

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

**BOARD MEETING AGENDA**

March 11, 2010

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 11, 2010, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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.

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, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

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.

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 December 3, 2009.\* Board requested to authorize.
- B. Ratification of Special Appointments to External Committees.\* Board requested to ratify.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. List of Projects for High Speed Passenger Train Bond Program Funding.\* Board requested to adopt.

4. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. (CONTINUED from January 28, 2010, Board Meeting)  
Translink Program Update.\* For information.

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

Director Ward Allen, Chairperson

- A. Review of Potential Vehicle Registration Fee for Local Transportation and Transit Improvements in Alameda County. Dennis Fay, Executive Director, and Beth Walukas, Manager of Planning, Alameda County Congestion Management Agency. For information.

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Report of the BART Police Department Review Committee: Citizen Review Board Selection Process.\* For discussion.
- B. Report of the Regional Rail Committee. For information.
- C. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
  - Name of Case: George et al. v. BART, U. S. District Court, Northern District of California, Case No. C002206CW11
  - Government Code Section: 54956.9 (a)

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** March 5 2010

**FROM:** District Secretary

**SUBJECT:** Special Appointments to External Committees

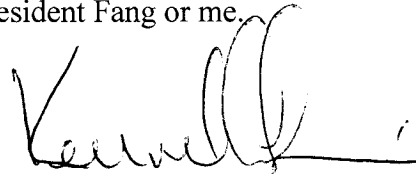
Attached for your consideration are President Fang's proposed appointments of Directors Blalock and McPartland to external committees.

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Fang is bringing the appointments of Directors Blalock and McPartland before the Board of Directors for ratification on March 11, 2010.

Should you have any questions, please contact President Fang or me.

Thank you.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

Item No. 2-B.

RATIFICATION OF SPECIAL APPOINTMENTS – EXTERNAL

MOTION:

That the Board of Directors ratifies the following proposed appointments to the Diridon Station Area Joint Policy Advisory Board and the Hacienda Transit Oriented Development Task Force.

Diridon Station Area Joint Policy Advisory Board (City of San Jose):

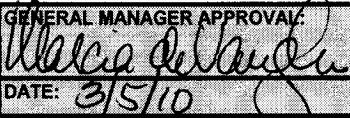
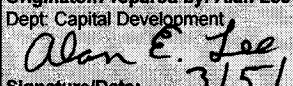
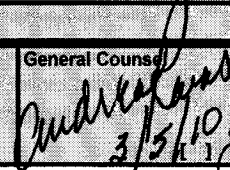
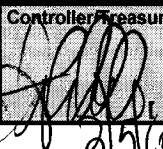
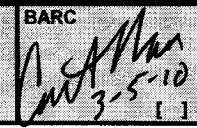
Director Thomas M. Blalock, P.E.

Hacienda Transit Oriented Development Task Force (City of Pleasanton):

Director John McPartland



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to the Administration Committee		
DATE: 3/5/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alan Lee Dept. Capital Development  Signature/Date: 3/5/10	General Counsel  3/5/10	Controller/Treasurer  3/5/10	District Secretary [ ]	BARC  3-5-10 [ ]
Status: Routed		Date Created: 02/17/2010		

TITLE:

### Projects for High Speed Rail Funding

NARRATIVE:

#### **PURPOSE:**

To obtain BART Board approval to submit a priority list of projects to the California Transportation Commission (CTC) for up to \$256.7 million in High-Speed Passenger Train Bond Program (HSPTB) funding.

#### **DISCUSSION:**

The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century approved by California voters as Proposition 1A on November 4, 2008, authorizes the release of \$9.95 billion in state General Obligation Bonds to be used to develop a high-speed train (HST) system connecting Northern and Southern California and authorizes the CTC to allocate \$760 million for commuter and urban rail systems that provide direct connectivity to the high-speed train system and its facilities or that provide capacity enhancements and safety improvements. Under the High-Speed Passenger Train Bond (HSPTB) Program BART is eligible to receive \$256.7 million by formula. The release of these funds for the HSPTB Program is dependant upon development of guidelines for the use and allocation of these funds from the CTC. BART reviewed and commented on the CTC's draft guidelines. The CTC adopted High-Speed Passenger Train Bond Program Guidelines on February 24, 2010.

The Guidelines establish rigorous criteria including: 1) Funding is only available for projects that will be ready for construction within the three-year rolling program; 2) the CTC will program up to five percent of HSPTB Program funds for studies or preconstruction activities for projects that will be ready for construction within the three-year rolling program; and 3) CTC requires not less than a dollar-for-dollar match.

Project applications for projects requesting an allocation in the first year and the list of projects are due to the Commission March 15, 2010. Where feasible, CTC staff has also requested that applicants identify matching funds for projects in the first three year rolling program. HSPTB funding will come over a number of years and the cash flow of Proposition 1A funds is dynamic and dependent upon the State's fiscal situation and thus requires flexibility in developing funding programs to match Proposition 1A funds.

Staff developed the list of projects based on connectivity to the High Speed Rail, reliability and capacity improvements as well as the Draft VTA Core Stations Modification Study (2010). The Draft VTA Core Stations Modification Study evaluated patronage and operations impacts of the Silicon Valley Rapid Transit Extension on BART as well as future background patronage growth of the existing system. High Speed Rail Bonds could be a potential funding source for \$150 million for the Rail Car Replacement Program (Phase 1), as indicated to the Board on August 27, 2009.

**FISCAL IMPACT:**

Approval of a List of Projects is a requirement for the District to receive an allocation of High Speed Rail funding. This action will have no fiscal impact on un-programmed District Reserves.

**ALTERNATIVES:**

Do not approve the List of Projects for the HSPTB Program. It is likely that failure to submit a list of would affect BART's receipt of High Speed Rail bond proceeds.

**RECOMMENDATION:**

Staff recommends that the List of Projects for the BART HSPTB Program shown in Attachment A of the Resolution be submitted to the CTC. (Note: the List of Projects may be changed in future years.) Staff will bring back to the BART Board for consideration any proposed changes to the List of Projects, as well as new sources of local match for those currently listed projects where a local match is not identified.

**MOTION:**

That the Board adopt the attached Resolution Approving the List of Projects for the BART High-Speed Passenger Train Bond Program.

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

In the Matter of

Approving the List of Projects for the BART  
High-Speed Passenger Train Bond Program/

Resolution No. \_\_\_\_\_

**WHEREAS**, Proposition 1A authorizes the release of \$9.95 billion in state General Obligation Bonds to be used to develop a high-speed train (HST) system connecting Northern and Southern California and authorizes the California Transportation Commission (CTC) upon issuance of state bonds to allocate net proceeds received from the sale of \$950 million in bonds funds for capital improvements to intercity rail lines, commuter rail lines, and commuter and urban rail systems that provide direct connectivity to the high-speed train system and its facilities or that provide capacity enhancements and safety improvements; and

**WHEREAS**, The CTC has developed High-Speed Train Bond Program Guidelines to program and allocate net proceeds received from the sale of \$950 million in bonds authorized under Proposition 1A for the High-Speed Passenger Train Bond Program; and

**WHEREAS**, Under the High-Speed Passenger Train Bond Program, a total of \$760 million will be divided among eligible commuter and urban rail systems applicants using a formula distribution which incorporates the following factors: track miles, vehicle miles, and passenger trips; and

**WHEREAS**, Under the High-Speed Passenger Train Bond Program, BART is eligible to receive up to \$256.7 million by formula; and

**WHEREAS**, the cash flow of Proposition 1A funds is dynamic and dependent upon the State's fiscal situation and thus requires flexibility in developing funding programs to match Proposition 1A funds; and

**WHEREAS**, BART's List of Projects for the High-Speed Passenger Train Bond Program is shown as Attachment A and may be may be changed in future years depending on the availability of funding sources and evolving priorities; and

**WHEREAS**, Section 2704.095 of the California Streets and Highway Code requires not less than a dollar for dollar matching funds for the High-Speed Passenger Train Bond Program; and

**WHEREAS**, BART has identified dollar for dollar matching funds for the BART High-Speed Passenger Train Bond Program for certain projects as shown in Attachment A; and

**WHEREAS**, for projects shown in Attachment A where the match source is identified as To Be Determined (TBD), BART staff will return to the BART Board with a Resolution of Local Match before applying for High-Speed Passenger Train Bond Program funding.

**RESOLVED**, that before grant applications are submitted for any project in Attachment A, staff will make a determination that matching dollars are available.

**AND BE IT FURTHER RESOLVED**, that the BART Board does hereby authorize General Manager or her designee to complete and submit the appropriate grant applications as part of any available State Proposition 1A capital grant programs available for the High-Speed Passenger Train Bond Program and to enter into any funding and related agreements with respect to the acceptance and award of any grant funds affiliated with the applications.

**AND BE IT FURTHER RESOLVED**, that the BART Board of Directors does hereby authorize the General Manager or her designee to submit the BART High-Speed Passenger Train Bond Program List of Projects.

**AND BE IT FURTHER RESOLVED**, that the General Manager is directed to transmit a copy of this resolution to the California Transportation Commission, California High Speed Rail Authority, and California Department of Transportation Division of Mass Transportation.

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ATTACHMENT A  
San Francisco Bay Area Rapid Transit District  
High-Speed Passenger Train Bond Program

Project/Program	High Speed Rail Bonds	Estimated Total Project Costs	FY 10/11		FY 11/12		FY 12/13		Future Years	
			High Speed Rail	Match (Source/s)	High Speed Rail	Match (Source/s)	High Speed Rail	Match (Source/s)	High Speed Rail	Match (Source/s)
Rail Car Replacement Program (Phase 1)	\$150,000,000	\$1,026,000,000			\$30,200,000	Fed 5307/5309	\$38,630,000	Fed. 5307/5309	\$81,170,000	Fed. 5307/5309
Car Reconfiguration Capacity Increase (384 cars)	\$2,000,000	\$4,000,000	\$1,000,000	\$1,000,000 Fed ARRA	\$1,000,000	\$1,000,000 Fed ARRA				
Hayward Yard East/Hayward Yard Maintenance Complex	\$60,000,000	Under Development	\$10,000,000	TBD	\$22,000,000	TBD	\$22,000,000	TBD	\$6,000,000	TBD
Embarcadero/Montgomery Renovations and Capacity Enhancements	\$26,000,000	\$74,000,000	TBD	TBD	\$2,000,000	\$2,000,000 Prop K, Prop 1B, RM-2, Developer Fees	\$2,000,000	\$2,000,000 Prop K, Prop 1B, RM-2, Developer Fees	\$22,000,000	\$22,000,000 Prop K, Prop 1B, RM-2, Developer Fees
Traction Power/Train Control Reliability and Capacity Improvements	\$8,700,000	\$17,400,000	\$3,000,000	\$3,000,000 Fed 5307/5309	\$3,000,000	\$3,000,000 Fed 5307/5309	\$2,700,000	\$2,700,000 Fed 5307/5309		
New Operations Control Center Capacity Increase	\$10,000,000	Under Development							\$10,000,000	TBD
Total	\$256,700,000	\$1,121,400,000 +	\$14,000,000		\$58,200,000		\$65,330,000		\$119,170,000	

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

TO: Board of Directors

DATE: March 5, 2010


FROM: General Manager

SUBJECT: Draft Citizen Board Selection Process

At the March 11<sup>th</sup> Board of Directors Meeting, the BART Police Department (BPD) Review Committee will report on the draft selection process for the citizen oversight board. As you may recall, the BART model of citizen oversight adopted by the Board last year included appointment of a Citizen Board. Each Director selects a member of the Citizen Board, the BART Police Associations make one joint selection to the Citizen Board and, the Board of Directors selects one at-large member to the Citizen Board. A copy of the draft selection process is attached for your review.

During the BPD Review Committee's review of the proposed selection process, it discussed whether the Citizen Board member selected by each Director should reside within the district each Director represents or whether Directors should be able to select Citizen Board members residing anywhere within the BART District. At the last BPD Review Committee meeting it was decided that the draft Citizen Board selection process should come to the Board for input and discussion.

If you have questions regarding the attached document, please contact Marcia deVaughn at (510) 464-6126.

  
Dorothy W. Dugger

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

## **BART Police Citizen Board Voting and Selection Procedure**

The Office of the District Secretary will manage the process for the initial round of Citizen Board appointments by the Board of Directors. The Independent Police Auditor will manage the process for subsequent appointments. The Office of the District Secretary will publicize the application acceptance period. Announcements methods may include but not be limited to the following:

- Post notice on the BART website,
- Place classified advertisements in legal and local newspapers,
- Announce at BART Board meetings,
- Send notices to community and professional organizations, and
- Notify persons who have been recommended or have expressed an interest in serving.

Applications (form to be developed) received by District Secretary will be screened for minimum qualifications and forwarded to the BART Board of Directors. BPMA and BPOA will conduct a parallel and independent search for their appointee and will forward the application of their selected candidate to the District Secretary by the due date. Applicants who meet the minimum qualifications will be invited to attend a BART Board of Directors Meeting to make a brief statement of interest. At the meeting:

- Directors will be provided a numbered list of applicants that indicates the district where each applicant resides.
- Each Director may select one applicant.
- If there is no applicant for a particular district, the Director representing that district may choose from the remaining applicant pool.
- Once each Director has made a selection, the remaining applicants will be considered for member at-large.
- Each Director will vote for the member-at-large by selecting their top three choices from the remaining applicant pool in order of preference. Each vote will be tallied using a weighted point method. The applicant with the highest ranking will be selected as member-at-large.

After being selected to serve on the Citizen Board, members shall receive training. The training plan will be developed by the independent police auditor. After successful completion of training, Citizen Board members will be seated, subject to passing the required background check.