fee + \$4*, whichever is greater.

*: Since the Monthly, Single Day, and Long Term/Airport permit fees are a function of the daily fee, the cost for the permit may be raised or lowered in the equivalent of 50¢ daily increments in accordance with changes to the daily fee. Should there be vacancies in the reserved section as a result of a recent increase, the cost for Monthly, Single Day, and Long Term/Airport permits may be decreased, but not below the cost of the daily fee. If permit prices are lowered, the new Monthly and Long Term/Airport permit fees would remain in effect for six months. For lowered Single Day permit fees, they would also remain in effect for six months, with the exception of Friday permit sales, which would be based upon demand and could be lowered for periods of time less than six months. (i.e.: there are times when there are reserved sections that do not fill up on Fridays at certain stations for certain periods of the year.)

The percentage of spaces in parking lots dedicated to Monthly, Single Day and Long Term/Airport advanced reserved permits would not exceed 40% of the total station parking inventory at any one station. The maximum number of spaces allocated for monthly reserved permits at any one station would not exceed 25% of the station’s total parking inventory.

There would be a minimum daily fee of \$1 once stations have begun charging daily parking fees.

If the new formula produces a change in the monthly reserved fee, it would be implemented as follows:

- If the current price of the monthly reserved permit exceeds the new fee from the proposed formula, then the current price would remain in effect for 2 years.
- If the monthly price of the new formula were greater than the current monthly reserved fee, then the new price would go up in increments of \$10.50 per month for each six month period, until the monthly reserved price equals the price determined by the formula, to provide an easier transition for monthly parkers.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Karla de la Puente</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>2/22/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: PAM A HERHOLD Dept: Operating Budgets	General Counsel <i>Andrew Pavia</i> 2/22/13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary <i>[Signature]</i> 02/22/13 []	BARC <i>[Signature]</i> 2-21-13 []
Signature/Date: <i>[Signature]</i> 2-21-13				

TITLE: RENEWAL OF PRODUCTIVITY-ADJUSTED INFLATION-BASED FARE INCREASE PROGRAM

NARRATIVE:

PURPOSE

To obtain BART Board adoption of a Resolution renewing the District’s productivity-adjusted inflation-based fare increase program, which revenue is anticipated to fund capital renovation projects required for the BART system to operate in a state of good repair, in particular the District’s share of the new rail car procurement.

DISCUSSION

As stated in the District’s Financial Stability Policy adopted by the BART Board in 2003, BART’s ability to deliver safe, reliable service rests on a strong and stable financial foundation. One of the goals included in the Financial Stability Policy was to help achieve this stability by preserving and maximizing BART's fare revenue base through a predictable pattern of fare adjustments, while also retaining ridership. Resolution No. 4885, also adopted in 2003, addressed this goal when the BART Board gave the General Manager authority to implement four biennial productivity-adjusted inflation-based fare increases (“inflation-based fare increases”). The first such inflation-based fare increase was implemented on January 1, 2006 and the last in the series, calculated at 1.4%, was implemented on July 1, 2012.

The four small, regular fare increases have been key to BART’s financial stability during difficult economic times. Since 2006, the inflation-based component of BART fare increases has contributed approximately \$290 million in additional fare revenue, thus enabling BART to weather the recent recession without reducing service levels. The size and regularity of the fare increases have also made the increases easier for riders to absorb, as evidenced by BART’s growing ridership and customer responses to the 2012 BART Customer Satisfaction Survey question asking whether BART was a good value for the money (to which 70% of respondents agreed – an increase from 64% in 2010).

To keep the system running in a state of good repair (SGR), BART will need to secure an estimated \$10 billion in funding for the highest priority capital renovation projects over the next ten years, including new rail cars, train control system and the Hayward Maintenance Complex. Although BART has identified and planned over the years for many of the SGR reinvestments, securing funding is difficult and often highly dependent on regional and local sources, including funding provided by BART itself. Therefore, BART must “self-fund” a portion of the SGR

reinvestments through operating sources, including fare revenue. Extending the District's inflation-based fare increase program to raise fares in 2014, 2016, 2018, and 2020 is estimated to generate over \$325 million in additional fare revenue over the eight-year program based on current inflation and ridership projections. At the January 2013 Board workshop, several directors expressed an interest in directing the revenue generated by extending the inflation-based fare increase program to the new rail car procurement.

The four biennial fare changes that are being proposed were calculated by applying the same formula approved in Resolution No. 4885. That formula calculates the change in both national and local inflation over a two-year period, takes the average of these two changes, and then subtracts out 0.5% to account for improved BART operating efficiencies, resulting in an increase that is actually less than inflation. The 2014 increase was calculated using recently available actual inflation data from 2010 through 2012. The overall change in inflation over the two years was 5.7%. After subtracting the 0.5% productivity factor, the resulting fare increase would be 5.2% (see Attachment A: 2014 Fare Table with 5.2% increase). For the proposed 2016, 2018, and 2020 increases, the proposed fare changes were calculated using projections of future inflation. The attached Resolution includes the proposed productivity-adjusted inflation-based fare increase process and formula.

The table below shows BART's current average fare and the projected average fare with each proposed fare increase.

	Current Fares		Proposed Fares			
	2012		2014	2016	2018	2020
		inflation	actual	estimated		
Fare Increase %			5.2%	3.9%	3.9%	3.9%
Average Fare	\$ 3.59		\$ 3.78	\$ 3.93	\$ 4.09	\$ 4.25

BART is obligated to ensure that its actions comply with federal and state law prohibiting disparate impact in its programs and activities and has performed preliminary analyses of the proposed fare increases to determine if any of the increases has a disparate impact or disproportionate burden on minority and/or low-income riders. Based on these analyses, the four proposed inflation-based fare increases would not result in a disparate impact on minority or low-income riders because the proposed changes would increase fares by virtually identical amounts for minority riders and low-income riders when compared to overall riders. See Attachment B: Title VI Assessment for the Extension of the Productivity-Adjusted Inflation-Based Fare Increase Program and Attachment C: Public Participation Summary Report for the Extension of the Productivity-Adjusted Inflation-Based Fare Increase Program.

These findings are subject to application of thresholds contained in the currently under development Disparate Impact Policy and Disproportionate Burden Policy. Once the Policies are developed, the analyses results described in this document will be compared to the thresholds, revised, and finalized. Before implementation of the 5.2% inflation-based fare increase scheduled for January 1, 2014, updated findings will be reported to the BART Board for approval. Implementation of the 5.2% increase will be subject to that approval.

The Title VI analyses for the 2016, 2018, and 2020 fare increases will be updated and finalized, once the inflation percentage increase is known for those years and after public input is solicited. Implementation of each of the future year fare increases, in 2016, 2018, and 2020, will be subject to Board approval of the corresponding and finalized Title VI analysis, which will be in compliance with federal and state law in effect at the time.

BART has also conducted outreach to the public to receive their input on the proposed fare increases, consistent with BART's Public Participation Plan and the FTA Circular's requirement to provide meaningful opportunities for underrepresented populations to participate in transportation decisions. Of the almost 1,400 surveys received, approximately 60% of the online responses indicated support for continuation of the existing inflation-based fare increase program.

On February 14, 2013, a public hearing was held on the proposed renewal of the inflation-based fare increase program. At the Administration Committee meeting that followed the public hearing, the Board expressed interest in a number of fare options besides the proposed inflation-based program. The following options were discussed:

- A. Increase fares by the change in inflation with no productivity adjustment of 0.5%;
- B. Increase fares by the change in inflation plus 0.5%;
- C. Increase the minimum fare, in addition to implementing the inflation-based fare increase program;
- D. Institute peak period fares at the Embarcadero and Montgomery stations, in addition to implementing the proposed inflation-based fare increase program; and
- E. Eliminate the East Bay suburban zone fare.

At the February 28, 2013 Board meeting, the Board may direct staff to evaluate any or all of these or other options. Pursuant to federal requirements, the analysis will include a Title VI equity analysis of the impacts on affected riders of each considered option. Staff would bring the preliminary results of the Title VI equity analyses to the Board for consideration in the summer of 2013. The cost of performing the equity analyses and public outreach on these options will depend on the number and complexity of the options to be studied; however, staff estimates that the cost to study the above options would be approximately \$150,000.

After receiving the results of the equity analyses, the Board may direct staff as to which options it wants staff to bring to the public for comment in the fall of 2013. After public outreach is completed, staff will update and revise the Title VI equity analyses with the public comments and report back to the Board with final evaluation results for each of the options selected. Implementation of any of these fare options would occur after implementation of the inflation-based 5.2% fare increase. Pursuant to federal requirements, implementation of any option is subject to Board approval of the finalized Title VI analysis on that option.

FISCAL IMPACT

The overall fiscal impact of inflation-based fare increases, with the first increase effective January 2014 and the last in 2020, will depend on future inflation rates and ridership. However, the inflation-based fare increase of 5.2% for 2014 is known, and that is projected to generate \$17 million in the first year of the program. The 5.2% increase in 2014, together with projected productivity-adjusted inflation-based fare increases of 3.9% in 2016, 2018, and 2020, are estimated to generate more than \$325 million over the eight-year term of the program. The District is committed to funding its share of the new rail cars at a cost of approximately \$800 million and thus anticipates directing the revenue generated by the fare increases over this eight-year period of the fare increase program to help meet that commitment.

ALTERNATIVES

The Board could direct staff to develop a different formula to generate fare revenue to fund capital renovation projects required for the BART system to operate in a state of good repair, in particular the District's share of the new rail car procurement. The impacts of another formula would depend on the formula chosen. Without the revenues generated from these small regular fare increases, BART may have to implement larger fare increases at a later point in time or defer procuring new rail cars.

RECOMMENDATION

Adoption of the following motion.

MOTION

The BART Board of Directors adopts the Resolution, "In the Matter of Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation-Based Fare Increases." **(Two-thirds vote required.)**

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

In the Matter of Adopting

New Fare Rates and Charges: Productivity-Adjusted

Resolution No. _____

Inflation-Based Fare Increases

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District (“District”) to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, the District’s financial forecasts demonstrate the continued need for increased revenue generation to fund capital renovation projects required for the BART system to operate in a state of good repair, including the procurement of new rail cars, and to help ensure the District’s financial stability; and

WHEREAS, the District’s adopted Financial Stability Policy has a combination of strategies that address operating expenses, capital investment, revenues and reserves by supporting passenger revenue increases tied to service costs and system needs, with particular consideration to small regular fare increases tied to inflation-based cost increases or other major cost factors and productivity; and

WHEREAS, in 2003, by Resolution No. 4885, the Board gave the General Manager the authority to implement four biennial productivity-adjusted inflation-based fare increases, the first such increase implemented in 2006 and the last in 2012; and

WHEREAS, these four small, regular fare increases have been key to BART’s financial stability during difficult economic times. Since 2006, the inflation-based component of BART fare increases has contributed approximately \$290 million in additional fare revenue, enabling BART to weather the recent recession without reducing service levels as ridership continues to grow; and

WHEREAS, to keep the system running in a state of good repair (SGR), BART anticipates the need to secure \$10 billion in funding for the highest priority capital renovation projects over the next ten years, including new rail cars, train control system and the Hayward Maintenance Complex; and

WHEREAS, BART must “self-fund” a portion of this SGR expense through operating sources, including fare revenue; and

WHEREAS, extending the District’s productivity-adjusted inflation-based fare increase program to raise fares in January of 2014, 2016, 2018, and 2020 is estimated to generate over \$325 million in additional fare revenue for such capital renovation projects over the eight-year program, based on current inflation and projected inflation and ridership. At the January 2013 Board workshop, several directors expressed an interest in directing the revenue generated by extending the inflation-based fare increase program to the new rail car procurement; and

WHEREAS, the four fare increases will be calculated by applying the same formula as approved in Resolution No. 4885, using actual inflation data; and

WHEREAS, the first increase of the program valued at 5.2% to be implemented on January 1, 2014 has been calculated using recently available actual inflation data through 2012; and

WHEREAS, the recommended modifications are set forth in the attached Exhibit A entitled, "Productivity-Adjusted Inflation-Based Fare Rates and Charges"; and

WHEREAS, to ensure compliance with federal and state law prohibiting disparate impact in its programs and activities, District staff has performed preliminary analyses of the proposed fare increases to determine if any of the increases has a disparate impact or disproportionate burden on minority and/or low-income riders. These analyses and public comment are documented in the reports, "Title VI Assessment for the Extension of the Productivity-Adjusted Inflation-based Fare Increase Program" and "Public Participation Summary Report for the Extension of the Productivity-Adjusted Inflation-Based Fare Increase Program," attached, and made a part of this Resolution; and

WHEREAS, findings of the preliminary analyses showed that the four biennial inflation-based fare increases would not result in a disparate impact on minority or low-income riders because the proposed changes would increase fares by virtually identical amounts for minority riders and low-income riders when compared to overall users; and

WHEREAS, these findings are subject to application of thresholds contained in the currently under development Disparate Impact Policy and Disproportionate Burden Policy; and

WHEREAS, staff plans to bring the policies to the Board for adoption later this year, after which the thresholds can be applied. At that time, the current analyses results will be compared to the thresholds, and updated findings will be reported to the BART Board for approval; and

WHEREAS, if the current findings are confirmed and approved by the Board, implementation of the four biennial fare increases will proceed. If the current findings are not confirmed and approved by the Board, then such implementation will not proceed; and

WHEREAS, the Title VI analyses for the 2016, 2018, and 2020 fare increases will be updated and finalized, once the inflation percentage increase is known for those years and after public input is solicited. Implementation of each of the future year fare increases in 2016, 2018, and 2020, will be subject to Board approval of the corresponding and finalized Title VI analysis, which will be in compliance with federal and state law in effect at the time; and

WHEREAS, BART has conducted outreach to the public, consistent with BART's Public Participation Plan, to receive their input on the proposed extension to the Productivity-Adjusted Inflation-Based Fare Increase Program, as documented in the report, "Public Participation Summary Report for the Extension of the Productivity-Adjusted Inflation-Based Fare Increase Program"; and

WHEREAS, on February 14, 2013, a public hearing was held at a special meeting of the Board to consider productivity-adjusted inflation-based fare rates and charges; and

WHEREAS, at the Administration Committee meeting of the Board following the public hearing, the Board expressed interest in a number of fare options beside the proposed program; and

WHEREAS, at the February 28, 2013 Board meeting, the Board may direct staff to evaluate any or all of these or other fare options; and

WHEREAS, staff will bring the results of the Title VI equity analyses to the Board for consideration and approval in the summer of 2013. After receiving the results of the equity analyses, the Board will direct staff as to which options it may want staff to bring to the public for comment in the fall of 2013; and

WHEREAS, before implementation of the 5.2% inflation-based fare increase on January 1, 2014, staff will report back to the Board with findings for its consideration and approval regarding the fare options analyzed and selected for public outreach. Implementation of any of these fare options would occur after implementation of the January 1, 2014 fare increase.

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service, as modified by this Resolution, are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
 - (a) Pay for the operating expenses of the District;
 - (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
 - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
 - (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems

necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.

- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board also determines, as required by the California Environmental Quality Act, Section 21080 (b)(8), that the rates and charges for service, as modified by this Resolution and as set forth in Exhibit A, are for the purposes of:
 - (a) Meeting operating expenses such as employee wage rates and fringe benefits,
 - (b) Purchasing or leasing supplies, equipment or materials;
 - (c) Meeting financial reserve needs and requirements; and
 - (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The General Manager is authorized and directed to calculate and implement productivity-adjusted inflation-based increases to rates and charges for BART service as set forth in Exhibit A, subject to approval by the Board of an updated Title VI equity analysis for each of the four increases.
- (2) Prior to implementing the first increase of the Productivity-Adjusted Inflation-Based Fare Increase Program on January 1, 2014, if directed by the Board to examine other fare options, staff will perform Title VI analyses and public outreach for additional fare options and staff will provide the Board with findings for its consideration and approval.
- (3) The productivity-adjusted inflation-based increases to rates and charges for BART service calculated and implemented as set forth in Exhibit A are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. § 15273 and that Notices of Exemption shall be filed in the four affected counties.

#

EXHIBIT A—NEW FARE RATES AND CHARGES: PRODUCTIVITY-ADJUSTED INFLATION-BASED INCREASES

Productivity-adjusted inflation-based fare rates and charges shall be calculated according to the following process.

The Formula:

The following formula accounts for changes in inflation, less a productivity factor valued at 0.005 (½ percent). Changes in inflation are measured over a two-year period, with the first increase of the extended productivity-adjusted inflation-based fare increase program to become effective January 1, 2014.

Step One: Productivity-Adjusted Inflation-Based Fare Increase Factor =

$$\left(\frac{\frac{(\text{NCPIU}_2 - \text{NCPIU}_0)}{\text{NCPIU}_0} + \frac{(\text{BACPIW}_2 - \text{BACPIW}_0)}{\text{BACPIW}_0}}{2} \right) - \text{Productivity Factor}$$

0.005

Step Two: Productivity-Adjusted Inflation-Based Fare Rates and Charges are calculated by increasing all components of fares then in effect by the Productivity-Adjusted Inflation-Based Fare Increase Factor and then rounding these fares to the nearest \$0.05.

Definitions:

NCPIU is the **National CPI-U Annual Average** which is the annual average over a calendar year of the U.S. City Average consumer price index for all urban consumers, for all items, with an index base period of 1982-84 = 100 as reported by the Bureau of Labor Statistics, U.S. Department of Labor.

BACPIW is the **Bay Area CPI-W Annual Average** which is the annual average over a calendar year of the San Francisco-Oakland-San Jose, CA local consumer price index for urban wage earners and clerical workers, for all items, with an index base period of 1982-84 = 100 as reported by the Bureau of Labor Statistics, U.S. Department of Labor.

The “0” of **NCPIU₀** and **BACPIW₀** signifies the respective calendar year from which the change in inflation is calculated (e.g., 2010 for the 2014 fare increase and 2012 for the 2016 fare increase)

The “2” of **NCPIU₂** and **BACPIW₂** signifies the respective calendar year against which the change in inflation is calculated (e.g., 2012 for the 2014 fare increase and 2014 for the 2016 fare increase).

Productivity Factor is an adjustment representing BART’s anticipated continual improvements in the efficiency of its labor force and operations to the extent of

reducing its inflation-adjusted costs of operation by 0.005 (½ percent) every two years.

Effective Dates:

The productivity-adjusted inflation-based fare increases will be effective on January 1st of 2014, 2016, 2018, and 2020, for a total of four calculations of the productivity-adjusted inflation-based fare increase formula. If application of the formula returns a positive result, i.e., it does not reflect deflation, the resulting factor is the amount fares are to be increased across-the-board (with each actual fare rounded to the nearest \$0.05). Productivity-adjusted inflation-based fares are to be implemented on January 1st of 2014, 2016, 2018, and 2020, or as soon thereafter as the fare schedule can be implemented.

Sample Methodology:

The following is a sample methodology that illustrates how to calculate the productivity-adjusted inflation-based fare increase factor and resulting fares. This example describes the process for the increase to be implemented on January 1, 2014; the same process will be followed for increases in 2016, 2018, and 2020.

In January 2013, the change over two years in the National CPI-U Annual Average and the Bay Area CPI-W Annual Average will be calculated as follows:

- The change to be measured will be for calendar years 2010 and 2012.
- Index change during this two-year period is measured by the change in the annual average of the index. For example, if
 - The annual average of the National CPI-U for 2010 is 100, and
 - The annual average of the National CPI-U for 2012 is 104, then
 - The change is 0.04 (or 4.0%) for the two-year period between 2010 and 2012.
- The change in the Bay Area CPI-W Annual Average for the two-year period is to be calculated in the same way.
- The changes in the National CPI-U Annual Average and the Bay Area CPI-W Annual Average are then averaged to capture change in both national and local pricing patterns.
- From the average of the national and local pricing increases, a productivity factor of 0.005 (½ percent) is deducted. For example, if the average of the change in the National CPI-U Annual Average and the change in the Bay Area CPI-W Annual Average for the two-year period is 0.04 (or 4.0%), the result of the formula is a productivity-adjusted inflation-based fare increase factor of 0.035, or 3.5%.
- The productivity-adjusted inflation-based fare increase factor is the increase to be applied across-the-board to the components of the fare rates and charges then in effect. The resulting station-to-station fares will then be rounded to the nearest nickel to produce the new productivity-adjusted inflation-based fare rates and charges.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/20/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Dennis Markham Dept: <i>[Signature]</i> Signature/Date:	General Counsel: <i>[Signature]</i> 2/19/13	Controller/Treasurer: <i>[Signature]</i>	District Secretary: []	BARC: <i>[Signature]</i> 2-15-13 []
Status: Routed		Date Created: 02/11/2013		

TITLE:
Second Amendment to Use, Operating and Maintenance ("UOM") Agreement with JPB and SamTrans

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute the Second Amendment to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART/JPB/SamTrans Facilities Related to the BART SFO Extension Project, dated February 18, 2005, between the Peninsula Corridor Joint Powers Board, ("JPB"), the San Mateo County Transit District ("SamTrans"), and BART ("UOM Agreement"). The Second Amendment contains a payment schedule for JPB's reimbursement of Caltrain's share of the costs for operation and maintenance of the Millbrae Station from FY14 through FY18.

DISCUSSION

With the commencement of BART operations on the San Francisco Airport Extension, BART entered into the UOM Agreement, pursuant to which BART provides maintenance for the Caltrain Use Area at the Millbrae Station, and JPB agrees to reimburse BART for Caltrain's share of the costs for operation and maintenance of the station. The original payment schedule had fixed payments in FY04 through FY08 that increased each year. The FY04 payment was \$400,000 and the payment in FY08 was for \$700,000.

Under the terms of the UOM Agreement, the amount of the JPB share for the years following FY08 was to be determined by the parties prior to the end of FY08. Accordingly, BART staff and JPB staff negotiated a payment schedule for FY09 through FY13 that called for Consumer Price Index ("CPI")-based annual increases, as described in the First Amendment to the UOM. For example, the amount due for FY10 was the amount for FY09 adjusted by the change in the CPI for the preceding year, and so on for each successive year through FY13. The payment for FY09 was \$722,400 and the last payment under the First Amendment for FY13 will be \$784,819.

The Second Amendment to the UOM provides for continuing to calculate the CPI-based annual increase factor and applying that factor to determine the payments JPB owes BART for FY14 through FY18. The FY14 payment is the FY13 payment increased by the change in inflation between 2012 and 2011. If this amendment is approved, the FY14 payment will be \$807,579. Under the Second Amendment, the method for calculating the JPB payment for years following

FY18 shall be determined by JPB and BART no less than six months prior to the end of FY18.

The Second Amendment to the UOM provides a process for which either party can request a review of the method for calculating the JPB payment. This modification to the UOM was added, in part, in anticipation of the electrification of the Caltrain system and potential impacts that electrification may have on the Millbrae Station and adjacent BART right of way.

Fiscal Impact:

Staff believes that the proposed payment schedule will generate sufficient revenues to cover BART's estimated expenses in performing the services detailed in the UOM Agreement.

Alternative:

Without a new payment schedule, BART would continue to be obligated to provide maintenance without any associated revenue to offset the expenses incurred.

Recommendations:

Authorize the General Manager to execute the Second Amendment to the UOM Agreement so that a payment schedule with CPI-based annual increases is continued for another five years, from FY14 through FY18.

Motion:

To authorize the General Manager to execute the Second Amendment to the UOM Agreement to put in place a new payment schedule for FY14 through FY18.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Barbara de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/20/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: BART Webmaster Dept: Communications <i>[Signature]</i> Signature Date: <i>2/20/13</i>	General Counsel: <i>Audrey R. [Signature]</i> <i>2/20/13</i> []	Controller/Treasurer: <i>[Signature]</i> []	District Secretary: []	BARC: <i>[Signature]</i> <i>2-20-13</i> []
Status: Routed		Date Created: 02/12/2013		

TITLE:

Increase of Contract Value – Purchase Order No. 6928

NARRATIVE:

PURPOSE

To obtain Board authorization for the General Manager to execute an amendment to Purchase Order No. 6928 with Rackspace, Inc., for External Cloud Computing Services for an additional amount not to exceed \$223,000.

DISCUSSION

The Communications Department outsources computing services for the BART public website (bart.gov) to Rackspace, Inc., a global leader in cloud computing. In 2012, bart.gov attracted 19 million visitors and served 243 million page views. The BART QuickPlanner generated 16 million trip plans. The website's application programming interface (API) handled 312 million queries and powered more than 80 third-party apps and websites. In BART's 2012 Customer Satisfaction Survey, bart.gov was ranked among the District's most important, most highly rated services.

Managing and securing high-traffic, high availability enterprise websites like bart.gov requires a level of investment not necessary for most websites. BART's website computing infrastructure is physically located in a carrier-level data center outside of California to ensure website availability during localized disasters (e.g. earthquake) and to minimize the security liability around hosting such high-traffic, public Internet services on internal networks. The website is designed to accommodate peak traffic loads through redundant bandwidth connections that exceed BART's in-house network capacity. The site also requires a level of 24/7/365 monitoring, standby engineering expertise, and rapid hardware replacement capabilities that the District is not equipped to manage.

This fiscal year there has been a higher than anticipated level of work required to maintain website availability amid continued growth in usage. The District needed to complete some essential website configuration changes for the following reasons:

- There was an increase in hardware incidents leading to service and availability degradation;

- Networking equipment had fallen out of support by the manufacturer;
- Enhanced security mitigations were required;
- An upgrade from older Windows Server 2003 was required;
- Improved scalability and capacity was required to accommodate traffic and future initiatives;
- A high-availability configuration with no single point of failure was required.

Costs for cloud-based computing services typically vary based on use, traffic and configuration requirements. Access to these services is provided through a subscription model and a monthly, use-based fee. There is existing authority and operating budget to fund Rackspace, Inc., services up to \$90,960 each year for FY13, FY14, and FY15. However, as a result of required work, base annual subscription fees may total up to \$165,000 per year depending upon usage and traffic. The District will exhaust existing FY13 authority in March 2013. The Communications Department has the operating budget to cover the overage.

Based on the substantial research and development that has gone into this infrastructure, to maintain website service continuity, and to uphold the District's current cyber defense methodology, staff recommends a change order to the District's Agreement with Rackspace, Inc., to maintain the website in a state of good repair.

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

FISCAL IMPACT

The Communications Department has the required operating budget of \$165,000 to cover the additional expense of \$74,040 in FY13. Costs for subsequent fiscal years will be evaluated to determine if expenses require additional funding. Increases in funding, if necessary, will be requested in future preliminary budget cycles.

ALTERNATIVES

Do not authorize the amendment of this contract. The District would run out of contract authority in March 2013. The BART website would be taken offline for lack of payment until alternate cloud computing services could be procured and deployed.

RECOMMENDATION

Approve the following motion:

MOTION

The General Manager is authorized to execute an amendment to Purchase Order No. 6928 with Rackspace, Inc., for External Cloud Computing Services for the additional amount not to exceed \$223,000 for the period of FY13 through FY15.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: <i>2/6/13</i>		BOARD INITIATED ITEM: No			
Originator/Prepared by: Paul Fadelli Dept: Government & Community Affairs	General Counsel <i>[Signature]</i> 2/1/13	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> 2-4-13	
Signature/Date: <i>[Signature]</i> 2-4-13	[]	[]	[]	[]	[]
Status: Routed		Date Created: 01/15/2013			

TITLE:

2013 State & Federal Advocacy Goals

NARRATIVE:

PURPOSE: To review and approve the District's 2013 state and federal advocacy program.

DISCUSSION: Following is the outline of state and federal legislative goals and objectives for the year ahead. With forty new legislators elected last November to serve in Sacramento, BART must first meet and educate them on the benefit of public transit and the needs of the BART system. On November 9, 2012 BART's Planning, Public Affairs, Access, and Legislation (PPAAL) Committee reviewed and approved the following state and federal legislative goals for 2013. These objectives are now before the full Board for discussion and approval.

A. Proposed State Advocacy Program for BART:

(1) Respond to State Budget Proposals & Actions

For several years there have been ongoing state budgetary issues which have posed fiscal challenges to public transit agencies in California. However, with the passage last November of Proposition 30, the risk of another state budget crisis has been diminished for 2013. Proposition 30 was part of Governor Brown's plan to rein in a \$12 billion state deficit by asking voters to approve increased sales taxes for four years and increased income taxes on high-income earners for seven years. Its passage reduces pressure to use funding such as public transit's State Transit Assistance (STA) funds to balance the General Fund debt. But it should still be a major goal of BART to participate in the state budget process and assure ongoing transit funding.

• Secure Dedicated Transit Funding

BART will again need to coordinate and work with the California Transit Association (CTA), TransForm, the Bay Area Council, supportive environmental groups and others to demonstrate how important state funding is to transit operations. Because state transit funding has been greatly diminished over the past five years, BART must still work to protect the dedicated revenue from the Diesel Fuel Tax that supports the STA program. This will involve efforts by staff and Directors to lobby key members and staff in the capitol. If sustained, STA will continue to provide approximately \$35 million a year for BART operations on an ongoing basis.

- **Work to Appropriate Dedicated Transit Funds from Propositions**

Last year, BART received \$147 million of connectivity funds from High Speed Rail's Proposition 1A. This year, BART is again in line for additional Proposition 1A funds, as well as over \$120 million in Proposition 1B funds (Public Transit Modernization, Improvement, Service Enhancement Account, PTMISEA). Bond sales and legislative appropriation always factor into revenues paid from state General Obligation bonds so BART must continue to work to move forward the appropriation of funds that MTC has committed to BART.

- **Be Active in Efforts to Create new Statewide Dedicated Transit Revenue**

At the beginning of a two year legislative session, there have been proposals for bills that, if successful, could create a permanent dedicated revenue stream for public transit at a greater level than can be provided by STA funds. These include proposals such as increasing the vehicle license fee, reducing the voting threshold for local transit tax initiative, and implementation of various vehicle miles travelled (VMT) policies. BART has already been in discussions with a variety of sources regarding such proposals and should continue to engage in these discussions.

(2) **Continue Efforts to Enhance Local Transit Revenue Opportunities**

The BART Board has continued to support efforts to obtain additional local authority to raise revenue for transit. While a "supermajority" Democratic legislature has cautioned against raising taxes, many believe legislators and the Governor may be open to providing additional tools for raising local revenue, such as supporting infrastructure finance districts and benefit assessment districts. BART will actively pursue legislation to give BART authority to use such tools to raise revenue for specific projects.

(3) **Remain active in greenhouse gas/ cap & trade issues**

In October, 2011, the California Air Resources Board voted to adopt final rules to regulate carbon emissions as part of the implementation of AB 32 which seeks to reduce the state's greenhouse gas (GHG) emissions to 1990 levels by 2020. Last November, California's cap and trade program began selling greenhouse gas allowances to reduce emission of carbon dioxide. This resulted in the state earning just over \$290 million with the shares selling for just over the minimum \$10 per allowance. It is believed the Governor's office will have strict control over these funds and will prioritize High Speed Rail needs. There are several issues involving the state cap and trade program that BART should address including: seeking resolution to Air Resources Board regulations which would raise transit energy costs, continuing efforts to add transit to the sectors financially benefitting from cap and trade revenue, and continuing support for affordable housing through cap and trade proposals.

(4) **Support Efforts to Expedite CEQA process for Transit Projects**

In the context of implementing SB 375 and promoting Transit Oriented Development, BART and

other transit agencies have recently raised the concern that the California Environmental Quality Act (CEQA) should be reformed to expedite specific transit projects that are beneficial to the environment. Late last session, the prospect seemed high that such an effort to amend CEQA would occur – but it did not happen. Senate Pro Tempore Darrell Steinberg has stated that such a review and revision of CEQA *will* occur in 2013. Ongoing discussions are occurring to achieve that goal. BART should continue working with the California Transit Association (CTA) and others in ways that can assist BART and other transit agencies expedite projects which respect the goals of CEQA.

(5) Continue Infrastructure Finance District (IFD) Efforts in Post-redevelopment Environment

Over the past several years, BART has actively sought legislation to provide additional funding for Transit Oriented Development (TOD). Working with former Assemblywoman Ma (SF) BART has sponsored bills to use tax increment financing (TIF) to expedite possible establishment of Infrastructure Finance Districts (IFDs). Last session AB 485 (Ma), a bill which would have specifically allowed the establishment of local IFDs without a local vote, passed both houses of the legislature but was held by the author because the Brown Administration raised concerns about deleting the voting requirement. BART is discussing the possibility of moving similar legislation this year, with the support of CTA, specific transit agencies and affordable housing advocates, in order to establish additional funding tools for TOD.

(6) Support Efforts Providing Incentives for Transit Use

Providing incentives to ride public transit not only helps support system operations, but also supports state goals to cut pollution and GHG emissions.. BART will continue to seek out and support such legislation. Last year, BART, the Metropolitan Transportation Commission (MTC) and CTA supported successful legislation (SB 1339- Yee) to create a Bay Area pilot project that allows MTC and the Bay Area Air Quality Management District to adopt an ordinance requiring certain employers to offer commuter benefits to their employees. MTC is presently working to implement this program and will brief the BART Board later this year.

(7) Participate in efforts to redraft cellular phone shutoff legislation (SB 1160- Padilla)

Legislation introduced last year to create a state procedure for public agencies to terminate cellular service in emergency situations, could have created a difficult response scenario for BART police in certain circumstances. As originally introduced, the bill would have required all public agencies to first seek a court order to terminate cell service and follow specific public information requirements. BART proposed amendments which would have allowed an agency to terminate cell service in extreme emergency situations without first obtaining a court order, if the agency applied for a court order within six hours after terminating the service. The author, Sen. Alex Padilla (LA), eventually accepted the amendment which allowed BART to support the legislation. Governor Brown, however, vetoed the bill because he said six hours was an insufficient amount of time in emergency situations for law enforcement to prepare the findings requires by the bill to support a court order. Sen. Padilla's staff has indicated that the senator will

reintroduce similar legislation and would like to again work with BART and other stakeholders to fashion a bill that the Governor will sign.

B. Proposed *Federal* Advocacy Program for BART

Last year Congress passed a 2-year \$105 billion Surface Transportation reauthorization bill, Moving Ahead for Progress in the 21st Century Act (MAP-21) (\$10.6 billion in 2013, and \$10.8 billion in 2014 for transit) which eliminated earmarks, lessened the number of discretionary grant programs, consolidated many other programs and put a new emphasis on asset management and performance – based themes. Existing funding levels were basically maintained despite some initial efforts to cut public transit funding by more than 30 percent. The next surface transportation process has already begun with Chairman Shuster saying he would like a bill for his committee to consider in less than a year.

(8) Monitor implementation of MAP-21 – especially new regulations associated with State of Good Repair and Core Capacity funding programs.

- **State of Good Repair (SOGR) & Formula Funding.** BART should closely monitor implementation of MAP-21 provisions and should support SOGR funding and efforts by the Federal Transit Administration (FTA) to increase SOGR funding for the nation’s metropolitan rail systems. As one of the nation’s top five largest transit systems BART is a member of the “Metropolitan Rail Discussion Group” (MRDG) and should continue its efforts through this group, APTA, and others to secure SOGR funding that will assist the older urban rail systems in the nation.
- **Core Capacity.** As part of the MAP-21 reforms, the New Starts program has been renamed the “Capital Investment Grant” program and now includes a “core capacity” provision which allows for the renovation of an existing system with discretionary funding if the focused project increases corridor capacity by 10%. The BART Metro program was discussed at two previous Board meetings with its stated goal to increase capacity to accommodate growing ridership. BART is monitoring core capacity program guidelines and will work with the MTC to get a BART project prioritized in the region so we may qualify for a grant.

(9) Participate in Next Reauthorization Effort

Because MAP-21 is only authorized for two years, discussions on the next authorization legislation have already begun. The new House Committee Chair for Transportation and Infrastructure (Rep. Bud Shuster Jr.-PA) has said he would like a draft reauthorization bill to be before his committee in less than a year. The new chairman has said that all revenue options will be on the table to address shortfalls in the highway trust fund. In addition to the SOGR and Core Capacity efforts (above) BART needs to be actively involved in efforts to influence the following issues:

- **Overall Funding.** BART should continue to support a “full funding” reauthorization bill

signed into law. BART should continue to oppose proposals which would cut formula funding by a significant percentage.

- **Transportation Enhancements /Livability.** BART should continue to support the Obama Administration's efforts to maintain "Livability" programs which assist transit access goals, and the enhancement of bicycle and pedestrian projects. Under Map-21, funds for such enhancement programs have been shifted back to the states. BART should be involved in efforts to ensure that the funds continue to be spent on "livability" programs.

(10) New Federal Safety Regulations

MAP-21 gave FTA the authority to monitor the safety of the nation's passenger rail systems and restrict federal funding as a means of enforcement. BART should continue its active participation in developing and commenting on safety proposals.

(11) Continue to assist Job Creation and "Make It In America" Goals

BART should continue to monitor the Obama Administration's efforts to implement an increased "Made in America" requirement for transit procurement, specifically as it relates to BART new rail car procurements. As a recipient of federal funding, BART 's should continue to demonstrate to its delegation that it is a partner in assisting job creation in America.

(12) Seek Funding for security needs

BART should continue to pursue greater funding through Homeland Security programs for transit security grants, and seek funds for a specific transit security grant in 2013.

(13) Support Re-Establishment of Transit Commuter Benefits

As part of the fiscal cliff tax increases which passed earlier this year, Transit Commuter Benefits were restored with transportation fringe benefits for parking and transit set at parity. The BART Board has previously supported HR 2312 (Blumenauer) which would extend permanently the pre-tax transportation benefits of up to \$230 a month per employee for transit expenses, the same amount as offered for qualified parking. BART should continue to support efforts to make permanent these important efforts to equalize parking and transit benefits.

FISCAL IMPACT:

N/A

RECOMMENDATION:

That the Board approves the following motions.

ALTERNATIVE:

The Board could decline to support the specific state and federal goals and/or the legislation

listed for review.

MOTION:

The Board approves the state advocacy program, as recommended by staff.

The Board approves the federal advocacy program, as recommended by staff.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

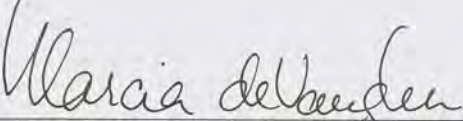
TO: Board of Directors

DATE: February 22, 2013

FROM: General Manager

SUBJECT: PPAAL Agenda Item # 5.C: 2013 Regional and Local Funding Opportunities

At the February 28, 2013 Board of Directors meeting, Government and Community Relations staff will present an outline of the structure of the regional and local funding entities and explain current and future funding opportunities.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: February 22, 2013

FROM: General Manager

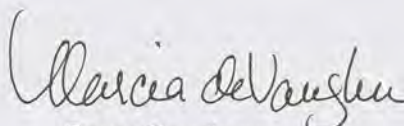
SUBJECT: Agenda Item 6A - General Manager's Report: Roll Call for Introductions Process

At the February 28, 2013 Board of Directors meeting, I plan to continue the discussion of the Roll Call for Introductions process that I touched on briefly at the last Board meeting.

Attached is the Roll Call for Introductions list that reflects the input received from the Board since your last meeting. This is the list that staff will be working from going forward.

The general principles regarding information requests that we will operate by is to have Directors articulate their request for analysis, information or data development at the Board meeting under the Roll Call for Introductions (RCI) item. If there are inquiries that the Director believes will take less than two hours for staff to investigate, then the Director will make that request of an executive staff member. The executive staff member will assess the request, and if he/she determines it will take longer than two hours to meet the request, will write back to the Board member indicating this conclusion.

As we have discussed previously, all substantive communication with Board members will be done in writing and copied to all Board members.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Tom Radulovich		Requests the development of a social justice/equity platform to address inequities in the District's rail system's operations, policing, administration and policies.	TSC OPB	1/22/09	09-316
Gail Murray		Requests the District develop a policy for dogs off leash on District property.	OPB BPD	04/22/10	10-364
Gail Murray		Renewed request for policy for dogs off leash on District property, and proposed addition of requirement for owner's presence when dogs are on leash.	OPB BPD	11/18/10	10-386
Tom Radulovich		Requests an evaluation and report on the use of station air compressors by cyclists.	OPS	01/13/11	10-397
Tom Radulovich		Requests a report on the effectiveness of District departments working together and with external agencies and customers. Questions to be answered include: How is effectiveness of departments and Managers evaluated?	OGM	01/27/11	10-403
Tom Radulovich		Recommends development of program providing contact info for District employees empowered to respond and resolve community inquiries/issues at each station, i.e.: Photo/contact info posted at each station.	OPS	02/24/11	10-410
Thomas M. Blalock		Requests comprehensive program to expand the capacity of restrooms in stations for inclusion in capital program (i.e. station modernization, extensions, etc.) – or conversion of existing units to unisex.	OPS TSD	04/28/11	11-425
Tom Radulovich		Requests a policy discussion on artwork in stations.	OPB	07/14/11	11-456
Robert Raburn		Requests the policy on artwork be agendized for a future meeting.	OPB	07/14/11	11-458
Thomas M. Blalock		Requests the District evaluate hiring District employees in lieu of contracting out for services when practicable.	ADM	08/11/11	11-460
Tom Radulovich		Requests quarterly reports (either agendized or via distribution) on the District's capital program.	TSD OPS	08/11/11	11-467
James Fang		Requests the District evaluate public/private partnerships for the funding of major capital programs including "BART to the Beach."	OPB	09/08/11	11-470

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Robert Raburn		Requests reopening a previously closed RCI item requesting Signage at Lake Merritt Station identifying Police Department Headquarters.	BPD OPS	09/08/11	11-473
Joel Keller		Requests a streamlined system be devised for scheduling Board workshops.	DSO	09/08/11	11-475
Joel Keller		Requests a status report on the development of a proposed police facility.	BPD OPS	12/01/11	11-484
Joel Keller		Requests status of responses from the MTC and FTA regarding the District's letter concerning pre-apprenticeship programs.	TSD	12/15/11	11-487
Robert Raburn		Requests annual ethics training for the Board of Directors and executive staff, leading to the development of a "code of conduct."	OGM	12/15/11	11-489
Gail Murray		Requests that a review of accessibility requirements and development of solutions beyond the minimum legal requirements for the visually impaired at the Lake Merritt Station. Also, requests an appropriate response to a constituent who is experiencing difficulty in navigating the Station.	OPB	01/12/12	12-491
Tom Radulovich		Requests the development of a District wide accessibility compliance program to include best practices versus satisfying minimum standards.	OPB OPS	01/12/12	12-492
Tom Radulovich		Requests a review of a local geographic preference for procurements and the steps required to implement for discussion of such a program on a future agenda.	OGC ADM	01/12/12	12-493
John McPartland		Requests a briefing on the full scope, schedule, and cost of the comprehensive security program involving the Site Hardening activities under Contract No. 79HT-110.	BPD	01/12/12	12-494
Tom Radulovich		Requests development of a strategy for addressing the long term capital maintenance needs of stations in San Mateo County.	OPB	01/26/12	12-498
Robert Raburn		Requests a comprehensive initiative for the development of internships throughout the District, to include guidelines and the identification of representatives in each department.	ADM	02/09/12	12-504
Tom Radulovich		Requests a report on restoring 15 minute service, including load factors on the shoulders for the peak period and options.	OPS	02/23/12	12-505

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Joel Keller		Requests review of recent Bay Bridge closure ridership performance for inclusion in analysis and potential development of robust bus service during hours BART does not operate.	OPB	02/23/12	12-507
Tom Radulovich		Requests an update on the proposed robust late night service in the District's service area.	OPB	03/22/12	12-508
Robert Raburn		Requests the District post "No tailgating" notices at parking lot entrances to the Coliseum/Oakland Airport Station.	OPS	04/12/12	12-513
Gail Murray		Requests a copy for the Maintenance and Engineering Department's annual schedule for right of way cleaning District wide.	OPS	04/12/12	12-516
Zakhary Mallett		Requests that the study/report on potential future system extension include the I-80 corridor.	OPB	04/12/12	12-517
James Fang		Requests the District conduct a general study of public private partnership opportunities for future projects.	OPB	04/26/12	12-519
Tom Radulovich		Recommends the District evaluate and consider expansion of senior certification in every station using Station Agents for processing applications.	OEA/OPS	04/26/12	12-520
Tom Radulovich		Requests a briefing on San Francisco County Transportation Authority planning regulations recognizing the District as a regional carrier versus the major provider of local trips it is.	OPB	04/26/12	12-521
Tom Radulovich		Requests evaluation of amendments to youth discount program: Institute use of embedded ClipperCard-like chip in student ID card for access and identification; Increase eligibility through the age of 18; Adjust system to permit use of discount card through graduation versus exclusively age of 18.	OPB	05/10/12	12-525
Robert Raburn		Requests the District evaluate potential solutions for reopening restrooms in underground stations, including potential alternatives already vetted and acceptable to the Police Department and District Architect.	OPS	05/24/12	12-528
Robert Raburn		Requests the District develop with AC Transit cooperative solutions to the citation of customers in bus zones at stations, including signage solutions.	OPB	05/24/12	12-529

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
John McPartland		Requests that the District work with Caltrans on correcting obsolete directional signage for accessing Castro Valley Station from I-580.	OPB	05/24/12	12-530
Joel Keller		Requests the District consider/evaluate a 'fast pass' solution for application in Contra Costa County.	OPB	05/24/12	12-531
Gail Murray		Requests the District revise the Non-Discrimination Program to account for second tier subcontractors in the evaluation and transparent presentation of recommendations for award.	TSC	06/14/12	12-532
Tom Radulovich		Requests the District respond to pending RCI Item No.12-525 addressing rationalizing the District youth discount program, including recent issues regarding orange tickets.	OPB	06/28/12	12-536
Tom Radulovich	1/15/13	Requests staff investigate and report on apparent card table display and delivery of medical services by permit holder at Powell Street Station.	OEA Memorandum to Board of Directors from General Manager. 1/15/13	06/28/12	12-537
Robert Raburn		Requests the District develop a financial crises action plan with internal triggers requiring action by departments at designated crisis points.	OPB	06/28/12	12-539
Thomas Blalock		Requests the District develop budget adjustments to be implemented in the event projected revenues are reduced due to changing economic conditions (i.e. drops in projected ridership).	OPB	06/28/12	12-541
Thomas Blalock		Requests the District revisit continuation of CPI based fare increase strategy.	OPB	06/28/12	12-542
Robert Raburn		Requests the District collaborate with the East Bay Regional Parks District and other local and regional park departments in establishing standards for wayfinding access to stations.	OPB	07/26/12	12-543
Gail Murray		Requests Updates on aging RCI's April 22, 2010 and November 15, 2010 addressing concerns with District policy for dogs on board trains and in stations to include a clear definition for the public of the size, type and number of dogs an individual is allowed to bring onboard and clarification for BART staff about how to identify service dogs which are allowed onboard by law.	BPD/OPB	07/26/12	12-544
Joel Keller		Requests the District develop a pilot program to evaluate the merits of relaxing the restrictions of eating and drinking on trains and in stations.	OPS/BPD	07/26/12	12-546

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Tom Radulovich		Requests the District evaluate the opportunities, process, and funding for covering and securing outdoor installations of escalators system wide, [including San Francisco's initiative for a "Better Market Street" program].	OPB	07/26/12	12-547
Tom Radulovich		Requests the District evaluate and report on the late night service program recently enacted by the Los Angeles Metropolitan Transportation Authority for applicability to the District's environment.	OPS	07/26/12	12-548
Gail Murray		Requests the District develop a plan cooperatively with local fire departments for expediting rail grinding for noise reduction along trackway adjacent to housing and landscaping where the risk of sparks from grinding affecting vegetation and growth impacts the rail grinding schedule.	OPS	08/09/12	12-549
Thomas Blalock		Requests the District investigate the application of increased transient occupancy taxes over and above those already in place at the proposed Millbrae Station Transit Oriented Development.	OPB	08/09/12	12-550
John McPartland		Requests the District consider integration of announcements while approaching stations advising customers which side doors will be used for exiting train and incorporate into operating procedures.	OPS	09/13/12	12-552
Gail Murray		Requests a report on the reported infestation of rats and pigeons in the system and actions being taken to remediate.	OPS	09/13/12	12-554
Robert Raburn		Requests that the District work cooperatively with regional and local park districts to include path finding signage on trails directing users to local BART Stations.	OPB	09/13/12	12-556
Robert Raburn		Requests the development of a comprehensive plan to provide some level of suitable training of District advisory committees, to include meeting management.	OGM	09/13/12	12-557
Robert Raburn		Requests the District review and evaluate reimbursement for transit travel for advisory committees, (to include BAT Accessibility Task Force use of Regional Transit Card vs. Clipper Card) and establish process for reviewing extraordinary expenses.	OGM	09/13/12	12-558

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
Robert Raburn		Coliseum Oakland Airport Station Capacity: Requests a plan for improving access to the west end of the platform. Furniture placement is currently inefficient and access to stairs and escalators must be considered.	OPS	10/11/12	12-560
Robert Raburn		Coliseum Oakland Airport Station Capacity: Requests a report of progress in acquiring Union Pacific Railroad property.	OPB	10/11/12	12-561
Tom Radulovich		Requests an evaluation of potential risks and impacts upon the District's capital and operating programs of the "fiscal cliff" confronting federal transportation funding.	OPB	10/11/12	12-562
Thomas Blalock		Requests the District evaluate infusing San Bruno Station glass artworks with photos of those relocated through the Tanforan center or suitable directional signage to the proposed permanent commemorative memorial.	OPB	10/25/12	12-263
Tom Radulovich		Requests that the District ensure its inclusion in the MUNI E line proposal transit planning process for service to the South of Market area (AT&T Park and proposed Warriors arena).	OPB	10/25/12	12-264
John McPartland		Requests personal quarterly briefings of the Earthquake Safety Program.	TSD	10/25/12	12-265
Gail Murray		Requests the inclusion of a provision in agreements for development on District property requiring developers to provide Clipper Cards to residents of the development, for a time to be determined.	OPB	11/15/12	12-676
Joel Keller		Requests that when the procurement for the proposed development of the property at the Millbrae Station returns to the Board, the agenda include the opportunity for the Board to consider and take an action whether to address the matter in closed session, open session or a combination of both.	OPS	12/6/12	12-677

Revised Roll Call for Introductions — February 2013

AUTHORING DIRECTOR	COMPLETED	TOPIC	EXECUTIVE OFFICE/ACTION	INITIATED	CONTROL #
--------------------	-----------	-------	-------------------------	-----------	-----------

Robert Raburn		Requests the District collaborate with a firm named CyArk utilizing technology to archive historical and cultural materials and information important to the communities surrounding stations. Recommends entering into a memorandum of understanding with the firm supplementing the grant application for funding of a permanent memorial adjacent to the San Bruno Station.	OEA	12/20/12	12-678
---------------	--	--	-----	----------	--------

EXECUTIVE OFFICE CONTACTS

ADM	ADM Administration	Vacant	(510) 464-6231
BPD	BART Police Department	Kenton Rainey	(510) 464-7020
CCS	Capitol Corridor Service	David Kutrosky	(510) 464-6993
DSO	District Secretary's Office	Kenneth A. Duron	(510) 464-6080
IPA	Independent Police Auditor	Mark Smith	(510) 464-7472
OEA	Office of External Affairs	Kerry Hamill	(510) 464-6153
OCT	Office of the Controller-Treasurer	Scott Schroeder	(510) 464-6070
OGC	Office of the General Counsel	Matthew H. Burrows	(510) 464-6037
OGM	Office of the General Manager	Grace Crunican	(510) 464-6060
OPB	Office of Planning & Budget	Carter Mau	(510) 464-6194
OPS	Operations	Paul Oversier	(510) 464-6710
TSC	Transit System Compliance	Marcia deVaughn	(510) 464-6126
TSD	Transit System Development	Robert Powers	(510) 464-7410