

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

BOARD MEETING AGENDA

March 26, 2015

5:00 p.m.

A regular meeting of the Board of Directors will be held at **5:00 p.m.** on Thursday, March 26, 2015, 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 12, 2015.* Board requested to authorize.
 - B. BART Accessibility Task Force Membership Appointment.* Board requested to authorize.
 - C. Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program.* Board requested to adopt.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Keller, Chairperson

 - A. Title VI/Environmental Justice Report for East Contra Costa Extension Pittsburg Center Station.* Board requested to approve.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

 - A. Earthquake Safety Program: Berkeley Hills Tunnel Policy Discussion.* For information.
 - B. Update on Employee Safety Initiatives.* For information.

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

Director Raburn, Chairperson

 - A. Agreements with Public and Private Transportation Providers for Temporary Bus Services.* Board requested to authorize.
 - B. Art Policy and Program: Funding and Programming Alternatives.* For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Update of Roll Call for Introductions Items.

8. BOARD MATTERS

- A. 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.)
- 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.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

9. PUBLIC COMMENT

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

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

Board of Directors
Minutes of the 1,729th Meeting
March 12, 2015

A regular meeting of the Board of Directors was held March 12, 2015, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California; and King David Hotel, 23 King David Street, Jerusalem, Israel. President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock.

Director present in Jerusalem: Director Josefowitz.

Absent: None. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 26, 2015.
2. Resolution Authorizing Actions Necessary to Obtain Cycle 4 Lifeline Transportation Funds.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2015 Second Quarter Financial Report.

Director Murray made the following motions as a unit. Director Mallett seconded the motions, which carried by unanimous roll call vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Radulovich.

1. That the Minutes of the Meeting of February 26, 2015, be approved.
2. Adoption of Resolution No. 5288, In the Matter of Authorizing Actions Necessary to Obtain Cycle 4 Lifeline Transportation Funds from the Metropolitan Transportation Commission.

Director Keller, Chairperson of the Administration Committee, brought the matter of Hayward Maintenance Complex: Project Stabilization Agreement, before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

The following individuals addressed the Board.

Andreas Cluver
Andrew Slivka

President Blalock moved that the General Manager be authorized to execute a Project Stabilization Agreement with the Alameda County Building and Construction Trades Council and its affiliated local unions in connection with the Component Repair Building and Shop Modification Project at the Hayward Maintenance Complex consistent with the substantive terms described in the Executive Decision Document; and that the agreement be approved as to form by the General Counsel. Director McPartland seconded the motion. Director Raburn requested the motion be amended to include the requirement of posting all relative documents on the District's web site, and that a third party administrator be included in the terms of the agreement.

Director Radulovich entered the Meeting in Oakland.

The proposed amendments were discussed. The maker and seconder of the motion accepted the amendment to post all relative documents about the Project Stabilization Agreement on the District's web site. The amended motion carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Cubic Transportation Systems, Inc., for Procurement and Installation of Upgraded Components for Automatic Fare Collection Equipment before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. John Yen, Acting Manager, Fare Collection Engineering Division, presented the item. The item was discussed. Director Keller moved that, pursuant to Public Contract Code Section 20227, the Board find that Cubic Transportation Systems, Inc., is the single source for the Procurement and Installation of Upgraded Components for Automatic Fare Collection Equipment, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations and execute a contract with Cubic Transportation Systems, Inc., for the Procurement and Installation of Upgraded Components for Automatic Fare Collection Equipment, in the form of "asset refresh" kits at 44 stations, for an amount not to exceed \$12,636,550.00, plus applicable taxes. Director Saltzman seconded the motion. Discussion continued. The motion carried by roll call vote by the required two-thirds majority. Ayes - 6: Directors Keller, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 2: Directors Josefowitz and Murray. Abstain - 1: Director Mallett.

President Blalock returned to the matter of Hayward Maintenance Complex: Project Stabilization Agreement, and Eddie Dillard addressed the Board.

Director McPartland brought the matter of Warm Springs Extension Project: Semi-Annual Project Update, before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program; and Mr. Robert Mitroff, Manager of Fleet and Capacity Planning, and Mr. Oversier presented the item.

The following individuals addressed the Board.
Randall Glock
Jerry Grace

The item was discussed.

Director McPartland brought the matter of Change Order to Contract No. 02EE-120, Warm Springs Extension Design-Build Line, Track, Station, and Systems, with Warm Springs Constructors, for Differing Site Conditions (C.O. No. 95) before the Board. Mr. Medved presented the item. President Blalock moved that the General Manager be authorized to execute Change Order No. 95, Differing Site Conditions – Contaminated Soil, to Contract No. 02EE-120, Warm Springs Extension Design-Build Line, Track, Station, and Systems, in the amount of \$2,500,000.00. Director Mallett seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Bicycle Access to BART: Annual Update, before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item.

The following individuals addressed the Board.

Alan Smith

Jerry Grace

The item was discussed.

President Blalock called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Blalock called for the Controller/Treasurer's Report. Mr. Scott Schroeder, Controller/Treasurer, reported on the activities of the Office over the past quarter. The report was discussed.

President Blalock brought the matter of Resolution In the Matter of Creation of a Life Insurance and Employee Survivor Benefits Trust, Approval of an Investment Policy for the Trust and Indemnification of the Trustee before the Board. Mr. Schroeder presented the item. Director Murray moved adoption of Resolution No. 5289, In the Matter of Creation of a Life Insurance and Employee Survivor Benefits Trust, Approval of an Investment Policy for the Trust and Indemnification of the Trustee. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0.

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

Director Raburn reported he had attended the 19th Street/Oakland Station bicycle station opening, the ribbon cutting of the 19th Street/Oakland Station escalator canopy, and the BART / AC Transit Interagency Liaison Committee meeting.

Director Saltzman reported she had attended the BART / AC Transit Interagency Liaison Committee meeting and the Citizen Review Board meeting.

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

President Blalock announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel), Item 10-B (Conference with Real Property Negotiators), and Item 10-C (Conference with Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 1:06 p.m.

The Board Meeting reconvened in closed session at 1:15 p.m.

Directors present in Oakland: Directors Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock.

Director present in Jerusalem: Director Josefowitz.

Absent: None.

The Board Meeting recessed at 2:36 p.m.

The Board Meeting reconvened in open session at 2:38 p.m.

Directors present in Oakland: Directors Mallett and Blalock.

Director present in Nelson: None.

Absent: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, and Saltzman.

President Blalock announced that the Board had concluded its closed session under Items 10-A through 10-C of the Regular Meeting agenda, and that there were no further announcements to be made.

President Blalock announced that Authorization for Completion of Negotiations and Execution of Agreements to Purchase Joseph P. Bort Metro Center, 101 8th Street, Oakland, California, from the Metropolitan Transportation Commission and the Association of Bay Area Governments would be continued to a future meeting.

The Board Meeting was adjourned at 2:38 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/18/15		BOARD INITIATED/ITEM: No		
Originator/Prepared by: Robert Franklin Dept: <i>Bob Franklin</i> Signature/Date:	General Counsel <i>Audrey Rose</i> 3/18/15 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> 3-18-15 []
Status: Routed		Date Created: 03/09/2015		

TITLE:

BART Accessibility Task Force New Member Appointment

NARRATIVE:

Purpose:

For the BART Board of Directors to consider appointing a newly nominated member, Linda Drattell, to the BART Accessibility Task Force (BATF).

Discussion:

The BATF has been in existence since 1975 to advise the BART Board and BART staff on accessibility issues at BART. The BATF by-laws provide for the committee to be composed of up to eighteen members who live or work in the BART service area. The BATF by-laws also state that to become a member of the committee, an interested applicant must attend three out of four consecutive meetings and then apply for membership. If the applicant is endorsed by the members of the BATF through a majority vote, then the recommendation for membership is submitted to the BART Board of Directors for final approval.

Candidate for BATF Membership:

Linda Drattell, a candidate for membership to the BATF, was endorsed by an unanimous vote of the members of the BATF that were present at the February 27, 2015 BATF Committee meeting. The BATF's membership recommendation is now being submitted to the BART Board for consideration.

The prospective candidate, if approved by the BART Board for BATF membership, will be officially seated on March 26, 2015 as a member of the BATF for a term of one year, or until the BART Board announces appointments and/or reappointments for a new term, whichever occurs later.

If approved, the BATF will be comprised of 16 members.

Fiscal impact:

There is a \$15 monthly stipend for travel for each regularly scheduled monthly meeting that members attend. Additionally, members are eligible to be reimbursed for the actual cost of travel for additional, pre-approved meetings. The funding source is the operating budget of the Customer Access and Accessibility Department.

Recommendation:

Appoint Linda Drattell to the BATF.

Alternatives:

Do not make the appointment.

Motion:

The BART Board accepts the recommendation of the BATF and appoints the nominated candidate, Linda Drattell, for membership to the BATF for a term beginning April 23, 2015 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcey DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Deidre Heitman Dept: Grant Development <i>Deidre Heitman</i> Signature/Date: 3-17-15	General Counsel <i>Andrea Rojas</i> 3-17-15	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i> 3-17-15
Status: Routed		Date Created: 03/09/2015		
TITLE:				

Adoption of a Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP)

NARRATIVE:

Purpose:

To obtain Board approval of a Resolution Authorizing the Execution of Certifications and Assurances for the 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 Bills 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. As defined by the California Environmental Protection Agency (Cal EPA), "Disadvantaged Communities" are areas disproportionately affected by multiple types of pollution and areas with vulnerable populations, based on geographic, socioeconomic, public health and environmental hazard criteria. Only the Cal EPA designation of Disadvantaged Communities may be used for LCTOP purposes.

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 reduction 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. Per SB 862, local agency recipients are responsible for ensuring projects selected provide maximum public benefits for transit, greenhouse gas reductions, and Disadvantaged Communities.

The LCTOP is a formula-based program, administered by the California Department of Transportation (Caltrans), similar to the State Transit Assistance (STA) program, in which BART receives the funding directly from the state, once applications are approved. The FY

2014-15 State Budget (SB 852) appropriated \$25 million statewide for LCTOP and SB 862 continuously appropriates 5 percent of the annual auction proceeds in the Greenhouse Gas Reduction Fund (GGRF) for LCTOP beginning in FY 2015-16. For FY 2014-15, BART is eligible to receive \$1,596,049. Project proposals are due to Caltrans by April 15, 2015. If BART does not submit an eligible project by April 15th, it forfeits its share of funding for FY 2014-15. Full funding will be released for projects by June 30, 2015 only if the project has expenditures within six months of the allocation date.

As with the other Cap-and-Trade programs, ongoing funding for LCTOP is dependent on the state's quarterly auction of greenhouse gas "allowances," of which a portion of the proceeds is deposited in the state's Greenhouse Gas Reduction Fund (GGRF). It is anticipated that within the next several years, these auctions will generate substantial funding and the LCTOP program will continue to grow. Revenues to BART through this program could average as much as \$8 million per year.

On December 19, 2014, the California State Transportation Agency (CalSTA) and Caltrans issued interim guidelines for the LCTOP Program. These guidelines require transit agencies that receive LCTOP funds to authorize, by Board resolution, its agents to execute application documents and provide certain certifications and assurances. Staff requests that the Board adopt the Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP).

Upon review of projects that meet the required eligibility criteria and are ready to implement, BART staff seek Board approval to execute an application for a BART project deemed as meeting the criteria.

As discussed at the January 2015 Board workshop, one potential project could be adding weekend shifts at the Hayward maintenance shop, beginning in July 2015. The two additional shifts are part of a program to augment the rehabilitation and maintenance of BART's existing fleet which in turn will allow BART to operate longer trains, providing a measure of relief from currently crowded conditions on BART cars during the peak period. The direct result of the additional crew will be to put an additional 13 cars into peak service by December, 2015. The total project cost is \$3,200,000. This investment will benefit all BART riders, including those in Disadvantaged Communities.

Fiscal Impact:

If the proposed weekend crew project is selected as an eligible candidate, BART will match these funds with \$1,603,951 in BART operating revenues to fully fund the Project for one year of operation, and these funds are included in BART's FY 2015-16 operating budget.

By adopting this Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP), BART may apply for \$1,596,049 for the selected project and may receive these funds on June 30, 2015.

This action will have no fiscal impact on unprogrammed District Reserves.

Alternative:

Do not approve the Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). BART would risk the loss of \$1,596,049 in LCTOP funding for FY 14-15; BART would remain eligible for future fiscal years.

Recommendation:

Adoption of the following motion.

Motion:

The BART Board approves adoption of the attached Resolution "In the Matter of Authorizing the Execution of Certifications and Assurances and the Appointment of an Authorized Agent for the Low Carbon Transit Operations Program (LCTOP)".

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

**In the Matter of Authorizing the Execution of
Certifications and Assurances and the Appointment
Of an Authorized Agent for the Low
Carbon Transit Operations Program (LCTOP)/**

Resolution No. _____

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

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

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

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

WHEREAS, Caltrans interim guidelines require that BART execute Certifications and Assurances, Attachment A, and an Authorized Agent form, Attachment B; and

WHEREAS, BART wishes to delegate authorization to execute these documents and any amendments thereto to the BART General Manager and to the Assistant General Manager of External Affairs.

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

BE IT FURTHER RESOLVED that the BART Board authorizes the General Manager to appoint the Assistant General Manager of External Affairs as BART's Authorized Agent for the execution of any actions necessary for the purpose of obtaining LCTOP funds; and

BE IT FURTHER RESOLVED that the BART Board authorizes the General Manager or the Assistant General Manager of External Affairs to execute all required documents of the LCTOP program and any amendments thereto with Caltrans in connection with this program; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to Caltrans, the grant provider.

###



Attachment A

Low Carbon Transit Operations Program (LCTOP) Certifications and Assurances

Project Sponsor: _____
Agency Name: _____

Effective Date of this Document: _____

The California Department of Transportation (Department) has adopted the following certifications and assurances for the Low Carbon Transit Operations Program. As a condition of the receipt of LCTOP funds, project sponsors (both Project Lead and Contributing Sponsors) must comply with these terms and conditions.

A. General

- (1) The project sponsor agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
- (2) The project sponsor must submit to the Department a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

B. Project Administration

- (1) The project lead certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The project lead assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
- (2) The project lead certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
- (3) The project lead certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
- (4) The project lead certifies that they will notify the Department of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
- (5) The project lead must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
- (6) Any interest the project lead earns on LCTOP funds must be used only on approved LCTOP projects.

- (7) The project lead must notify the Department of any changes to the approved project with a Corrective Action Plan (CAP).
- (8) Under extraordinary circumstances, a project lead may terminate a project prior to completion. In the event the project lead terminates a project prior to completion, the project lead must (1) contact the Department in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.
- (9) Funds must be encumbered and liquidated within the time allowed.

C. Reporting

- (1) The project lead must submit the following LCTOP reports:
 - a. Semi-Annual Progress Reports by February 15th and August 15th each year.
 - b. A Final Report within six months of project completion.
 - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to the Department within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.
- (2) Other Reporting Requirements: ARAB is developing funding guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with ARAB's funding guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

D. Cost Principles

- (1) The project lead agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- (2) The project lead agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
 - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items and
 - b. those parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with Federal administrative procedures in accordance with 49

CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

- (3) Any project cost for which the project lead has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 49 CFR, Part 18, are subject to repayment by the project lead to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs subject to repayment by the project lead to the State. Should the project lead fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the project lead from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

E. Record Retention

- (1) The project lead agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the project lead, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of the project lead, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years from the date of final payment and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the project lead, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the project lead pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the project lead's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
- (2) For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the project lead's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the project lead shall furnish copies thereof if requested.
- (3) The project lead, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other



agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

The Department may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at the Department's discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

AUTHORIZING OFFICER, Title
Unit/Department/Agency



ATTACHMENT I

(INSERT Agency Board Resolution approving this document)

See Sample attached



Attachment B
Authorized Agent

AS THE _____
(Chief Executive Officer / Director / President / Secretary)

OF THE _____
(Name of County/City Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. This form is valid for Fiscal Year 2014-2015 funds. If there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

(Name and Title of Authorized Agent) OR

(Name and Title of Authorized Agent) OR

(Print Name) (Title)

(Signature)

Approved this _____ day of _____, 20____

Attachment: Board Resolution approving Authorized Agent



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delander</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/20/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella M Sambour Dept: Office of Civil Rights	General Counsel <i>Indy Keel</i> 3/19/15 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> 3-19-15 []
Signature/Date: <i>[Signature]</i> 3/19/15				
Status: Approved		Date Created: 03/11/2015		

TITLE: eBART Pittsburg Center Station Title VI/Environmental Justice Report

NARRATIVE: **Purpose:**

To request Board approval of the eBART Pittsburg Center Station Title VI/Environmental Justice Report (Analysis).

Background:

In October 2011, staff completed a Title VI analysis for the proposed Hillcrest Station of the eBART Project. Recently, additional funding has become available for a second, infill station, the Pittsburg Center Station, to be fully built. Pursuant to Federal Transit Administration (FTA) regulations, as amended in October 2012, a Title VI/Environmental Justice (EJ) analysis needs to be completed prior to proceeding with the Pittsburg Center Station.

FTA requires agencies to identify and assess the potential for disproportionately high and adverse impacts on minority or low-income populations (EJ communities) that could result from any of the District's proposed programs, policies, and activities.

The Analysis assesses whether EJ communities will experience disproportionately high and adverse impacts from the construction of the Pittsburg Center Station. The Analysis is attached as Exhibit A.

Discussion:

The Pittsburg Center Station is part of the eBART Project, which is planned to run from the Pittsburg-Bay Point BART Station eastward along the median of State Route (SR) 4 to the City of Antioch. The proposed Pittsburg Center Station will be located in the center median of SR 4 at Railroad Avenue in the City of Pittsburg.

The Analysis evaluated whether there was a disproportionate impact on EJ communities by defining the area impacted by station construction and operations, identifying EJ communities within those areas, identifying adverse environmental effects

and benefits on EJ communities, determining whether any adverse effects disproportionately affect EJ communities, and soliciting input from impacted populations on the accuracy of the Analysis' proposed assessment of benefits and adverse impacts. These steps are consistent with the methodology recommended or required by the FTA.

The Analysis found that the ½ mile radius around the station has a minority population of 86.3% and a low-income population of 61.6%. The ethnic breakdown is as follows: Hispanic or Latino population: 59.1%, a Black or African American: 14.2%, Asian: 8.0%, American Indian and Alaska Native: 0.6%, Native Hawaiian and Other Pacific Islander: 1.3%, and Other: 3.1%.

Therefore, the communities that will benefit from the proposed project are the EJ communities. The benefits of the project are: improved overall transportation service and enhanced mobility in the SR 4 corridor; enhanced access to transit systems; enhanced connectivity and seamlessness of the transit system; transit-oriented land use initiatives and policies; and enhanced economic benefits.

After review of the comments received from impacted communities, the Analysis found that construction of the Pittsburg Center Station would not cause disproportionately high and adverse health and environmental impacts related to parking, noise, air quality, or community services on minority or low-income populations.

The Analysis found that any adverse effects identified in the EIR would be mitigated or offset with benefits. Proposed mitigation measures were found to be comparable to those offered to non-EJ communities in other BART projects. Public meeting participants did not object to the Analysis' draft assessment. The proposed station's benefits were found to be greater than its mitigated adverse impacts.

Public Participation:

BART staff reached out to residents and businesses within the impact area of the project site through meeting notices, printed translated ads, and social media. All meeting notifications were translated into Spanish and Chinese. An on-site interpreter was available at the meeting to assist non-English participants. For those unable to participate at the meeting, the draft Analysis was posted on the eBART website with a request to provide comments through the Office of Civil Rights. In addition to the public meeting, staff presented to and sought input from BART's Title VI/EJ and Limited English Proficiency (LEP) Advisory Committees.

Comments from the meetings included general support for the project because respondents believed that the station would be an "advantage for [our] employees and patients," concerns with whether adequate parking would be available for the new station and whether existing on-street parking near the station could be impacted, concern with the DMU emissions technology, and concern with whether the proposed station may require eminent domain and condemnations of local property owners. Staff

responses to these questions satisfied the concerns of public meeting participants. No disagreement or concern with staff responses were expressed.

Fiscal Impact:

Failure to comply with FTA regulations may affect BART's future FTA funds.

Alternatives:

Do not approve the Analysis. If the Board does not approve the Analysis, the project will not be in compliance with the Title VI and EJ Circulars.

Recommendation:

Approval of the following motion.

Motion:

The Board of Directors approves the eBART Pittsburg Center Station Title VI/Environmental Justice Report.

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors

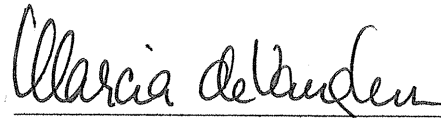
DATE: March 20, 2015

FROM: General Manager

SUBJECT: E&O Agenda Item #5.A: Earthquake Safety Program: Berkeley Hills Tunnel Policy Discussion – For Information

At the March 26th Board of Director's meeting, staff will present the first part of its engineering feasibility study for seismically retrofitting the Berkeley Hills Tunnel where it crosses the Hayward Fault. The presentation will address the seismic conditions at the tunnel and how the study approached evaluation of potential retrofit alternatives. The proposed retrofit alternatives will be discussed in detail at a future Board meeting.

If you have any questions about the attached presentation, please contact Robert Powers, AGM, Planning & Development at (510) 287-7410.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors

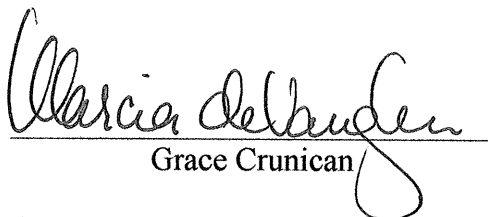
DATE: March 20, 2015

FROM: General Manager

SUBJECT: E&O Item #5.B: Update on Employee Safety Initiatives – For Information

At the March 26th Board of Director's meeting, staff will discuss employee training and certification programs, safety committees, and other initiatives and programs that enhance employee safety at BART.

If you have any questions about the attached presentation, please contact Jeff Lau, System Safety Department Manager at (510) 874-7452 or Paul Oversier, AGM, Operations at (510) 464-6710.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBurger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/20/15		BOARD INITIATED ITEM: NO		
Originator/Prepared by: Robert Franklin Dept: Bob Franklin Signature/Date: 3/20/15	General Counsel <i>Audrey Rawood</i> 3/20/15 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> 3-20-15 []
Status: Routed		Date Created: 03/16/2015		

TITLE:

AUTHORITY TO ENTER INTO AGREEMENTS FOR TEMPORARY BUS SERVICES

NARRATIVE:

PURPOSE: Request Board authorization for the General Manager to enter into multiple agreements for the provision of temporary bus services.

DISCUSSION:

BART has upcoming maintenance projects at stations and/or on segments of rail that will disrupt train service and require bus services to bridge the gap in rail service. In order to prepare for these disruptions, staff is seeking authority to enter into multiple agreements for the provision of temporary bus services in a total amount not to exceed \$150,000 for each day that a bus bridge will be needed. Staff intends to attempt to procure such services from a local public transit agency partner first, but might also need to procure services from additional public bus agencies and/or private charter operators as needed to meet the bus service demand.

Each time the schedule and requirements for a bus bridge for a maintenance project are established, BART will enter into an agreement with a local public bus agency or private charter operator for bus bridge service for that project. The funding for each bus bridge agreement will be identified prior to entering into an agreement and will either come from the responsible Department's operating budget or from the project's capital budget.

The first project will be the A25 interlocking replacement project. If authority is provided by the Board as requested, BART will enter into an agreement with AC Transit to run the bus bridge between Fruitvale and Coliseum for up to 11 weekends.

The Board's authorization for the General Manager to enter into these agreements will expire on June 30, 2016. The Office of the General Counsel will approve the agreements as to form prior to execution.

FISCAL IMPACT: Funding for these agreements will come from the operating budget of either the Department of Maintenance and Engineering or the Department of Customer Access and Accessibility, or the project's applicable capital budget.

ALTERNATIVES: Do not approve the request and do not provide bus services for the public in lieu of train service.

RECOMMENDATION: Staff recommends that the Board adopt the following motion:

MOTION: The General Manager is authorized to enter into multiple agreements with various public agency bus providers and/or with private charter bus carriers in order to provide temporary bus transportation services in a total amount not to exceed \$150,000 per day for each day that the District is unable to provide complete train service due to maintenance projects and a bus bridge is required. This authorization will expire on June 30, 2016.

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors

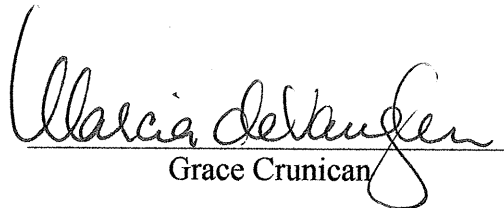
DATE: March 20, 2015

FROM: General Manager

SUBJECT: PPAAL Agenda Item #6.B: Art Policy and Program: Funding and Programing Alternatives – For Information

At the March 26th Board of Director's meeting, staff will discuss the attached presentation on potential Art Program funding and staffing alternatives. To facilitate discussion at the Board meeting, a more detailed memorandum was forwarded under separate cover which includes preliminary recommendations for program goals, funding, staffing, and outlines the policy development process to date.

If you have any questions about the attached presentation, please contact Robert Powers, AGM, Planning & Development at (510) 287-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff