

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

BOARD MEETING AGENDA

March 9, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 9, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 23, 2016.* Board requested to authorize.
- B. Resolution Authorizing the General Manager to Submit a Grant Application to Caltrans for Low Carbon Transit Operations Program.* Board requested to adopt.
- C. Award of Contract No. 04SF-180, Construction of East Contra Costa BART Extension Project Bliss Avenue and Antioch Paving Improvements.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION, WORKFORCE, AND LEGISLATION ITEMS

Director McPartland, Chairperson

- A. Amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Intersection Media, LLC, for Near-Term Enhancements to Support BART Services. * Board requested to authorize.
- B. On-Call Contract for Media Purchases with iHeart Media, Cumulus, Entercom, CBS Radio, Pandora, and Frequence for Track Closure Notifications and Other Initiatives.* Board requested to authorize.

5. FINANCE, BUDGET, AND BOND OVERSIGHT ITEMS

Director Josefowitz, Chairperson

- A. Title VI Public Outreach for Potential Fare Changes in Fiscal Year 2018: Fare Change Options for Presentation. * For information.

6. OPERATIONS AND SAFETY ITEMS

Director Keller, Chairperson

- A. Award of Contract No. 15QH-150, Lafayette Station Site Improvement Project.* Board requested to authorize.

- B. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Revised Containment of High Density Polyethylene Pipe (C.O. No. 50).* Board requested to authorize.

7. PLANNING ITEMS

Director Raburn, Chairperson

- A. Wholesale Electricity Portfolio Plan Update.* For information.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

- A. Report of the Earthquake Safety Program Citizens' Oversight Committee.* For information.

B. Board Member Reports.

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

C. 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.)

D. In Memoriam.

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

10. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; and Carol Isen, Chief Employee Relations Officer

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

12. 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 1,782nd Meeting
February 23, 2017

A regular meeting of the Board of Directors was held February 23, 2017, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California; and 751 Franklin Drive, Brentwood, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman.

Director present in Brentwood: Director Keller.

Absent: None. Director Allen entered the Meeting later.

Director Dufty noted that Special Guest BART Police Officer Evola had not yet arrived.

Director Keller exited the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 9, 2017.
2. Award of Contract No. 79HX-400, 4.9 GHz Wireless Communication on Rail.
3. District Debt Policy.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous roll call vote. Ayes – 7: Directors Blalock, Dufty, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 2: Directors Allen and Keller.

1. That the Minutes of the Meeting of February 9, 2017, be approved.
2. That the General Manager be authorized to award Contract No. 79HX-400, 4.9 GHz Wireless Communications on Rail, to Phase 3 Communications, Inc., for the Bid amount of \$492,072.14, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. Adoption of Resolution No. 5334, In the Matter of Adopting the District Debt Policy for the San Francisco Bay Area Rapid Transit District.

Consent Calendar Report brought before the Board was:

1. Second Quarter Financial Report for Fiscal Year 2017.

President Saltzman called for Public Comment. Robert Allen addressed the Board.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, brought the matter of State and Federal Legislation before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations; Ms. Amanda Cruz, Senior Government and Community Relations Representative; and Mr. Tim Schott, Schott and Lites, presented the item.

Director Allen entered the Meeting in Oakland.

The item was discussed.

President Saltzman moved that the Board support State Senate Bill (SB) 2, SB 3, Assembly Bill (AB) 17, State Constitutional Amendment 6, and House Resolution 549; and support SB 1 and AB 1 if amended to provide additional funding for public transit. Director Dufty seconded the motion.

Director Allen requested the motion be bifurcated to vote on AB 17 separately. The maker and seconder of the motion agreed to bifurcating the motion.

Director Keller entered the Meeting in Brentwood, and requested that the record reflect his "Aye" vote on the Consent Calendar.

Discussion on State and Federal Legislation continued. The motion to support AB 17 carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0. The motion on the remaining bills carried by roll call vote. Ayes – 8: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen.

President Saltzman brought Introduction of Special Guests before the Board. Director Dufty introduced and welcomed Officer Christopher Evola. A video on Officer Evola's role in reuniting a lost child with his family was displayed.

Director McPartland brought the matter of Proposed Principles and Candidate Project List for Metropolitan Transportation Commission's Regional Measure 3 before the Board. Ms. Deidre Heitman, Manager, Special Projects, presented the item. The item was discussed. Director Blalock moved that the Board adopt the proposed set of Regional Measure 3 Principles and Candidate Project List. President Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Draft Short Range Transit Plan/Capital Improvement Program before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Ms. Pamela Herhold, Department Manager, Financial Planning; and Mr. Dennis Markham, Division Manager, Financial Planning, presented the item. The item was discussed.

Director Josefowitz brought the matter of Financial Outlook for Fiscal Year 2018 before the Board. Mr. Mau, Ms. Herhold, Mr. Markham, and Mr. Robert Umbreit, Department Manager, Budget Department, presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Keller exited the Meeting in Brentwood.

President Saltzman announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning Committee, brought the matter of Balboa Park Station Upper Yard Transit Oriented Development Update before the Board. Director Dufty introduced and welcomed Mr. Sam Moss, from Mission Housing Development Corporation, and Mr. Kevin Kitchingham, from the Mayor's Office of Housing and Community Development. Mr. Robert Powers, Deputy General Manager; Mr. Robert Mitroff, Acting Assistant General Manager, Planning, Development, and Construction; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Mr. Tim Chan, Manager of Planning, presented the item.

The following individuals addressed the Board.

Kevin Kitchingham

Sam Moss

Rafe Rabalais

Jerry Grace

Director Simon exited the Meeting.

The item was discussed.

President Saltzman announced that the Board would enter into closed session under Item 12-A (Conference with Legal Counsel) and Item 12-B (Conference with Real Estate Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:02 p.m.

The Board Meeting reconvened in closed session at 1:11 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Raburn, and Saltzman.

Absent: Directors Keller and Simon.

President Saltzman exited the Meeting and Vice President Raburn assumed the gavel.

The Board Meeting recessed at 2:00 p.m.

The Board Meeting reconvened in open session at 2:01 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, and Raburn.

Absent: Directors Keller, Simon, and Saltzman.

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

Vice President Raburn, in the absence of the Chairperson and Vice Chairperson of the Operations and Safety Committee, brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2017 - Service Performance Review before the Board. The item was discussed.

Vice President Raburn called for the General Manager's Report. Mr. Powers reported on steps the General Manager had taken and activities and meetings she had participated in and outstanding Roll Call for Introductions items.

Vice President Raburn called for the Controller/Treasurer's Report. Ms. Rose Poblete, Controller/Treasurer, and Mr. Chris Gan, Assistant Controller, presented the report. The report was discussed.

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

Vice President Raburn reported he had attended the Capitol Corridor Joint Powers Authority Board Meeting on February 15.

Vice President Raburn requested the Meeting be adjourned in memory of Whittier Police Officer Keith Boyer, California Highway Patrol Officer Lucas Chellew, and District employee Richard Lu.

Vice President Raburn called for Public Comment. Olivia Rocha addressed the Board.

The Meeting was adjourned at 2:36 in memory of Keith Boyer, Lucas Chellew, and Richard Lu.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>John M. Pove</i> 1 MARCH 2017		GENERAL MANAGER ACTION REQ'D: approval and forward to Board		
DATE: 2/14/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Deidre Heitman Dept: Grant Development & Advocacy	General Counsel <i>[Signature]</i> 3/1/17 []	Controller/Treasurer <i>[Signature]</i> 3/1/17 []	District Secretary []	BARC <i>[Signature]</i> 27 FEB 2017 []
Signature/Date: <i>Deidre Heitman 2/24/17</i>				

Adoption of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY 17 Low Carbon Transit Operations Program (LCTOP)

PURPOSE: To obtain Board approval of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY17 Low Carbon Transit Operations Program (LCTOP).

DISCUSSION:

The Low Carbon Transit Operations Program (LCTOP) is one of several programs established by the California Legislature in 2014 through Senate Bill 862 (SB 862) and 852 (SB 852). Drawing its funds from the state's Cap-and-Trade Program annual proceeds, the LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities.

Eligible projects and programs include new or expanded bus or rail services, expanded intermodal transit facilities, equipment acquisition, fueling, maintenance and other operating costs. Eligible projects must demonstrate greenhouse gas reductions and be consistent with both BART's Short Range Transit Plan (SRTP) and the region's Sustainable Communities Strategy (i.e., Plan Bay Area). In addition, 50% of the total funds received by a transit agency must be expended on projects that benefit disadvantaged communities within the agency's service area. Because approximately 50% of BART's stations serve disadvantaged communities, staff have determined that any project serving the entire BART system meets this criterion.

The LCTOP is a formula-based program, administered by the California Department of

Adoption of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY 17 Low Carbon Transit Operations Program (LCTOP)

Transportation (Caltrans), similar to the State Transit Assistance (STA) program, in which BART receives the funding directly from the state, once applications are approved. For FY17, BART is eligible to receive \$2,066,315, less than half what BART received in FY16, due to the poor receipts generated by the carbon auctions held in 2016. Funding is forecast to be released on June 30, 2017. Revised program guidelines, issued by Caltrans in December 2016, require transit agencies that receive LCTOP funds to authorize, by Board resolution, its agents to execute application documents and provide certain certifications and assurances. On March 26, 2015, the BART Board passed Resolution 5290, authorizing the execution of required Certifications and Assurances for the LCTOP program.

On February 11, 2016, the BART Board approved Resolution 5309 which authorized the use of the FY 2016 LCTOP grant funds for the Additional Rail Cars (New Cars) Project which is the acquisition of 4 new rail cars (produced after the test cars) to be run as part of the mixed fleet adding needed capacity and therefore demonstrating greenhouse gas emissions reduction. Further, the BART Board approved a motion that, starting with the FY16 amount, three (3) years of LCTOP funds be banked until FY19 when full production of the New Cars has commenced. The total amount banked is anticipated to offset, in part, the FY16, FY17, and FY18 allocations to capital from the Operating Budget for the new car program. This application for LCTOP funds in FY 17 represents the second year of the three-year program.

FISCAL IMPACT:

If the proposed project is approved by Caltrans, the funds will be applied to the acquisition of the New Cars. BART will continue to bank the LCTOP funds for one additional year (FY 18) and then utilize/draw down these funds in the FY19 budget year for the New Car program.

By adopting this Resolution Authorizing the Execution of a Project Application for the FY17 Low Carbon Transit Operations Program, BART may receive \$2,066,315 on June 30, 2017.

This action will have no fiscal impact on un-programmed District Reserves.

ALTERNATIVES:

Do not approve the Resolution Authorizing the Execution of a Project Application for the Train Car Repair and Maintenance Project for the Low Carbon Transit Operations Program (LCTOP). BART could choose another project.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The BART Board approves adoption of the attached Resolution "In the Matter of

Adoption of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY 17 Low Carbon Transit Operations Program (LCTOP)

Authorizing the Execution of a Project Application for the FY 2016-17 Low Carbon Transit Operations Program: Additional Rail Cars Project".

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

In the Matter of Authorizing the Execution of
A Project Application for FY 2016-17 Low
Carbon Transit Operations Program Funding
of the Additional Rail Cars Project _____ /

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District is an eligible project sponsor and may receive state funding for transit projects from the Low Carbon Transit Operations Program (LCTOP) now or sometime in the future; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by applicable regulations; and

WHEREAS, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, BART wishes to implement the LCTOP Additional Rail Car project,

NOW, THEREFORE, BE IT RESOLVED by the BART Board of Directors that it agrees to comply with all conditions and requirements set forth in the applicable statutes, regulations and guidelines for all LCTOP funded transit projects; and

BE IT FURTHER RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby authorizes the submittal and nomination of the Additional Rail Cars Project for state funding and makes an allocation request of \$2,066,315 to Caltrans for FY 2016-17 LCTOP funds.

AGENCY BOARD DESIGNEE:

BY: _____

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 1 MARCH 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/17/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Zecharias Amare Dept: Planning, Development and Construction	General Counsel <i>[Signature]</i> 2/27/17 []	Controller/Treasurer <i>[Signature]</i> 2/27/17 []	District Secretary	BARC <i>[Signature]</i> 2/27/17 []
Signature/Date: <i>Zecharias Amare</i> 2/27/17				
Status: Routed		Date Created: 2/17/2017		

Award Contract No. 04SF-180 for Construction of East Contra Costa BART Extension Project Bliss Avenue and Antioch Paving Improvements

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 04SF-180, Construction of East Contra Costa BART Extension Project Bliss Avenue and Antioch Paving Improvements, to Granite Rock Company ("Granite Rock") in the Bid amount of \$1,750,900.00.

DISCUSSION:

The East Contra Costa BART Extension Project ("eBART Project") consists of an approximately ten-mile long extension of the BART System, using Diesel Multiple Unit (DMU) rail vehicles, from the existing Pittsburg/Bay Point BART Station along the median of State Highway Route 4 ("SR4") to a new station located near Hillcrest Avenue in the City of Antioch. The eBART Project adopted by the Board on April 23, 2009 included a transfer platform at the existing Pittsburg/Bay Point BART Station, approximately ten miles of track in the SR4 median, a new station at Railroad Avenue in the City of Pittsburg, a new station at Hillcrest Avenue, tail tracks in the median east of Hillcrest Avenue and a maintenance facility and parking lot on the northeast side of the SR4 interchange with Hillcrest Avenue. Contract No. 04SF-180 provides for certain construction activities as specified in the Contract at (1) the Antioch Station Parking Lot; (2) the Maintenance Facility Parking Lot; and (3) Bliss Avenue.

adequate price competition. A review of Granite Rock's business experience and financial capabilities has resulted in a determination that Granite Rock is a responsible Bidder. Staff recommends proceeding with the award, which is within the available Project funding.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). Granite Rock committed to 1.9% MBE and 0% WBE participation. Granite Rock did not meet either the MBE or WBE Availability Percentages; therefore, it was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Granite Rock, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by DGS among the responsive Bidders and, therefore, the Small Business Prime Preference is not applicable.

FISCAL IMPACT:

Funding of \$1,750,900 for the award of Contract No. 04SF-180 is included in the total project budget for FMS #04SF180 – eBART Final Paving. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority.

As of January 30, 2017, \$1,926,000 is the total budget for this project from the following fund sources:

Number	Description	Source	Amount
535A	FY2010-11 PROP 1B-PTMISEA	State	\$1,166,000
881C	Proceeds from Sale - Hillcrest	BART	\$760,000
Total			\$1,926,000

BART has expended \$0, committed \$0 to date for other action. This action will commit \$1,750,900 leaving an available fund balance of \$175,100 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract and reject all Bids. If this Contract is re-advertised, there is no assurance that new Bids will be lower than the amount of the current Bids received.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 04SF-180, for Construction of East Contra Costa BART Extension Project Bliss Avenue and Antioch Paving Improvements to Granite Rock Company of San Jose, CA for the Bid amount of \$1,750,900.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 2 MARCH 2017 <i>Robert M. Powers</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/13/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Catherine Westphall Dept: Marketing and Research <i>Catherine Westphall</i> Signature/Date: 2/28/17	General Counsel <i>[Signature]</i> 2/28/17 []	Controller/Treasurer <i>[Signature]</i> 2/28/17 []	District Secretary []	BARC <i>Powers</i> 2 MARCH 2017 []

Amendment to Advertising Franchise Agreement for Near-Term Revenue Enhancements to Support BART Services

PURPOSE:

To obtain Board authorization for the General Manager to execute an amendment to Agreement 6M7066 with Intersection Media, LLC to allow sale of new advertising formats. The additional formats will increase revenue in the near term to support BART services.

DISCUSSION:

BART currently generates advertising revenue from sale of poster ads in stations, poster ads inside trains, digital ads on a limited number of screens in downtown San Francisco, and in-station product sampling/promotions. To help address projected BART budget shortfalls, Intersection proposed selling additional advertising in additional formats to increase revenue in the near term. Following are descriptions of two opportunities proposed:

Opportunity A--Train Wraps

Train wraps would include placing ads on the exterior of old cars (not on the new cars). The ads would either cover the entire side of the car or a portion of it. Installations will be scheduled to avoid impacts to revenue service.

Opportunity B--Innovation/Amenity Sponsorships

Innovation/amenity sponsorships would include branded installations showcasing technological innovations, services, or rider amenities sponsored by an advertiser. Possibilities could include a kiosk to demonstrate a new high-tech product, a video wall displaying real-time train arrival information, or charging stations for personal

devices. New public art would also be eligible for amenity sponsorships for opportunities specifically identified and described by the BART Art Program.

However, advertisers' appetite for future art sponsorships is unknown and opportunities may be limited. Innovation/amenity sponsorships would typically be sold in combination with a station saturation, but at a premium price. Intersection will work with BART to identify industries to target and the most desirable brands to pitch.

FISCAL IMPACT:

Estimated net revenue to BART for new experimental methods of advertising (NEMA) is shown in the following table:

Train Wraps	Low	Medium	High
Estimated FY18 Revenue	\$310K	\$790K	\$1.530M
Estimated FY19 Revenue*	\$340K	\$840K	\$1.590M
Estimated FY20 Revenue*	\$350K	\$850K	\$1.610M
Innovation/Amenity Sponsorships	Low	Medium	High
Estimated FY18 Revenue	\$110K	\$410K	\$740K
Estimated FY19 Revenue*	\$320K	\$1.110M	\$2.000M
Estimated FY20 Revenue*	\$320K	\$1.110M	\$2.000M
ANNUAL TOTALS	Low	Medium	High
Estimated FY18 Revenue	\$420K	\$1.200M	\$2.270M
Estimated FY19 Revenue*	\$660K	\$1.950M	\$3.590M
Estimated FY20 Revenue*	\$670K	\$1.960M	\$3.610M
	Low	Medium	High
GRAND TOTAL*	\$1.750M	\$5.110M	\$9.470M

*Assumes Agreement terms are the same after expiration of current Agreement.

The monthly gross revenue for NEMA shall be tracked separately from base Agreement revenue. From this additional monthly gross revenue, the following deductions would apply before BART's revenue share is calculated:

1. Outside sales commissions, if any (the same as in the base Agreement). By mutual agreement, the parties may agree to offer extra sales bonuses or commissions above the customary level for Intersection employees (not to exceed 5% of any sales

contract) for an agreed period of time. These extra sales bonuses and commissions would also be deducted from gross revenue in the months where the revenue is earned (i.e. in the months when the ads run).

2. BART costs to provide logistical support for new media formats, reimbursable up to \$178,574 for the remaining term of the Agreement. BART would bill Intersection for these reimbursable expenses on a quarterly basis.
3. For sponsorships, the historical average monthly net revenue at that station [averaged for the period 2014-2016] for any existing ad media included in the sponsorship sale would be deducted, and the historical average monthly net revenue for those existing media would be counted as gross revenue under the base Agreement.

Intersection would pay BART 70% of net revenue from NEMA.

Cost of design, production, construction, and maintenance of all signs, materials, and physical installations (including all associated capital improvements such as electrical conduit), as well as costs for BART coordination, review, approval, yard access, and safety monitor support would not be charged to BART.

Sponsorship pricing shall be not less than \$20,000 per month at any given station, and at least a 25% premium above the average monthly net revenue for the ad media included in the station sponsorship sale at that station for the period January 1, 2014 through December 31, 2016. However, at stations where the average annual revenue is less than \$100,000 per year (between 2014 through 2016, inclusive) the minimum sponsorship pricing shall not be less than \$10,000 per month.

Intersection would make significant efforts to meet or exceed the "High" level of payments to BART set forth above. Intersection would have exclusive rights to sell station sponsorships. Following an initial 6-month period to ramp up train wrap sales, as long as Intersection achieves at least the "Medium" level of payments to BART for every two (2) consecutive quarters, Intersection would be entitled to exclusive rights to sell train wraps. If Intersection fails to meet the "Medium" level of estimated payments for two (2) consecutive quarters (\$197,500 per quarter), BART has the option of selling train wraps or authorizing other entities to sell train wraps on BART's behalf.

ALTERNATIVES:

The District could reject Intersection's proposed opportunities to increase new-term revenue and either wait to include them in the next Advertising Franchise Agreement in 2018 or discontinue consideration of these opportunities.

RECOMMENDATION:

It is recommended that the Board adopt the following motion. The amendment will be

approved as to form by the Office of the General Counsel.

MOTION:

The General Manager is authorized to execute an amendment to Agreement No. 6M7066 -- Poster Advertising Franchise Services with Intersection Media, LLC, to allow sales of train wraps and innovation/amenity sponsorships.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 1 MARCH 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/24/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Martindale Dept: Marketing and Research	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 2-27-17	<i>[Signature]</i> 2/28/17 []	<i>[Signature]</i> 2/28/17 []	[]	<i>Powers</i> 1 MARCH 2017 []

Media Purchases for Track Closure Notifications and Other Initiatives

PURPOSE:

This is to request Board authority to set up an on-call contract with media companies to help inform the public about future track closures and other BART initiatives. This is not a request for more funding, but simply authority to use budgets already in place to purchase media when necessary.

DISCUSSION:

Due to the consolidation of the Bay Area Media market, four vendors now own 16 radio stations with the largest audiences: iHeart Media (KISQ, KMEL, KOSF, K101, KYLD), Cumulus (KFOG, KNBR, KGO), Entercom (KOIT, KBLX, KRBQ, KGMZ) and CBS Radio (KCBS, KMVQ, KITS, KLLC). Since payments are made to the media groups, not the individual stations, it is often difficult to stay under the \$100,000 limit when it is necessary to convey important messages to the public, e.g., track closures over the course of multiple weeks throughout the year. Additionally, BART has begun to use web, mobile and streaming radio, with Pandora and Frequence as the two primary vendors used by BART so far.

There are multiple weekends of scheduled track work through FY 2020, many of which will be funded by Measure RR, and will require public notification of track closures. In addition, we plan to continue Marketing campaigns to build weekend ridership.

Upcoming track work schedule

- A15 Spring 2017 – 4-6 weekends
- M03 Spring 2018 – 4 Weekends
- C55 Fall 2018 – 4 Weekends

C35 Spring 2019 – 6 Weekends

C25 Fall 2019 – 4 Weekends

K-line TBD Spring 2020 – 4 weekends

We anticipate that additional notifications will be needed for service changes due to seismic retrofit work beginning next year.

The above-mentioned media outlets are not the only ones we use, but are the only outlets impacted by the \$100,000 limit on service agreements that need to go to the Board at this time. BART advertises on multiple Spanish radio stations and in several non-English newspapers (Spanish, Chinese, Vietnamese, Korean, East Indian, etc.), and Chinese-language TV. These vendors do not have the level of consolidation we've seen in the radio industry and have not exceeded the \$100,000 threshold.

We negotiate for competitive rates and increase our savings by not paying the 15% commission typically charged by ad agencies because we place the buys ourselves or use a buyer who charges an hourly rate rather than taking commissions. Additionally, we are cost-conscious in our media buying, and decline to purchase ads through certain outlets when rates are too high. Authorizing an increased spending limit will allow us flexibility to take advantage of special rates when they arise.

FISCAL IMPACT:

None.

This is not a request for more funding, but simply authority to use project and Marketing budgets already in place.

ALTERNATIVES:

No action.

Limit per vendor of \$100,000 remains in place. Advertising of track closures and other BART initiatives will be limited.

RECOMMENDATION:

Authorize an on-call contract for media buying with vendors to include iHeart Media, Cumulus, Entercom, CBS Radio, Pandora and Frequence for the remainder of FY17 through FY20, with options for FY21 and FY22 not to exceed \$1.4 million per fiscal year with funds coming from existing project and Marketing Department budgets. Allow additional media vendors to be added as needed, but within the overall cap of \$1.4 million, to provide the District with negotiating flexibility to obtain good value as the media market continues to evolve over the next few years.

MOTION:

Authorize the General Manager to execute an on-call contract for media buying with vendors

Media Purchases for Track Closure Notifications and Other Initiatives

to include iHeart Media, Cumulus, Entercom, CBS Radio, Pandora and Frequence for the remainder of FY17 through FY20, with options for FY21 and FY22 not to exceed \$1.4 million per fiscal year.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

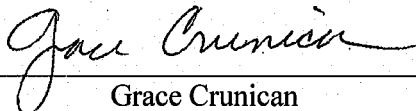
Date: March 3, 2017

FROM: General Manager

SUBJECT: **FY18 Possible Fare Modification Options Title VI Process**

Attached is a presentation describing possible FY18 fare modification options and the associated Title VI process that will be presented to the Board at the March 9, 2017 meeting as an informational item.

If you have any questions about the document, please contact Carter Mau, Assistant General Manager, Administration and Budget, at 510-464-6194.


Grace Crunican

Cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 2 March 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to March 09, O&S Committee Meeting		
DATE: 2/22/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 2/27/17	General Counsel <i>[Signature]</i> 2/28/17 []	Controller/Treasurer <i>[Signature]</i> 2/28/17 []	District Secretary []	BARC <i>[Signature]</i> For RO 3.2.2017 []

Award of Contract No. 15QH-150, Lafayette Station Site Improvements

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15QH-150 Lafayette Station Site Improvements to USS Cal Builders of Stanton, CA.

DISCUSSION: This Project work consists of storm water management and intermodal improvements. The work is limited to the two lower parking lots (Lot A and Lot B) in front of the station entrance.

Storm water management improvement will contribute to reducing storm water runoff contamination in Happy Valley Creek by implementing low impact development (LID) measures including rain gardens and pervious pavers. The project also includes provisions that will satisfy permit requirements of the State Water Resources Control Board for Small Municipal Separate Storm Sewer System (MS4) Operators such as BART.

The intermodal improvements will substantially enhance Station accessibility, vehicular and pedestrian circulation and safety. New pavement and new sidewalks with ADA curb ramps, new parking lot lighting and emergency call boxes will be installed. ADA parking stalls and motorcycle parking will be increased. A new ADA compliant ramp to access the upper parking lot will be installed and a new trash enclosure will be built. Congestion will be reduced by increasing passenger vehicle pick-up/ drop off (kiss and ride) queuing capacity and by separating it from County Connection bus stops. New bus stops and bus shelters will be located immediately to the west of the main entrance. New landscaping with irrigation and way finding signs will also be provided. The station entrance will be enhanced with an architectural stone veneer to make the station consistent with the surroundings.

The District provided advance notice to one hundred fifty one (151) prospective bidders, and plans were sent to twenty two (22) Plan Rooms. The Contract was advertised on December 13, 2016. A total of fifteen (15) firms purchased copies of the contract documents. A pre-bid meeting was held on January 4, 2017 with nine (9) prospective Bidders in attendance. Two addenda were issued for this Contract. Bids were publicly opened on January 31, 2017. A total of four (4) Bids were received as follows:

No.	BIDDER	LOCATION	BASE BID	OPTION BID	TOTAL BID
1	USS Cal Builders Inc.	Stanton, CA	\$4,650,000.00	\$168,000.00	\$4,818,000.00
2	McGuire & Hester	Oakland, CA	\$6,234,550.00	\$31,400.00	\$6,265,950.00
3	Hoseley Corporation	San Francisco, CA	\$6,680,000.00	\$82,000.00	\$6,762,000.00
4	Gordon N. Ball, Inc.	Alamo, CA	\$6,735,800.00	\$90,000.00	\$6,825,800.00
	Engineer's Estimate		\$4,684,362.62	\$91,583.44	\$4,775,946.06

After review by District staff, USS Cal Builders' Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of USS Cal Builders' license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$4,818,000.00 which is very close to the Engineer's estimate, is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). The Bidder, USS Cal Builders, Inc., committed to 4% MBE and 0% WBE. The Bidder did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, USS Cal

Builders, Inc., is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The third highest bidder, Hoseley Corporation, is certified as a small business. However, application of the 5% preference does not make it the low bidder.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

FISCAL IMPACT: Funding of \$4,818,000 for award of Contract No. 15QH-150 will come from the following projects. The office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

Project: 15QH000 – Repair Sidewalks SWD \$2,548,000

As of February 22, 2017, \$18,978,845 is available for this project from the following sources:

Fund Group	Amounts
Various State & Local Grant Sources	2,386,407
BART Operating Allocation to Capital	16,592,439
Total	18,978,846

BART has expended \$8,783,112, committed \$2,630,055, and reserved \$268,058 to-date for other actions. This action will commit \$2,548,000 leaving an available fund balance of \$4,749,620 in this project.

Project: 15QH001 – Lafayette Parking Low Impact Dev. \$2,270,000

As of February 22, 2017, \$2,990,934 is available for this project from the following sources:

Fund No.	Fund Description	Fund Source	Amounts
556E	Prop 84 Stormwater Grant Program	State	2,245,259
8524	FY12 Operation Allocation to Capital	BART	288,000
8525	FY13 Operation Allocation to Capital	BART	457,675
Total			2,990,934

BART has expended \$268,368, committed \$162,230, and reserved \$0 to-date for other

action. This action will commit \$2,270,000 leaving an available fund balance of \$290,337 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may reject all Bids and readvertise the work. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the improvement work and will cause the State Water Board Grant to expire.

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

MOTION: The General Manager is authorized to award Contract No. 15QH-150, Lafayette Station Site Improvements to USS Cal Builders, Inc. for the Base Bid Price of \$4,650,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the Option Bid Price of \$168,000.00



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Purner</i> 1 March 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 1/13/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C Earthquake Safety <i>A.P. Hitchings</i> Signature/Date: 2/20/17	General Counsel <i>[Signature]</i> 2/21/17 []	Controller/Treasurer <i>[Signature]</i> 2/21/17 []	District Secretary []	BARC <i>[Signature]</i> 2/27/17 []

Contract No. 79HM-120 SFTS MB, Change Order No. 50, Revised Containment of HDPE Pipe

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 50, Revised Containment of HDPE Pipe, to Contract No. 79HM-120, in the amount not to exceed \$434,418.00.

DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. was authorized by the Board on February 12, 2015; Notice to Proceed was issued on May 19, 2015. Change Order No. 50 for a revised containment of High Density Polyethelene ("HDPE") pipe will be issued for an amount not to exceed \$434,418.00.

The original design of SFTS MB includes vertical and horizontal HDPE mitigation pipes that are not adequately laterally supported to resist wave and current loads. The work of Change Order No. 50 adds a horizontal restraining bar and additional vertical restraining bars to provide positive restraint to resist wave and current loads pushing the vertical and horizontal pipes away from their preferred alignment.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$434,418 for Contract No. 79HM-120 Change Order No. 50 will come from project budget 79HM000 Transition Barriers. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of February 13, 2017, \$99,243,640 is available for this project from the following fund sources:

Fund Group	Amount
FEDERAL	\$81,841,535
BART	\$99,672
REGIONAL	\$4,434,499
STATE	\$12,867,934
Total	\$99,243,640

BART has expended \$67,482,982 and committed \$26,378,301 to date for other actions. This action will commit an additional \$434,418 leaving an uncommitted balance of \$4,947,939 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 50, Revised Containment of HDPE Pipe, in the not to exceed amount of \$434,418.00 to Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

Date: 3/3/17

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 50

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 1/31/17	59.00%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	3.94%	\$ 1,960,085	
Other Than Board Authorized COs <i>see note *</i>	4.32%	\$ 2,147,879	
This Change Order No. 50	0.87%	\$ 434,418	
Subtotal of all Change Orders	9.14%	\$ 4,542,382	
<u>Revised Contract Amount</u>			\$ 54,228,382

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	94	days
Time Extension Due to this CO 50	0	days
Revised Contract Duration	824	days



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

2017

March 3, 2017

Rebecca Saltzman
 PRESIDENT

Robert Raburn
 VICE PRESIDENT

Grace Crunican
 GENERAL MANAGER

To: Board of Directors
 From: General Manager
 Subject: Report to the Board of Directors by the
 Earthquake Safety Program Citizens' Oversight Committee

DIRECTORS

Debra Allen
 1ST DISTRICT

Joel Keller
 2ND DISTRICT

Rebecca Saltzman
 3RD DISTRICT

Robert Raburn, Ph.D.
 4TH DISTRICT

John McPartland
 5TH DISTRICT

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

Lateefah Simon
 7TH DISTRICT

Nicholas Josefowitz
 8TH DISTRICT

Bevan Duffy
 9TH DISTRICT


The Earthquake Safety Program Citizens' Oversight Committee must periodically present a report on their activities and findings to the Board of Directors. This report is for information only and requires no action by the Board.

The Committee has prepared a Report to the Board to convey its consensus opinion of the Earthquake Safety Program expenditures. The Report is scheduled for the March 9 Board meeting and will be given by the Chair of the Committee, Derek Schaible, who occupies the Seismic Retrofitting Seat on the Committee.

Committee members have received presentations covering a wide range of project details, including spending commitments, progress payments, contracting status, use of Bond funds and project progress reports.

The current committee is the fifth two-year committee to convene since 2006, when the committee first began its activities. The Committee is to verify that bond revenues are spent on earthquake upgrades as promised, and as was stated in the ballot language for the November 2, 2004 General Obligation Bond.

If you would like more information, please contact Molly McArthur at 510-464-6176.


 Grace Crunican

cc: Board Appointed Officers
 Deputy General Manager
 Executive Staff

**BART Earthquake Safety Program
Citizen's Oversight Committee**

Report to the BART Board of Directors

March 9, 2017

**Report No. 4
March 9, 2017**

**Earthquake Safety Program Citizens' Oversight Committee
Report to BART Board of Directors**

March 9, 2017

I. Overview

The Earthquake Safety Program Citizens' Oversight Committee (COC) has been in existence since January 2006. The current Committee is the fifth Committee empaneled by the BART Board of Directors to carry out the duties specified in Measure AA.

II. Establishment of the Citizens' Oversight Committee

The BART Earthquake Safety Program Citizens' Oversight Committee was created as required following the passage of Measure AA on November 2, 2004. The measure, which authorized the BART District to issue bonds for \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda counties, stipulated that BART establish a Citizens' Oversight Committee (COC) to verify that bond revenues are spent as promised.

The measure called for a five-member panel to be created from interested individuals who must reside within the three-county BART District. Each member must have specific expertise and fulfill one of the following:

- One member shall have expertise in seismic retrofitting
- One member shall have expertise in auditing
- One member shall have expertise in engineering
- One member shall have expertise in public financing or project management
- One member shall represent the community at large

III. Duties and Responsibilities of the Committee

The Committee Members assume no professional liability as to the quality and soundness of the design and construction of any element of the Program. The members of the COC have three key duties to fulfill, as set forth in BART Board Resolution 4920, passed by the BART Board in June 2004. They are to:

- ❑ Review scheduling and budgeting of projects to be funded by the bond measure.
- ❑ Confirm that work is completed and bond funds are expended in accordance with the bond measure.
- ❑ Inform the public concerning the expenditure of bond revenues.

IV. Selection of the COC

The current Committee is the fifth Committee to serve. The membership is shown below:

2015-2017 Membership

- ❑ Ralph Mason, Engineering Seat
- ❑ Sang Bak Lee, Public Financing/Project Management Seat
- ❑ Ching Wu, Seismic Retrofitting Seat
- ❑ Clinton Loftman, Auditing Seat
- ❑ Janine de Hart, Community At Large Seat

Alternates

- ❑ Derek Schaible, Seismic Retrofitting Seat – Committee Chair
- ❑ Karen Varnado, Community At Large Seat – Vice Chair

Upon resignation of Ralph Mason, the Committee made the following changes:

- Ching Wu was appointed to the Engineering Seat to take over the vacancy left by Ralph Mason.
- Derek Schaible was moved to the Seismic Retrofitting Seat, previously being the alternate

V. Report

Six COC meetings have been held under this Committee and are covered by this report. Over the course of these meetings, the Committee has asked staff for a wide range of information on the seismic upgrade program, from the Transbay Tube retrofit construction progress, to contingency funding and status of funds from funding sources.

Summary Financial Report

At each meeting, a financial report is presented to the committee detailing how much money has been spent out of the total \$980,000,000 in General Obligation Bond funds. At the February 2017 COC meeting, staff reported that 31 contracts within the Earthquake Safety Program were complete, with five currently in construction. The project has expended \$604,123,367 as of December 2016 which amounts to 62% of the total Bond funds.

A summary of the meetings follows:

May 6, 2015 -- Orientation Meeting

An orientation meeting was held on May 6, 2016 for new Citizens' Oversight Committee Members and Alternates. The Committee was provided with an overview of the function of the Citizens' Oversight Committee and a review of its responsibilities and duties.

The Committee was provided with the following:

- General Obligation Bond Language
- Resolution 4920
- Committee By Laws
- Brown Act
- Conflict Interest Code
- Earthquake Safety Program Fact Sheet
- Earthquake Safety Program Scope
- Form 700
- Exhibit A: Reportable Interests
- BART Contacts information
- Earthquake Safety Program Bond Financial Report
- Project Progress Report

Staff invited members of the Committee to introduce themselves and share some of their work experience.

New members reviewed the history of the Citizens' Oversight Committee and the Earthquake Safety Program, as well as the language of Measure AA. The Committee also reviewed all sources of funds for ESP, the Brown Act, the Conflict of Interest Code and associated exhibits, and the COC Bylaws. The Committee and alternates were informed that they could perform a free online Ethics and Public Service Training or choose to undergo training by BART staff.

Staff detailed the construction of the BART system and the seismic issues related to it, including vulnerability and various retrofit concepts. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. Staff also reviewed the Financial Status Report with the Committee.

BART Director Robert Raburn later addressed the Committee members, remarked on the critical role of the COC, and thanked members for their services.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for August 6, 2015 but was postponed until September 3, 2015.

September 3, 2015 – Second Meeting

The second COC meeting was held on September 3, 2015. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule

Staff discussed the selection of a Chairperson/Vice Chair and reviewed the roles and responsibilities of each position. The Committee nominated Derek Schaible for Chairperson and Karen Varnado for Vice Chair and the Committee approved unanimously.

Other administrative items were conducted including submission of Ethics Training forms, Form 700, and W9 documents, as well as review of the BART Code of Conduct.

Ramiro Salazar, Legal Counsel for BART, provided a brief explanation of the BART Code of Conduct for citizens' advisory committees, noting that the Code of Conduct was enacted by the BART Board of Directors in 2013 but had not previously been distributed to the ESP COC. Ramiro Salazar requested that committee members peruse the Code of Conduct and inform BART staff if they have any questions or comments

BART staff briefly described the retrofit concepts for the Transbay Tube, noting the projected cost is \$350 million dollars, substantial retrofit work will involve methods to prevent leakage in the event of a major earthquake, and that a new rail spur will need to be built to support the Transbay Tube retrofits.

The Committee inquired about the status of the Berkeley Hills Tunnel (BHT)—which is not part of the Earthquake Safety Program—including repair work, associated repair concepts, costs and impacts to BART customers.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for January 21, 2016.

January 21, 2016 – Third Meeting

The third COC meeting was held on January 21, 2016. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule

BART Board Director John McPartland attended the meeting and inquired about the Program scope and retrofit concepts. Director McPartland thanked the Committee for their participation and service.

The Committee had a discussion with staff about the progress of the Transbay Tube construction and contracting, including work on a related project to build a spur track at the Oakland Shops site in support of the Transbay Tube retrofit, as well as the requirements for the contractor to provide a work train.

The Committee had a brief discussion regarding BART's operations under various earthquake scenarios.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for April 28, 2016.

April 28, 2016 – Fourth Meeting

The fourth COC meeting was held on April 28, 2016. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule

Maisha Everhart, BART Manager of Local Government and Community Relations, gave a presentation on "Better BART" and the draft expenditure plan that outlines how BART would spend a proposed safety and reliability bond measure for the November 2016 ballot.

As part of the discussion on "Better BART", staff explained to the Committee that \$65 million of the bond has been identified for creep repairs to the Berkeley Hills Tunnel which is not part of the Earthquake Safety Program scope, but that the bond did not include money to construct a new tunnel. Staff also confirmed that the bond will be paid through property taxes.

The Committee was provided a copy of the "Better BART" presentation.

BART staff commented on some of the challenges of the current ESP projects including redesign of micropile installation due to unforeseen underground obstructions, working with an elementary school to coordinate work activities and plan for impacts, and redesigning foundation retrofits to avoid major traffic impacts.

The Committee had a brief discussion on the status of Transbay Tube construction and expected impacts to BART's operations during construction.

BART staff commented that most of the work under the Earthquake Safety Program had been performed with little impact to passenger service, and that the Program works to limit disruptions as much as possible.

BART Board Director Raburn was in attendance and thanked the Committee for their participation and service.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for September 15, 2016 but was postponed until November 9, 2016.

November 9, 2016 – Fifth Meeting

The fifth COC meeting was held on November 9, 2016. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule

The Committee had a discussion regarding the status of Transbay Tube construction and expected impacts to BART's operations during construction, including a new element that will require weekday delays to the start of system service as well as single tracking.

The Committee asked for details about the Report to the Board. Staff informed the Committee that information about the Report to Board would be on the agenda for the next COC meeting in February 2017. The Committee Chair will present the report to the BART Board.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for February 8, 2017.

February 8, 2017 – Sixth Meeting

The fifth COC meeting was held on February 8, 2017. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule

The Committee had a brief discussion with staff regarding the Report to the Board.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for May 17, 2017.

VI. Public Access to the COC

The Earthquake Safety Program has established several systems for the public to contact them with questions. These include:

- A dedicated COC telephone information line
- An email address
- COC section of the BART website

The telephone and email are checked daily by project staff. Any inquiries that are received via phone or email are sent on to the COC Chair and the appropriate COC seat holder to provide a response. Project staff provides the Chair with additional information or assistance as required. To date, the COC has received one inquiry from the public.

VII. Summary Committee Report

The consensus of the members of the Citizens' Oversight Committee is that information provided by BART staff was presented in an informative manner, helping members understand work schedules and funding processes. During the term, members have reviewed the schedule and budget for projects funded by the General Obligation Bond and confirm that the work is being completed and that funds are being expended in accordance with the Bond Measure.

Members are satisfied with presentations made by BART's Earthquake Safety Project Staff. The Committee has concluded that the project staff is effectively structured and organized to address potential issues and complete the project.

