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

BOARD MEETING AGENDA
May 9, 2013
9:00 a.m.

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

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

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 April 25, 2013.* Board requested to authorize.

   B. Award of Contract No. 15QH-140, Site Improvements at Various Stations – Phase III.* Board requested to authorize.

   C. Award of Invitation for Bid No. 8920, Pinion Gear, High Speed.* Board requested to authorize.

   D. Special Appointments: BART and AC Transit Coordinating Committee.* Board requested to ratify. (President Radulovich's request.)

3. ADMINISTRATION ITEMS
   Director Murray, Chairperson

   A. Fiscal Year 2014 Preliminary Budget Sources, Uses, and Service Plan.* For information.

4. ENGINEERING AND OPERATIONS ITEMS
   Director Fang, Chairperson

   A. Project Revisions and Addendum to the Hayward Maintenance Complex Project – Final Initial Study/Mitigated Negative Declaration.* Board requested to adopt.

   B. East Contra Costa BART Extension (eBART) Project Update.* For information.

   C. Quarterly Performance Report, Third Quarter Fiscal Year 2013 - Service Performance Review .* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
   Director Blalock, Chairperson

   A. BART Bicycle Access Plan: Update and Next Steps.* For information.

6. GENERAL MANAGER'S REPORT

* Attachment available

7. BOARD MATTERS

A. Board Member Reports. For information.
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)

B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. 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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; Rudolph Medina, Department Manager – Labor Relations; and Thomas P. Hock, Veolia Transportation, Inc.

Employee Organizations:
(1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

10. OPEN SESSION

* Attachment available

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

Board of Directors
Minutes of the 1,676h Meeting
April 25, 2013

A regular meeting of the Board of Directors was held April 25, 2013, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 11, 2013.

2. BART Accessibility Task Force (BATF) Membership Appointment.

Director Murray made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

1. That the Minutes of the Meeting of April 11, 2013, be approved.

2. That the Board accept the recommendation of the BATF and appoint the nominated candidate, Don Queen, for membership to the BATF for a term effective April 25, 2013, to June 30, 2013, or until the Board makes new appointments, whichever occurs later.

Director Murray, Chairperson of the Administration Committee, brought the matter of Small Business Opportunity Plan Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item. The item was discussed.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Dailey and Wells Communications for Harris Radio Equipment before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, presented the item. The item was discussed. Director Raburn moved that the Board find that in accordance with Public Contract Code 20227 Dailey and Wells Communications is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations with Dailey and Wells Communications and to execute a contract with Dailey and Wells Communications to provide approximately 650 units of model P7370 portable

radios pursuant to the requirements of Project 79LS000, for a total price not to exceed $2,200,000.00, including applicable taxes. Director Blalock seconded the motion, which carried by the required two-thirds majority by unanimous electronic vote. Ayes - 9: Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Fang brought the matter of Award of Contract No. 15PU-130, K-Line 34.5KV Cable Section Replacement between KTE and KWS Substations, before the Board. Mr. Robert Powers, Assistant General Manager – Planning and Development, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15PU-130, for K-Line 34.5kV Cable Section Replacement between KTE and KWS Substations, to Shimmick Construction Co., Inc., for the Bid price of $4,554,900.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Fang brought the matter of Earthquake Safety Program Update before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Fang brought the matter of Customer and Employee Safety before the Board. Mr. Kenton Rainey, Chief of Police, and Mr. Rudy Crespo, Chief Transportation Officer, presented the item. The item was discussed.

The following individuals addressed the Board.
Ms. Antonette Bryant
Ms. Yuri Hollie
Mr. Jerry Grace

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of District Art Program before the Board. Mr. Powers and Ms. Laura Timothy, Manager of Access and Accessible Services, presented the item. The item was discussed.

The following individuals addressed the Board.
Mr. Alan Smith
Mr. Scott Donahue
Mr. Jerry Grace
Ms. Rachel Dinno Taylor
Ms. Jaime Pursuit
Mr. Randolph Belle

Discussion continued.

Director Blalock brought the matter of BART Metro Update before the Board.

Director Fang exited the Meeting.

Mr. Val Menotti, Department Manager, Planning, and Ms. Ellen Smith, Planning Division Manager, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Ms. Crunican reported that train load factors had been added to the District's web site.

President Radulovich called for Board Member Reports.

Director Mallett reported he had met with councilmembers, supervisors, other elected officials, District staff, and WestCAT's General Manager, and attended a few city council meetings.

Director Keller reported he had met with Brentwood City Councilmember Gene Clare and Brentwood City Manager, and had attended the Contra Costa Transportation Authority meeting.

Director Raburn reported he had attended the Oakland A's and Salvation Army benefit, Transform's statewide summit in Sacramento, and the Chinatown spring banquet.

President Radulovich called for Roll Call for Introductions. No items were introduced.

President Radulovich called for Public Comment.

The following individuals addressed the Board.
Mr. Jerry Grace
Ms. Yuri Hollie
Ms. Antonette Bryant
Ms. Sarah Bump

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 1:38 p.m.

The Board reconvened in closed session at 1:45 p.m.

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

Absent: Directors Fang and McPartland.

Director Blalock exited the Meeting.

The Board Meeting recessed at 3:58 p.m.

The Board reconvened in open session at 3:59 p.m.

Directors present: Directors Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had met in closed session and there were no announcements to be made.

The Board Meeting was adjourned at 4:00 p.m.

Kenneth A. Duron
District Secretary

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D: Approve and forward to May 9, 2013 E&O Committee meeting
DATE: c 5/1/13				BOARD INITIATED ITEM: No
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance and Engineering Signature/Date: 4/30/13	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]

TITLE:

Award Contract No. 15QH-140 Site Improvements at Various Stations – Phase III

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QH-140, Site Improvements at Various Stations – Phase III, to American Asphalt Repair and Resurfacing Co., Inc.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for refurbishing parking lots, roadways, and walkways at West Oakland and Castro Valley Stations. The work will replace deteriorated asphalt and concrete pavement and provide pavement markings, signage, concrete and curb ramps to improve access to the station.

The District provided advance notice to forty (40) prospective Bidders on March 18, 2013, and Contract Documents were mailed to twenty-four (24) plan rooms and minority assistance organizations on March 22, 2013. The Contract was advertised on March 22, 2013. A total of five (5) firms purchased the Contract Documents. A pre-Bid meeting was conducted on April 4, 2013, with five (5) prospective Bidders attending the meeting. The following 2 Bids were received on April 16, 2013:

BIDDER	LOCATION	TOTAL BID
American Asphalt Repair and Resurfacing Co.Inc.	Hayward , CA	987,625.00
West Bay Builders Inc.	Novato, CA	1,854,000.00
Engineer's Estimate		1,031,236.00

After review by District staff, the Bid submitted by American Asphalt Repair and Resurfacing Co., Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that this Bidder is responsible and that the Bid of $987,625.00, which is approximately 4% below the Engineer's Estimate, is fair and reasonable.

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.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The Office of Civil Rights has determined that the apparent low Bidder, American Asphalt Repair and Resurfacing Co., Inc., has exceeded both the MBE and WBE availability percentages with 29.3% MBE and 48.8% WBE for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for small businesses certified by the California Department of General Services for this Contract. Neither of the Bidders for this Contract are qualified as a small business, therefore, neither Bidder is eligible for the small business preference.

FISCAL IMPACT: Funding of $987,625 for the award of Contract 15QH-140 is included in the total project budget for FMS #15QH000 – Repair Sidewalks System-wide. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of April 19, 2013, $10,032,753 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
6219	MTC RM2-Res39667R Bridge Tolls	$196,077.00
6511	Other Local City of Oakland	40,000.00
Various 85XX	BART Capital Allocations -multi year	9,796,676.00
	Grand Total All Sources	$10,032,753.00

BART has expended $3,338,257.00, committed $112,972.00, and reserved $1,000,000.00 to date for other actions. This action will commit $987,625.00, leaving an available fund balance of $4,593,899.00 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current low Bid received and the ensuing delay of this refurbishing work will potentially result in costlier repairs.

RECOMMENDATION: Adoption of the following motion :

MOTION: The General Manager is authorized to award Contract No. 15QH-140, Site Improvements at Various Stations – Phase III, to American Asphalt Repair and Resurfacing Co., Inc. of Hayward California, for the Bid price of $987,625.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:			GENERAL MANAGER ACTION REQ'D:	
DATE: 5/1/13			BOARD INITIATED ITEM: No	
Originator/Prepared by: Kirtland Smith Dept: Signature/Date:	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]

Status: Approved	Date Created: 04/23/2013

TITLE:

Invitation For Bid # 8920 - Pinion Gear, High Speed

NARRATIVE:

Purpose: To obtain Board authorization to award Invitation For Bid (IFB) No. 8920 to Columbia Gear, located in Avon Minnesota, in an amount not to exceed $226,382.00, including all applicable sales tax, for the purchase of Pinion Gear, High Speed.

Discussion: Each of the vehicles in the District's revenue vehicle fleet is powered by four traction motors. Each motor is attached to an axle wheel assembly through a gearbox, The gearbox is the main mechanical device that transfers power from the traction motor to the axle. The District dismantles each gearbox during the gearbox rebuild process, which is part of the five-year truck overhaul program. As part of the rebuild work scope, the high speed pinion gear is carefully evaluated, and is replaced if worn or damaged beyond repair. The high speed pinion gear is also replaced to support certain gearbox repairs.

This is a thirty-six month, estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract, the District is required to purchase from the supplier a minimum amount of fifty (50) percent of the Contract Bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to one hundred and fifty (150) percent of the Contract Bid price, subject to availability of funding.

A Notice Requesting Bids was published on March 29, 2013, and Bid requests were mailed to five (5) prospective bidders. Bids were opened on April 23, 2013 and the following five (5) bids were received:

Bidder	Unit Price (690 each)	Grand Total including 9.00% Sales Tax
Columbia Gear Avon, MN.	$ 301.00	$ 226,382.00
GMI, LLC Hornell, NY	$ 359.00	$ 270,004.00

Penn Machine Blairsville, PA	$ 496.00	$ 373,042.00
Bombardier Transportation Pittsburgh, PA	$ 504.00	$ 379,058.00
Strategic Sourcing Florence, KY	$ 546.00	$ 410,647.00

Independent cost estimate by BART staff: $360,000.00
Staff has determined that the low Bid submitted by Columbia Gear, is responsive and the Bid amount of $226,382.00 (including 9.00% sales tax) is fair and reasonable.

The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts, and Contracts under $50,000, or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights did not set availability percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Procurement contracts. Therefore, no prime preference was set for this contract.

FISCAL IMPACT:
Funding for contract IFB 8920 will be provided from the General Fund, Materials & Supplies Inventory build-up account 140-010.

The Kit, High Speed Gear Assembly are scheduled to be procured over the contract's thirty six (36) month period at the following estimated annual costs:

FY14 $ 75,460.00
FY15 $ 75,460.00
FY16 $ 75,460.00

Funds for FY14 expenditures of $75,460.00 are currently available in the General Fund, Materials & Inventory build-up account. Any additional orders above this amount will only be placed upon certification by the Controller Treasurer that funds are available.

ALTERNATIVE: Reject all Bids and re-advertise the contract. Re-advertising is not likely to lead to increased competition nor lower prices.

RECOMMENDATION: On the basis of analysis by staff and certification by the Controller Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

MOTION: The General Manager is authorized to award IFB No. 8920, an estimated quantity contract for procurement of Pinion Gear, High Speed, to Columbia Gear, for the Bid price of $ 226,382.00, including applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors ***DATE:*** May 3, 2013

FROM: District Secretary

SUBJECT: Appointments to BART and AC Transit Coordinating Committee

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 Radulovich is bringing the matter of appointing members to the newly established BART and AC Transit Coordinating Committee.

President Radulovich proposes that Directors Raburn, Saltzman and he be appointed to the Coordinating Committee. This new Committee will replace the current AC Transit Liaison appointments.

MOTION:

That the Board of Directors ratifies the appointment of the District's representatives to the BART and AC Transit Coordinating Committee:

Director Raburn
Director Radulovich
Director Saltzman

Please contact President Radulovich or me if you have any questions. Thank you.

Kenneth A. Duron

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/1/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Planning and Development Signature/Date: 22 APR 13	General Counsel 4/29/13 [X]	Controller/Treasurer [X]	District Secretary [ ]	BARC 5/1/13 [ ]

Status: Routed	Date Created: 04/23/2013

TITLE:

PROJECT REVISIONS AND ADDENDUM TO THE HAYWARD MAINTENANCE COMPLEX (HMC) PROJECT FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

NARRATIVE:

PURPOSE:

To consider an Addendum (attached) to the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Hayward Maintenance Complex (HMC) Project evaluating the potential environmental impacts of changes to the HMC Project (Revised Project); find that a subsequent or supplemental environmental impact report or negative declaration is not necessary, based upon the Addendum; and adopt the Revised Project.

DISCUSSION:

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the HMC Project pursuant to the California Environmental Quality Act (CEQA) and was adopted by the BART Board on May 26, 2011, the same date the Board approved the HMC Project. The Federal Transit Administration (FTA) approved a Categorical Exclusion for the HMC Project on September 21, 2011. The IS/MND examined the full range of potential environmental impacts related to the project and provided mitigation measures where potentially significant impacts were identified. A Mitigation Monitoring and Reporting Plan (MMRP) was adopted for implementation of those mitigation measures.

In the original HMC Project scope, an existing warehouse (Building 3) was to be renovated to become BART's Component Repair Shop. As the detailed analysis of the HMC Project progressed, the advantages of retaining the existing Building 3 structure decreased. The current structure is a tilt-up building designed for warehousing. Although BART planned to renovate the structure to meet the appropriate seismic standards, the repair functions in Component Repair Shop are essential to the BART system, and as such, the structure must meet life-safety requirements to ensure non-collapse following a design seismic event. BART has determined that a new structure constructed to higher seismic standards will better meet long-term revenue service goals. Accordingly, a Revised Project scope is proposed that would demolish Building 3 and replace it with a new structure to house the Component Repair Shop.

The differences between a new structure to house the Component Repair Shop compared to the renovated warehouse are as follows: The new structure would have the same approximate horizontal dimensions (600 feet long, 200 feet wide) as the existing warehouse. Minor building improvements along the perimeter of the structure would increase the footprint by 4.6 percent to 125,530 square feet. Interior space would be expanded to 157,930 square feet with the addition of 32,400 square feet on a mezzanine floor for offices and the Electronic Repair Shop, representing a 32 percent increase in available office

space area.

In addition, the new Component Repair Shop structure would be shifted 20 feet to the south of its current location. The increased distance will provide additional width to accommodate the planned north-south roadway and an easement for a relocated water line as well as other utilities. The new structure would be a structural steel frame building clad with metal panels and would be higher than the 26-foot-tall existing warehouse. The new structure's roof line will vary in height, with three different roof levels of 30 feet, 38 feet and 45 feet.

The Component Repair equipment and operations within the structure would be the same as originally proposed. The number of employees in the Component Repair Shop would stay the same as originally proposed in the IS/MND (75 during peak occupancy, 150 total).

An Addendum to the 2011 Final IS/MND was prepared to examine whether the demolition of Building 3 and construction of a new structure would require additional environmental analysis beyond that provided in the IS/MND. The Addendum revisited the analysis conducted in the IS/MND and evaluated the potential environmental effects of the demolition and reconstruction of Building 3. The Revised Project was evaluated for all required categories of impact, such as transportation, land use, visual quality, etc. (All mitigation measures included in the IS/MND and the Mitigation Monitoring and Reporting Plan will continue to apply to the Revised Project.) The analysis did not identify any substantial changes to the affected environment and did not identify any new or substantially more severe impacts not already identified in the previous environmental document. Based on the evaluation presented in the Addendum, there is no substantial evidence in the light of the whole record that conditions have been met, as outlined in Section 15162 of the CEQA Guidelines, that would require a subsequent EIR or negative declaration. Therefore, an Addendum to the IS/MND is appropriate. BART has provided the FTA with a copy of the Addendum and notified FTA staff of BART's intention to consider the Addendum for the Revised Project.

FISCAL IMPACT:
There is no Fiscal Impact associated with this Board Action.

ALTERNATIVES:
The alternative is not to adopt the Revised Project. The HMC Project would not be optimized to meet the future District needs.

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

MOTION:
Having reviewed and considered the information contained in the Addendum, the BART Board of Directors hereby: Adopts the attached Resolution "In the Matter of Adopting Modifications to the Hayward Maintenance Complex Project (HMC Project)".

Attachments

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

In the Matter of Adopting
Modifications to the Hayward
Maintenance Complex Project (HMC Project) Resolution No._____

WHEREAS, over the next 30 years BART will require additional vehicles to meet future demand associated with regional population growth, system expansion for the Warm Springs and Silicon Valley/San Jose Extension projects, and additional riders from the Oakland Airport Connector and eBART projects; and

WHEREAS, BART requires expanded maintenance facilities to serve the enlarged fleet, and on May 26, 2011, BART adopted the Hayward Maintenance Complex Project to meet its vehicle maintenance requirements; and

WHEREAS, the potential environmental effects of the HMC Project were evaluated in a Final Initial Study/Mitigated Negative Declaration (IS/MND) that was adopted by the BART Board of Directors on May 26, 2011, for the purposes of evaluating environmental impacts under the California Environmental Quality Act (CEQA); and

WHEREAS, the Federal Transit Administration (FTA), acting as the lead agency pursuant to the National Environmental Policy Act (NEPA), approved a Categorical Exclusion for the HMC Project on September 21, 2011; and

WHEREAS, the Component Repair Shop, an element of the HMC Project, is an essential part of the BART system, and as such, the structure must meet life-safety requirements to allow it to function following a catastrophic event; and

WHEREAS, BART has determined that a new structure constructed to higher seismic standards would better meet long-term service goals than upgrading an existing warehouse building for the Component Repair Shop and has therefore proposed such new structure as the Revised Project; and

WHEREAS, the new Component Repair Shop structure would be substantially the same size and would house the same functions and number of employees as the existing structure; and

WHEREAS, Sections 15162 and 15164 of the CEQA Guidelines allow a lead agency to prepare an Addendum to a previously adopted negative declaration to incorporate minor changes, so long as the lead agency finds that (i) there are no new or substantially more severe environmental impacts due to the project changes or changed circumstances, and (ii) there is no new information regarding new or substantially more severe impacts, new mitigation measures or alternatives, or feasibility of mitigation measures or alternatives previously considered; and

WHEREAS, staff has revisited the analysis conducted in the IS/MND and evaluated the potential effects of the proposed Revised Project as described in the Addendum, surrounding circumstances and new

information; and

WHEREAS, based upon the evaluation, none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a SEIR or negative declaration have occurred; and therefore an Addendum is appropriate; and

WHEREAS, CEQA Guidelines Section 15164(d) provides that the lead agency's decision-making body shall consider an Addendum, together with the IS/MND, prior to making a decision on the Revised Project; and

WHEREAS, BART has provided FTA with a copy of the Addendum and notified FTA staff of BART's intention to consider an Addendum for the Revised Project; and

NOW, THEREFORE, BE IT RESOLVED, that the BART Board of Directors, having reviewed and considered the information contained in the Addendum and the Final IS/MND for the HMC Project:

(1) Finds that, on the basis of substantial evidence contained in the IS/MND and Addendum and in light of the whole record, that:

(a) there are no substantial changes proposed in the Revised Project that will require major revisions to the IS/MND due to the involvement of new or substantially more severe significant environmental effects; and

(b) there are no substantial changes with respect to the circumstances under which the Revised Project is undertaken which will require major revisions of the IS/MND due to the involvement of new or substantially more severe significant environmental effects; and

(c) there is no new information of substantial importance, which was not known at the time the IS/MND was adopted, showing that;

(i) the Revised Project will have new or substantially more severe significant effects,

(ii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce significant effects of the Revised Project, or

(iii) mitigation measures or alternatives considerably different from those analyzed in the IS/MND would substantially reduce significant effects of the Revised Project, and

(2) Adopts the Revised Project, and

(3) Authorizes staff to implement the Revised Project elements, depending on funding availability and other contingencies as appropriate.

San Francisco Bay Area Rapid Transit District

Addendum to Final Initial Study/Mitigated Negative Declaration for the Hayward Maintenance Complex Project

COMPONENT REPAIR SHOP—BUILDING 3 REPLACEMENT

March 27, 2013

Addendum to Final Initial Study/Mitigated Negative Declaration for the Hayward Maintenance Complex Project:

COMPONENT REPAIR SHOP—BUILDING 3 REPLACEMENT

Introduction and Purpose

In the original Hayward Maintenance Complex (HMC) plan, an existing warehouse (Building 3) would be renovated and become the Component Repair Shop. The project design has evolved, and the current plan is to demolish Building 3 and replace it with a new structure to house the Component Repair Shop. The purpose of this Addendum is to examine if the demolition of Building 3 and construction of a new structure would require additional environmental analysis beyond that provided in the HMC Initial Study/Mitigated Negative Declaration (IS/MND). Based on the following evaluation, no additional environmental review is required.

Original HMC Plan

There are four existing warehouses on the west side of the Hayward Yard. (See Figure A.) The northernmost warehouse (Building 4) will to be demolished and replaced by a new overhaul shop. The northernmost of the three retained warehouses (Building 3) was to be renovated to become the Component Repair Shop. The Final IS/MND (page 10, Final IS/MND) described the renovation to the structure as follows:

> The Component Repair Shop would be located in one of the existing buildings, a 120,000-square-foot structure constructed of concrete slab-on-grade, wood columns and laminated beams, plywood panel roof, and concrete tilt-up exterior walls. Truck loading docks are located along the structure's east side.
>
> The structure would serve as the Component Repair Shop, with three major areas: the truck shop, electronic repair shop, and electro-mechanical repair shop. Renovations would be made within the existing building footprint, and building modifications would be minimized. The existing roof, columns, and walls would be used without major modifications to the degree possible. The existing floor area would be demolished leaving columns and footings in place and would be replaced with new concrete, equipment footings, embedded rail, pits, etc. The roof would be raised approximately 10 feet to accommodate a new 10-ton overhead crane. The structure would be upgraded to new seismic code requirements. New bathrooms and break rooms would be added to accommodate the workforce.

Revised Component Repair Shop Plan

As the detailed analysis of the HMC Project progressed, the advantages of retaining the existing Building 3 structure decreased. The current structure is a tilt-up building designed for warehousing. Although BART could have renovated the structure to bring it to current seismic standards, the repair functions in the Component Repair Shop are essential to the BART system, and as such, the structure must meet life-safety requirements to allow it to function following a catastrophic event. BART has determined that a new structure constructed to higher seismic standards would better meet long-term service goals.

Therefore, the HMC Project has been modified to demolish Building 3 and replace it with a new structure to house the Component Repair Shop.

The new structure would have the same approximate horizontal dimensions (600 feet long, 200 feet wide) as the existing structure and a 125,530 square-foot footprint. Compared to the existing footprint, this is a 4.6 percent increase in square footage. Interior space will be expanded to 157,930 square feet with the addition of 32,400 square feet on a mezzanine floor for offices and the Electronic Repair Shop, representing a 32 percent increase in available office space compared with the existing building footprint.

The new structure would be shifted 20 feet to the south of its current location. The increased distance will provide additional width to accommodate the north-south roadway and an easement for a relocated water line as well as other utilities between the new Vehicle Repair Shop and the Component Repair Shop. The roadway was described in the IS/MND and would connect the existing driveway serving the west side of the HMC project to Sandoval Way and the Hayward Main Shop area. This southward shift would reduce the distance between the Component Repair Shop and adjacent structure on the south, Building 2, from 100 feet to 80 feet. The new building would be a structural steel frame building clad with metal panels. The new structure would be higher than the 26-foot-tall existing structure. The new building roof line would vary in height, with three different roof levels of 30 feet, 38 feet and 45 feet. (See Elevations, Figure B.) The Component Repair equipment and operations within the building would be the same as originally proposed. The number of employees in the Component Repair Shop would stay the same as originally proposed in the IS/MND (75 during peak occupancy, 150 total).

Demolition of the existing building and construction of the new Component Repair Shop building would be similar to those described for the Overhaul Shop in the IS/MND (pp. 20-21). An estimated 500 truck trips over and above those described in the IS/MND would be required to remove the demolition debris and deliver new construction material. Approximately one-half of those additional truck trips (250) would take place over a 2-month demolition period and the remainder would deliver material over the 11-month construction period to follow.[1]

Previous Environmental Review

An Initial Study/Mitigated Negative Declaration (IS/MND) was conducted for the HMC Project, which was adopted by the BART Board on May 26, 2011. The Board approved the HMC Project on the same date. The FTA approved a Categorical Exclusion for the HMC Project on September 21, 2011. The IS/MND examined the full range of potential environmental impacts and provided mitigation measures where potentially significant impacts were identified.

Purpose of Addendum

Section 15164 of the CEQA Guidelines allows a Lead Agency to prepare an Addendum to a previously adopted Negative Declaration if some changes or additions are necessary, as long as none of the conditions described in Section 15162 requiring the preparation of a subsequent EIR or Negative Declaration have occurred. In brief, Section 15162 states that when an EIR has been certified or Negative Declaration adopted, no subsequent EIR or Negative Declaration needs to be prepared for the project

[1] Galip Sukaya, P.E., Project Engineer, personal communication, January 22, 2013.

unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, that there are substantial changes proposed in the project which require major revisions of the previous EIR or Negative Declaration, substantial changes occur with respect to the circumstances under which the project is undertaken, or there is new information of substantial importance regarding new significant effects, more severe effects, or the feasibility or effectiveness of mitigation measures.

Environmental Assessment

The following analysis provides a review of the topics in the IS/MND to examine if any of the conditions requiring subsequent environmental review would be triggered by the proposed demolition and reconstruction of Building 3. Based on this analysis, no subsequent environmental review is necessary.

Aesthetics: The new structure would be the same basic footprint and horizontal dimensions as the existing structure, and the building would be shifted 20 feet to the south. The original HMC plan called for raising the roof of the building by from 25 feet to approximately 35 feet. The revised plan would construct a new building with three different roof levels, but with a maximum height of 45 feet. The new building would be a steel frame building with metal panels for walls, similar to the construction of the Hayward Main Shop. As noted in the Aesthetics section of the IS/MND, the west side of the HMC Project is surrounded by industrial uses. The BART mainline tracks are to the east, the Union Pacific Railroad is to the west, and there are other industrial buildings to both the north and south. There are no immediate views of the area from locations open to the public. Given the relatively minor increase in size and height of the new structure compared to the existing building and other existing structures, its 20-foot shift to the south, and the site's lack of visual access, there would be no change to the determination in IS/MND that there is a less than significant visual impact.

Agriculture and Forestry Resources: No agriculture or forestry resources are present.

Air Quality: Demolition of the structure would create additional dust. The IS/MND includes Mitigation Measure AQ-2 (Dust Control During Construction) that requires contractors to implement standard Bay Area Air Quality Management District (BAAQMD) measures to control construction dust, which would also apply to the demolition of Building 3.

Biological Resources: The area around Building 3 is developed and paved. The only biological resources affected would be a small number of ornamental trees and shrubs at the corners of Building 3. These would be removed as part of the demolition of Building 3. Mitigation Measures BIO-2 (Restrictions on Tree or Shrub Removal to Avoid Nesting Birds), BIO-3 (Pre-construction Nesting Bird Survey and Measures to Reduce Harm to Nesting Birds), and BIO-4 (Tree Survey and Replacement of Protected Trees to the Removed) as identified in the IS/MND would apply to the demolition and construction of a new Component Repair Shop, just as they applied to other elements of the HMC project.

Cultural Resources: No cultural resources were identified in the HMC Project area. However, the IS/MND included two mitigation measures (CR-1 and CR-2) to ensure that there would be no significant impacts to unknown subsurface resources or human remains.

Geology and Soils: The IS/MND identified potential geologic and soil hazards related to strong seismic ground shaking, liquefaction, lateral spreading, settlement, expansive soils, and erosion of excavated areas. In each case, implementation of the BART Facilities Standards as identified in the IS/MND would

ensure that the project, including the demolition and reconstruction of Building 3, would be designed and constructed in a manner that the potential hazards would be reduced to a less-than-significant level.

Greenhouse Gas Emissions (GHG): BART calculated the HMC GHG emissions by comparing the net difference between the GHG emissions of the HMC Project minus the emissions generated by the existing warehouse uses to the BAAQMD GHG threshold.[2] (The GHG analysis is provided in Appendix A.) The analysis demonstrated that the revised Component Repair Shop, and the HMC Project as a whole, would not exceed the BAAQMD GHG operational significance threshold of 1,100 metric tons per year. In addition, a second comparison was conducted using project-specific data (specifically the lower net vehicle trip generation rate) and the resulting emissions again were compared with the BAAQMD GHG threshold. The second case also showed that the project GHG emissions would not exceed the BAAQMD threshold for GHG gases. Therefore the revised plan for the Component Repair Shop is still consistent with the GHG determinations made in the IS/MND that the project would not have a significant GHG-related impact.

There would be short-term construction emissions related to the demolition. Mitigation Measure GHG-1 (Construction-Related Greenhouse Gas Best Management Practices) was adopted as part of the project and would apply to demolition of Building 3, as well as the rest of the project.

Hazards and Hazardous Materials: No new materials or processes would be involved in a newly constructed Component Repair Shop that would not have been used in the same activities in a reconstructed Building 3, which was analyzed in the IS/MND. Based on the 1985 and later construction dates for warehouse buildings, it is unlikely that lead-based paint or asbestos are present.
A Phase I Environmental Site Assessment was completed for the properties containing the four existing warehouses in May 2012.[3] The properties are listed on various environmental databases for soil and ground water contamination: Cortese, Leaking Underground Storage Tanks (LUST) and Spills, Leaks, Investigations and Cleanups (SLIC). The contamination is related to a former metal fabricating facility on the site that operated from the 1970s until 1985 and a metal fastener fabricating plant that operated from 1985 to 1992. According to the LUST listing, in 2003, the site received case closure for a gasoline release. After the metal and metal fastener fabricating facilities vacated the site, four underground storage tanks and a septic tank were removed, and contaminated soil removal and groundwater treatment were

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[2] On March 5, 2012, an Alameda County Superior Court judge held that the CEQA significance thresholds adopted by BAAQMD in 2011, including its threshold for GHG emissions, constitute a "project" subject to CEQA review. *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693. The court did not determine whether the thresholds were valid on the merits, but issued a writ of mandate ordering BAAQMD to set aside the thresholds and cease dissemination of them until it had complied with CEQA. BAAQMD has appealed the court's decision and the appeal is currently pending. Meanwhile, lead agencies must identify their own GHG significance thresholds impacts based on substantial evidence in the record, as provided in CEQA Guidelines sections 15064.4 and 15064.7. Notwithstanding that the BAAQMD CEQA thresholds have been set aside, BART has determined that the extensive studies and analysis conducted by BAAQMD while developing its GHG significance criteria constitute substantial evidence supporting their use by BART. See BAAQMD California Environmental Quality Act Air Quality Guidelines (2011), Appendix D, Threshold of Significance Justification. Accordingly, pursuant to CEQA Guidelines section 15064.7, BART is exercising its discretion to utilize the BAAQMD GHG thresholds for purposes of this Addendum.

[3] Environmental Resources Management, Phase I Environmental Site Assessment, Hayward Yard-Bowman Place Properties; 1001-1085 Whipple Road, May 2012.

conducted under the supervision of the Regional Water Quality Control Board (RWQCB). The RWQCB granted closure for the site in 2007. However, access to all portions of the site and personnel knowledgeable about past and current tenant operations were not available at the time of the Phase I investigation. There are also several contaminated properties nearby, including a U.S. Pipe facility to the west-southwest of the warehouses listed in the SLIC and other databases indicating environmental impairment. Therefore, there are remaining unknowns regarding past and current site operations and potential migration of contaminants from adjacent properties.

A Phase II Environmental Site Investigation was conducted, and a draft report was released in September 2012.[4] Borings were made around and between the warehouses, and soil and groundwater samples were taken and analyzed. The results of that investigation did not indicate the obvious presence of significant releases of hazardous substances at the site, although low levels of volatile organic compounds are present in soil vapor, including detections of ethylbenzene above regulatory screening levels that may be attributed to off-site sources or former on-site activities. Detections above screening levels of arsenic in soil and vanadium in groundwater appear to be related to natural background concentrations. However, it is possible that higher concentrations of regulated hazardous substances are present at the site in areas that were not sampled, including possible shallow and deep groundwater contamination. The IS/MND contains mitigation measures in the event hazardous substances are found to be present. Mitigation Measure HAZ-3 (Remediation of Contaminated Sites Prior to Construction) and HAZ-4 (Discovered Environmental Contamination During Construction) would be implemented if necessary. These mitigation measures apply to the demolition and construction of a new Component Repair Shop just as they applied to the original plan to reconstruct Building 3.

Hydrology and Water Quality: The project area is developed and paved. The demolition and reconstruction of the structure would not create any additional impermeable surface and would not change drainage patterns.

Land Use and Planning: Existing land uses in the project area have not changed and the Component Repair Shop would have the same intended uses that were discussed in the IS/MND.

Mineral Resources: There are no mineral resources in the project area.

Noise and Vibration: Operational and construction impacts for noise and vibration were evaluated in the IS/MND. The noise and vibration analysis for HMC operations included activities in the west side expansion area, which includes Building 3. The reconstructed Building 3 would house the same Component Repair Shop activities analyzed in the original analysis, which determined that there would be no significant noise or vibration impacts from HMC operations in the west side expansion area.

The IS/MND also analyzed construction noise and vibration. Construction noise impacts are directly related to the type of equipment being employed and the distance to sensitive receptors. Equipment used in the demolition, such as bulldozers, loaders and hoe rams, would be similar to what would be employed for the demolition of Building 4, which was included in the construction noise analysis. Building 3 is located along the west side of the HMC project. Adjacent land uses west of Building 3 are industrial and

[4] Environmental Resources Management, Final Phase II Environmental Site Investigation, 1001-1085 Whipple Road, December 2012.

include railroad tracks and construction and storage yards. The closest sensitive receptors are residents in homes along the east side of the yard. These residents are separated from Building 3 by the width of the Hayward Yard and are approximately 675 feet from Building 3. This is the same distance as other elements of the west side expansion that were examined in the IS/MND. No significant construction noise impacts were identified for the west side construction, including the demolition and reconstruction of Building 4; therefore no significant noise impacts are anticipated from the demolition and reconstruction of Building 3.

Construction vibration dissipates quickly as distance from the construction increase. No significant construction vibration impacts were identified for the west side expansion area; therefore no significant vibration impacts are anticipated for the demolition and reconstruction of Building 3.

Population and Housing: Operational employment would be the same as with the original HMC Project. Construction employment could be slightly higher than the originally anticipated due to the additional work for demolition and reconstruction of Building 3, but these would be temporary employees and would not have an effect on local population growth or housing stock.

Public Services: No significant public service impacts were identified with the HMC Project and the demolition of Building 3 would not affect the need for police, fire, schools, parks or other public facilities.

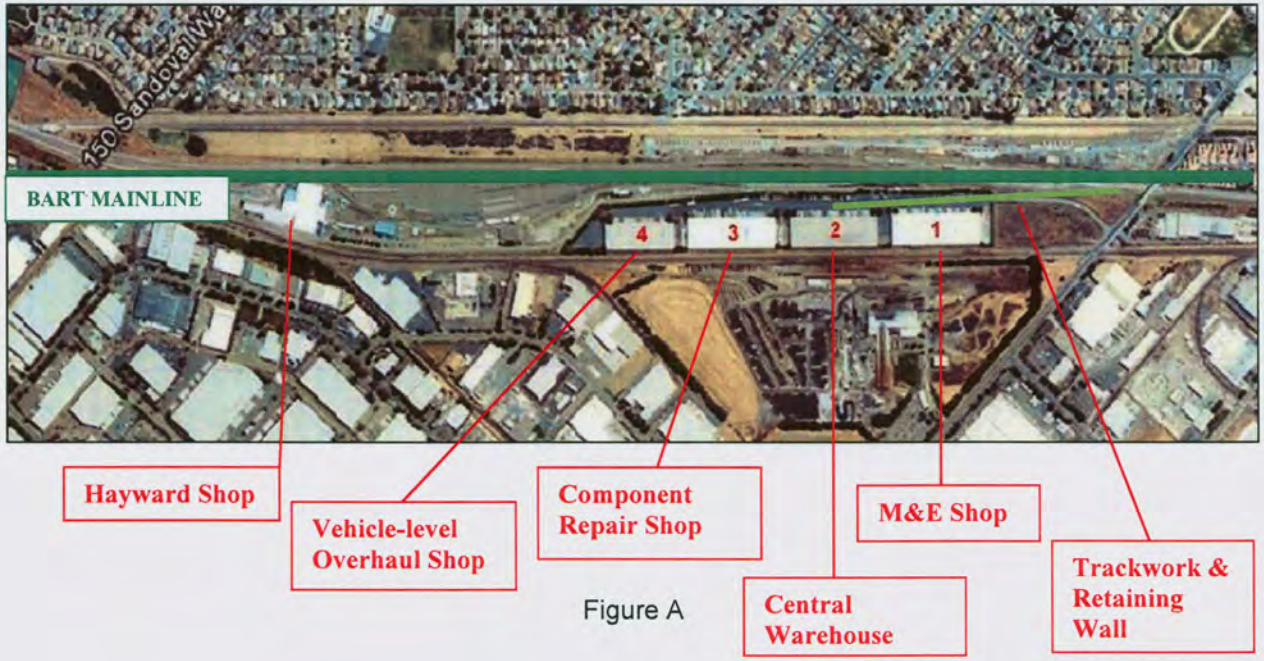
Recreation: No recreation impacts were identified with the HMC Project. Construction employment could be slightly higher than originally anticipated due to the additional work for demolition and reconstruction of Building 3, but these would be temporary employees and would not have an effect on local recreation needs.

Transportation/Traffic: As described in the IS/MND, construction activities would take place in two Phases. Phase 1 would take place over approximately 36 months and would include construction of the west side expansion area: Vehicle Overhaul Shop, Component Repair Shop, Central Warehouse, and M&E Vehicle and Storage Area. The IS/MND analysis calculated that approximately 3,110 truck trips would take place during Phase 1 to support demolition of existing structures, delivery of building materials and concrete, and retrofitting the three warehouses that would remain as part to the HMC Project. Demolition of Building 3 is estimated to generate an additional 500 truck trips that would increase truck activity for Phase 1 construction to 3,610 truck trips. Most of these truck trips would enter and exit the west side expansion area via the project access on Whipple Road. Approximately one-half of the additional truck trips (250 truck trips) would take place during the 2-month demolition period for Building 3, with the remainder taking place over the expected 11-month construction of the replacement building. Assuming that the 250 truck trips during demolition would be distributed over 2 months (40 working days), truck activity during demolition would add approximately six additional truck trips per day. Although truck activity during Building 3 construction would be approximately the same as during demolition, it would be spread out over a much longer period and therefore would have a smaller effect on traffic. As noted on page 125 of the IS/MND, approximately 100 to 105 daily truck trips would be generated during project construction. Adding the additional six trucks daily from the demolition would increase the truck traffic to approximately 110 daily truck trips. Applying the passenger car equivalent (PCE) rate of 2.0, there would be a minimum of 200 to approximately 220 vehicle trips during demolition of Building 3. This would be less than the approximately 710 daily vehicle trips (with up to 32 percent

truck trips) that were recorded with the project site in warehouse use. The IS/MND contains Mitigation Measure TR-1 (Construction Phasing and Traffic Management Plan) that requires the contractor develop and implement a plan that defines how traffic operations are managed and maintained during each phase of construction. The plan will include predetermined haul routes and will identify activities, such as truck activities, that must take place during off-peak hours. Considering the level of additional truck activity (six trucks per day) and the existing requirement for a construction phasing and traffic management plan, the additional truck activity related to the Building 3 demolition would not create any new or more severe significant impacts not anticipated in the IS/MND.

Utilities and Service Systems: No significant impacts to utilities and service systems were identified in the IS/MND for the HMC Project. The demolition and reconstruction of Building 3 would not change the uses within the Component Repair Shop and would not change the less-than-significant impact on utilities and systems.

Mandatory Findings of Significance: The IS/MND did not identify any potentially significant impacts triggering mandatory findings of significance. The demolition and reconstruction of Building 3 would not affect that conclusion or result in any mandatory findings of significance.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Hayward Shop
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Component Repair Shop
Central Warehouse
M&E Shop
Trackwork & Retaining Wall

Figure A

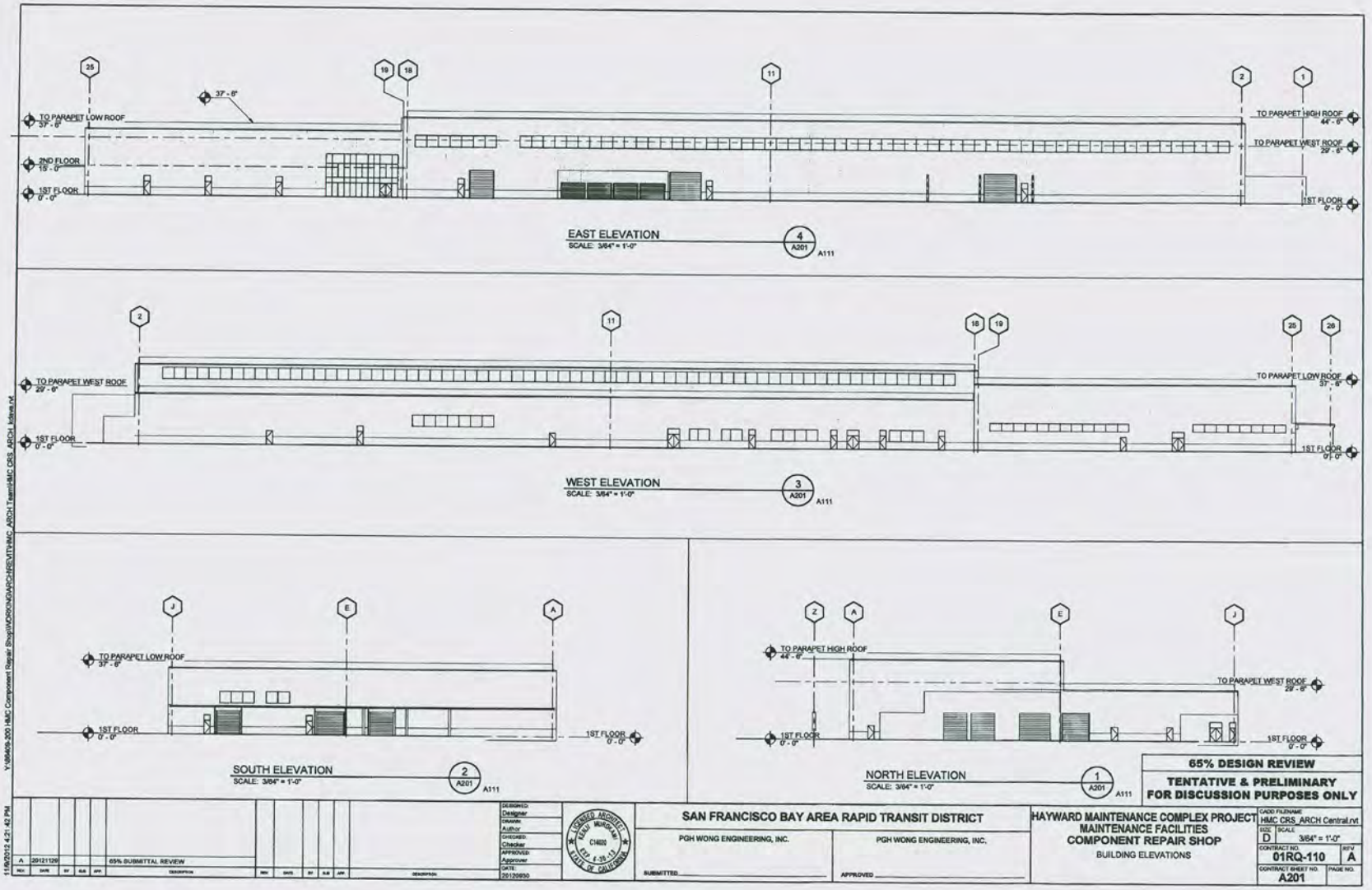
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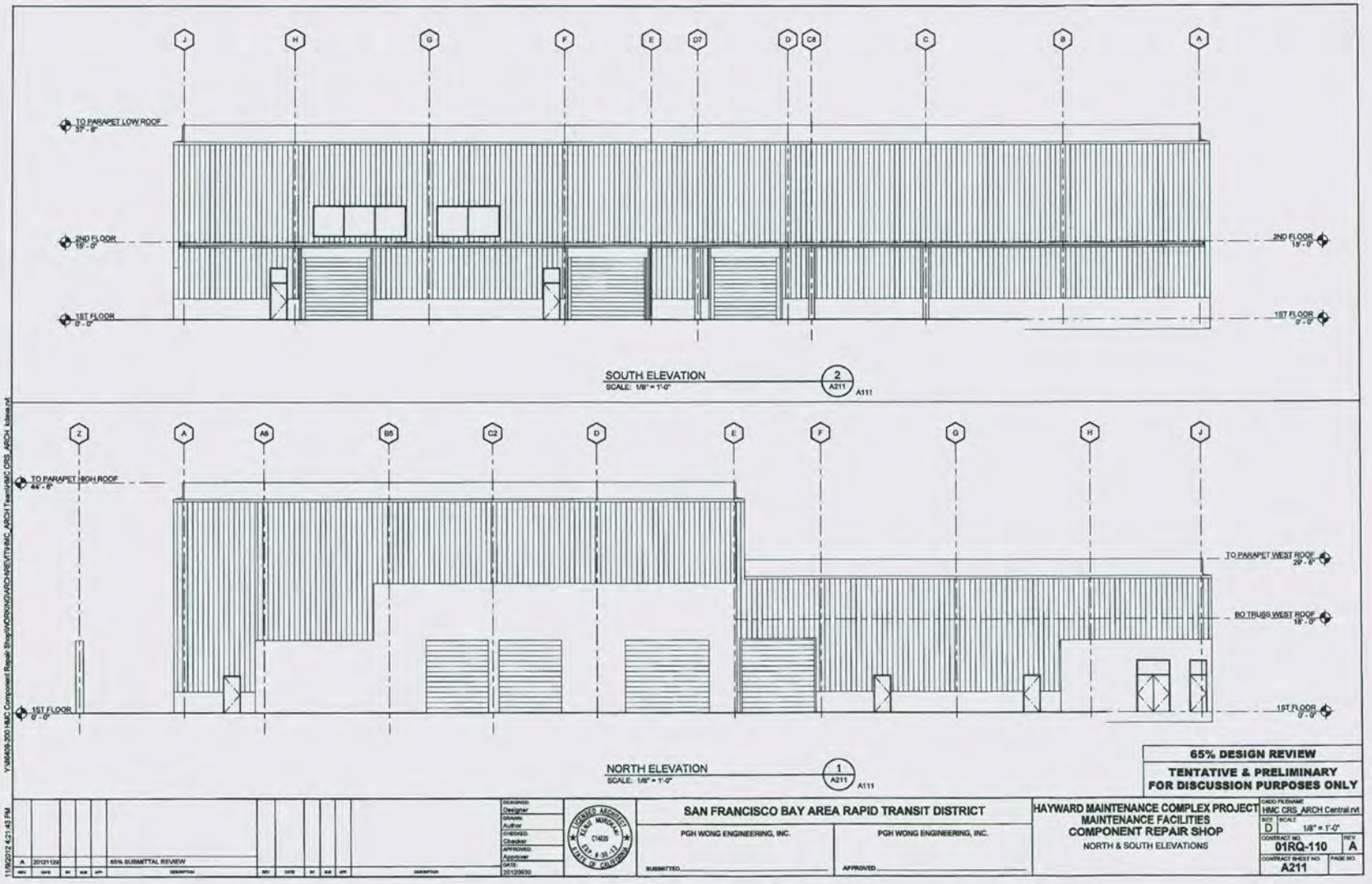
Figure B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MAINTENANCE FACILITIES
COMPONENT REPAIR SHOP
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Figure B

APPENDIX A

Supplementary Greenhouse Gas Analysis

Memorandum

To: Don Dean, BART

From: Geoff Hornek, Environmental Air Quality Consultant

Date: December 12, 2012

Re: Calculation of BART Hayward Maintenance Complex (HMC) Greenhouse Gas (GHG) Emissions and Comparison with the Bay Area Air Quality Management District (BAAQMD) California Environmental Quality Act (CEQA) Significance Threshold

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In May 2011, BART issued a Final Initial Study/Mitigated Negative Declaration (IS/MND) for its proposed Hayward Maintenance Complex (HMC) project. At that time, the HMC project included the renovation of an existing 120,000-square-foot warehouse (Building 3) to become the Component Repair Shop. But since then BART has decided to alter the Project Description to demolish the old warehouse and build a new structure to house the Component Repair Shop, adding approximately 5,530 square feet (a 4.6 percent increase) to the footprint and an additional 32,400 square feet of interior space (on a mezzanine floor) for a total of 157,930 square feet compared to the plan analyzed in the IS/MND.

With this addition, the HMC project will exceed the Bay Area Air Quality Management District's (BAAQMD's) 121,000-square-foot (net new) operational greenhouse gas (GHG) screening threshold for "General Light Industrial" developments (the land use category in the BAAQMD screening methodology assumed to best-fit the HMC project).[1]

The BAAQMD GHG screening threshold was set based on GHG emissions expected from specific land use categories, as defined and determined by the URBEMIS emission model (with the BAAQMD's BGM add-on spreadsheet for quantifying non-transportation source GHG emissions) using model-defined default assumptions for GHG emissions from motor vehicle trips, energy/water use, solid waste generation, etc. For projects in each land use category exceeding the size specifications of the screening thresholds, GHG emissions would exceed 1,100 metric tons per year

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[1]On March 5, 2012, an Alameda County Superior Court judge held that the CEQA significance thresholds adopted by BAAQMD in 2011, including its threshold for GHG emissions, constitute a "project" subject to CEQA review. *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693. The court did not determine whether the thresholds were valid on the merits, but issued a writ of mandate ordering BAAQMD to set aside the thresholds and cease dissemination of them until it had complied with CEQA. BAAQMD has appealed the court's decision and the appeal is currently pending. Meanwhile, lead agencies must identify their own GHG significance thresholds impacts based on substantial evidence in the record, as provided in CEQA Guidelines sections 15064.4 and 15064.7. Notwithstanding that the BAAQMD CEQA thresholds have been set aside, BART has determined that the extensive studies and analysis conducted by BAAQMD while developing its GHG significance criteria constitute substantial evidence supporting their use by BART. See BAAQMD California Environmental Quality Act Air Quality Guidelines (2011), Appendix D, Threshold of Significance Justification. Accordingly, pursuant to CEQA Guidelines section 15064.7, BART is exercising its discretion to utilize the BAAQMD GHG thresholds for purposes of this Addendum.

(MT/year), which is the BAAQMD's GHG operational emissions CEQA significance threshold. Since the HMC project exceeds the BAAQMD square-footage screening threshold, the next-level CEQA analysis is called for, which would use the URBEMIS/BGM model to estimate the net project GHG emissions with model default assumptions about GHG emission rates from motor vehicles and other important GHG sources (i.e., electricity and water use, solid waste generation, etc.).

Accordingly, GHG emissions were estimated for the proposed project (i.e., the Component Repair Shop, which was assumed to best-fit the URBERMIS "General Light Industrial" land use category) and the existing warehouse it would replace (using the "Warehouse" land use category in URBEMIS). Such emissions for the project and existing land uses using URBEMIS default assumptions are shown in the table below, along with the net emissions for each GHG source category and for the total. The BAAQMD CEQA threshold, which would apply only to net project emissions, is not exceeded in this case, which assumes that the project would be in accord with all default GHG emission rate assumptions in URBEMIS.

However, there is one instance where URBEMIS default assumptions could be replaced with more accurate project-specific data to more accurately estimate net project emissions. URBEMIS assumes that a "General Light Industrial" use would generate 6.97 daily motor vehicle trips per 1000 square feet of floor area, and that a "Warehouse" use would generate 4.96 daily motor vehicle trips per 1000 square feet of floor area. Using these rates, URBEMIS would estimate that project development would produce a net increase of 622 daily motor vehicle trips. But the traffic study done for the HMC project estimates a net reduction of 314 daily motor vehicle trips (because maintenance facility space generates fewer motor vehicle trips than the same amount of warehouse space and because of a further 20% reduction in worker trips due to BART's commitment to provide a peak-hour BART stop at the HMC complex for HMC employees). This removal of motor vehicle trips will reduce the overall total net facility GHG emissions as shown in the last column of the table below. Not only will the total net GHG emissions not exceed the BAAQMD threshold, but there will be a net project benefit to global GHG emissions because of the project-induced reduction in motor vehicle trips.

BART Hayward Maintenance Complex – Greenhouse Gas Emissions Estimates and Comparisons (CO2e - Metric Tons/Year)				
GHG Source Category	**Proposed Project** (General Light Industry) *Using All URBEMIS Default Rates*	**Existing Use to be Removed** (Warehouse) *Using All URBEMIS Default Rates*	**Net Project GHG Emissions** *Using All URBEMIS Default Rates*	**Net Project GHG Emissions** *With Project-Specific Motor Vehicle Trip Rate*
Transportation	1418.0	697.3	720.8	-404.4
Area Source	0.2	0.2	0.0	0.0
Electricity	445.5	353.9	91.6	91.6
Natural Gas	36.3	28.9	7.5	7.5
Water & Waste Water	5.0	4.0	1.0	1.0
Solid Waste	111.5	209.7	-98.1	-98.1
Agriculture	0.0	0.0	0.0	0.0
Off-Road Equipment	0.0	0.0	0.0	0.0
Refrigerants	0.0	0.0	0.0	0.0
Sequestration	N/A	N/A	N/A	N/A
Purchase of Offsets	N/A	N/A	N/A	N/A
Total	2016.7	1293.9	722.8	-402.4
BAAQMD Significance Threshold (for Net Project)			**1100**	**1100**
Project Exceeds Threshold?			**No**	**No**
Source: URBEMIS emission model with the BAAQMD's Bay Area Greenhouse Gas Model (BGM) add-on spreadsheet for quantifying non-transportation source GHG emissions; estimates generated December 2012.				

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2013

FROM: General Manager

SUBJECT: E&O Agenda Item 4.B: East Contra Costa BART Extension (eBART) Project Update

The attached presentation is an update on the progress of the eBART project which includes a discussion of the various design, construction and procurement contracts that are underway for the extension project. If you have any questions about this presentation, please contact Ric Rattray, Group Manager, Planning and Development at (510) 874-7319.

Marcia DeVaughn

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2013

FROM: General Manager

SUBJECT: PPAAL Agenda Item 5.A: BART Bicycle Access Plan - Update and Next Steps (For Information)

At the May 9th Board of Directors meeting, staff will present the attached overview of the March 18-22 Bike Pilot evaluation. Key indicators of customer sentiment from the August 2012 pilot are shown for comparison purposes.

The presentation will also include an update on the initiatives being implemented to improve BART's ability to accommodate bicycles. While these initiatives originated from the bike pilots, they have benefits beyond accommodating bikes during the commute period and are therefore moving forward independent of possible bike rule changes.

At the May 23, 2013 Board meeting, staff will ask the Board to consider modifications to the current bike rules that would allow bikes on all trains during the commute period with some restrictions (i.e. no bikes in first three cars).

Marcia deBruhl

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff