

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

May 22, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, May 22, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

Items placed under “consent calendar” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
- D. Public Hearing on Fiscal Year 2009 Budget.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of May 8, 2008.\* Board requested to authorize.
- B. Resolution of Support for Proposition 1B Security Funds – Fiscal Year 2008.\* Board requested to authorize.

- C. Recycled, Specialty Cut and Rolled Stock Paper Purchase through Alameda County Master Contract.\* Board requested to authorize.
- D. Award of Contract No. 15QB-120, Reroof Hayward Yard Technical Center, Chestnut Street Vent Structure and Oakland Shop Annex.\* Board requested to authorize.
- E. Award of Contract No. 15QC-120, Repaving Parking Lots at Concord Station.\* Board requested to authorize.
- F. Procurement of Replacement Service Vehicles.\* Board requested to authorize.

**RECESS TO STANDING COMMITTEES**

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

**ALL COMMITTEES ARE ADVISORY ONLY**

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess  
Director Franklin, Chairperson

- A-1. Condemnation of Real Property for the Warm Springs Extension Project BART Parcel No. J-1030-1,-2A, -2B, -2C, -3A, -3D, -3C and J-1031-1.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- A-2. Fiscal Year 2009 Budget: Capital Budget.\* For information.
- A-3. Proposed Senior and Disabled Fast Pass Joint Interim Pilot Program with San Francisco Municipal Transportation Agency.\* For information.
- A-4. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting  
Director Fang, Chairperson

- B-1. Award of Contract No. 79HH-110, Closed Circuit Television (CCTV) Project – Phase I Installation.\* Board requested to authorize.
- B-2. Status of Wi-Fi Prototype Project and Commercial Negotiations.\* For information.
- B-3. (CONTINUED from May 8, 2008, Engineering and Operations Committee)  
 Quarterly Performance Report, Third Quarter Fiscal Year 2008 - Service Performance Review.\* For information.
- B-4. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting  
Director Ward Allen, Chairperson

- C-1. Agreement with Alameda Bicycle for Management Services to Operate BART's Bike Parking Facilities Program at Embarcadero, Fruitvale and Berkeley Stations (Agreement No. 6M6015).\* Board requested to authorize.
- C-2. (CONTINUED from May 8, 2008, Planning, Public Affairs, Access, and Legislation Committee Meeting)  
Internet Subscription Pilot for Student Discount Tickets.\* For information.
- C-3. Status of Proposed BART to Livermore Extension Environmental Study.\*  
For information.
- C-4. General Discussion and Public Comment.

**RECONVENE BOARD MEETING**

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. Condemnation of Real Property for the Warm Springs Extension Project  
BART Parcel No. J-1030-1,-2A, -2B, -2C, -3A, -3D, -3C and J-1031-1.\*  
Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- A-2. Fiscal Year 2009 Budget: Capital Budget.\* For information.
- A-3. Proposed Senior and Disabled Fast Pass Joint Interim Pilot Program with  
San Francisco Municipal Transportation Agency.\* For information.

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Award of Contract No. 79HH-110, Closed Circuit Television (CCTV)  
Project – Phase I Installation.\* Board requested to authorize.
- B-2. Status of Wi-Fi Prototype Project and Commercial Negotiations.\* For  
information.
- B-3. (CONTINUED from May 8, 2008, Engineering and Operations  
Committee)  
Quarterly Performance Report, Third Quarter Fiscal Year 2008 - Service  
Performance Review.\* For information.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

C-1. Agreement with Alameda Bicycle for Management Services to Operate BART's Bike Parking Facilities Program at Embarcadero, Fruitvale and Berkeley Stations (Agreement No. 6M6015).\* Board requested to authorize.

C-2. (CONTINUED from May 8, 2008, Planning, Public Affairs, Access, and Legislation Committee Meeting)  
Internet Subscription Pilot for Student Discount Tickets.\* For information.

C-3. Status of Proposed BART to Livermore Extension Environmental Study.\*  
For information.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. Conference with Real Property Negotiator.

Property:	Property Located at the Walnut Creek BART Station
District Negotiators:	Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties:	Walnut Creek Transit Village Lifestyles Associates, LLC, and San Francisco Bay Area Rapid Transit District
Under Negotiation:	Price and Terms
Government Code Section:	54956.8

9. OPEN SESSION

A. Revised Option Agreement with Walnut Creek Transit Village Lifestyles Associates, LLC, for Development at the Walnut Creek BART Station.  
Board requested to authorize.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Marica DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Administration Committee		
DATE: c <i>5/14/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Tanner Dept: Capital Development -6433 <i>5/8/08</i> Signature/Date: <i>[Signature]</i>	General Counsel <i>Andrew Kinnel</i> <i>5/17/08</i>	Controller/Treasurer <i>[Signature]</i> <i>5/12/08</i>	District Secretary [ ]	BARC <i>[Signature]</i> <i>5-14-08</i> [ ]

TITLE: **Authorize the General Manager to Execute Funding Agreements for Security Grants**

NARRATIVE:

**Purpose:** To obtain Board authorization for the General Manager to file grant applications and execute funding agreements on behalf of the District with the U.S. Department of Homeland Security (DHS) and the Governor's Office of Homeland Security (OHS) for FY07/08 security grants.

**Discussion:** Board Resolution 4898 authorizes the General Manager to file grant applications and execute funding agreements on behalf of the San Francisco Bay Area Rapid Transit District for District projects and activities with any agency of the United States Government or the State of California, and with any other public agency. In past years, Board Resolution 4898 was sufficient authority for the General Manager to apply for and execute agreements for federal and State security grants.

OHS, which also administers grants from DHS, has made the following change to the requirements for grant applications and executing funding agreements:

Applications for projects seeking FY07-08 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF - FY 2007-2008 Prop. 1B) and FY 2007 Infrastructure Protection Program – Transit Security Grant Program (TSGP) are now required to submit a new governing body resolution every fiscal year.

The FY 2007 Transit Security Grant Program (TSGP) performance period started August 31, 2007 and runs through February 28, 2010.

The FY 07-08 Prop. 1B CTSGP-CTAF performance period started April 22, 2008 and ends March 31, 2011.

OHS will not accept resolutions other than resolutions that are adopted every fiscal year. OHS will not process reimbursements or issue an award letter until the required resolution is on file.

**Fiscal Impact:** Approximately \$13 million is programmed for the District to receive in FY 07-08 CTSGP-CTAF and FY 2007 TSGP funds for security projects.

**Alternatives:** OHS will not award the grant funds until submittal of the required new resolutions. Without such award, \$13 million for Security projects for the affected periods would

Authorize the General Manager to Execute Funding Agreements for Security Grants

be unfunded. BART Reserves and/or another funding source would have to be identified.

**Recommendation:** Adoption of the following motion.

**Motion:** Adoption of the attached resolutions.

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

In the Matter of Authorizing Actions  
Necessary to Obtain Financial  
Assistance from the Federal Department  
of Homeland Security \_\_\_\_\_

Resolution No.

WHEREAS, the District will benefit from continuing to receive funds for its security projects from the Federal Department of Homeland Security, which funds are administered by the Governor's Office of Homeland Security; and

WHEREAS, the Governor's Office for Homeland Security requires that agencies filing grant applications and executing grant agreements must submit new governing body resolutions every fiscal year.

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

That the General Manager is hereby authorized to execute for and on behalf of the San Francisco Bay Area Rapid Transit District, a rapid transit district established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and subgranted through the State of California for the FY 2007 Transit Security Grant Program (TSGP).

Adopted on \_\_\_\_\_, 2008

***Certification***

I, Kenneth A. Duron, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Kenneth A. Duron, District Secretary

Date \_\_\_\_\_

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

In the Matter of Authorizing Actions  
Necessary to Obtain Financial  
Assistance from the Governor's Office  
of Homeland Security \_\_\_\_\_

Resolution No.

WHEREAS, the District will benefit from continuing to receive funds for its security projects from the Governors Office of Homeland Security; and

WHEREAS, the Governor's Office for Homeland Security requires that agencies filing grant applications and executing grant agreements must submit new governing body resolutions every fiscal year.

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

That the General Manager is hereby authorized to execute for and on behalf of the San Francisco Bay Area Rapid Transit District, a rapid transit district established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the Governor's Office of Homeland Security for the FY07-08 California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) for FY 07-08 Prop 1B-6061-002 projects.

Adopted on \_\_\_\_\_, 2008

*Certification*

I, Kenneth A. Duron, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Kenneth A. Duron, District Secretary

Date \_\_\_\_\_





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaudin</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/14/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Colleen Kaida Dept: Procurement <i>Colleen Kaida</i> Signature/Date: 5/13/08	General Counsel <i>Indya Kawa</i> 5/13/08 [ ]	Controller/Treasurer <i>[Signature]</i> 5/13/08 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 3-14-08 [ ]
Status: Routed		Date Created: 04/10/2008		

TITLE:

### RECYCLED AND SPECIALTY CUT AND ROLLED STOCK PAPER

NARRATIVE:

#### PURPOSE:

To authorize the General Manager or her designee to utilize the County of Alameda Master Contract No. 900271 for the procurement of recycled cut stock, specialty cut, and rolled stock paper.

#### DISCUSSION:

The County of Alameda has entered into a three-year procurement contract, Master Contract No. 900271 (the "Master Contract"), which entitles it to purchase approximately 50 types of cut and continuous roll stock paper from two suppliers: Office Depot and Give Something Back. These suppliers each submitted winning bids for a portion of the bid items advertised by the County of Alameda pursuant to its Request for Quotations (RFQ). A list of the types of paper stock, also identified by supplier, is included in the Master Contract. The term of the Master Contract is from February 8, 2007 through January 31, 2010.

The Master Contract provides that other tax-supported agencies in the State of California may participate and make purchases under it. Pursuant to a Joint Powers Agreement dated July 3, 1973, between the County of Alameda and the District, the District is entitled to make purchases of materials and supplies through the County. The Agreement requires that, for the District to participate in such purchase contracts, they must have been bid by the County in a manner that is not inconsistent with the District's own statutory bid requirements. The Master Contract satisfies these requirements. Also, staff has determined that the bid pricing for the Master Contract is fair and reasonable.

The cut stock and rolled stock paper will be used for the District's copiers, printer, and fax machines and by the Information Technology Department for computer reports which are distributed throughout the District. Specialty cut paper will be used primarily in the Print Shop for covers and colored pages used in preparing brochures and manuals. In keeping with the Board's emphasis on encouraging the District's use of recycled products, staff expects that a

minimum of 75% of the cut stock paper purchased under the County contract would be recycled paper, containing at least 35% recycled content in accordance with the State standard.

**FISCAL IMPACT:**

For the period July 1, 2008 through January 31, 2010, the maximum amount that will be spent by the District under this Agreement will not exceed \$240,000. Funding for FY09 is \$140,000 and funding for FY10 is \$100,000; both amounts are included in the Procurement Department's proposed operating budget.

**ALTERNATIVE:**

The alternative would be to forego the cost savings associated with the Master Contract and conduct a District procurement for similar items under the District's standard procurement procedures. This would incur higher cost and could jeopardize continuous availability of the paper supply.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager or her designee is authorized to utilize the County of Alameda Master Contract No. 900271 for the procurement of recycled cut stock, specialty cut and rolled stock paper through January 31, 2010, in accordance with the Joint Powers Agreement dated July 3, 1973 between the County and the District, in an amount not to exceed \$240,000.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/16/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ersten Y Imaoka Dept: M&E <i>Ersten Imaoka</i> Signature/Date: 5/9/08	General Counsel <i>Andrew...</i> 5/9/08	Controller/Treasurer <i>[Signature]</i> 5/9/08	District Secretary	BARC <i>Faul...</i> 5/15/08
Status: Routed		Date Created: 04/29/2008		

TITLE:

## Award Contract No. 15QB-120, Reroof Hayward Yard Technical Training Center, CHS Vent Structure, and Oakland Shop Annex

NARRATIVE:

### PURPOSE:

To authorize the General Manager to award Contract No.15QB-120, Reroof Hayward Yard Technical Training Center, CHS Vent Structure, and Oakland Shop Annex, to Western Roofing Service.

### DISCUSSION:

This Contract includes the performance of all operations necessary to: (1) install modified bitumen roofing on the Hayward Yard Technical Training Center roof and on the CHS Vent Structure east stair roof, and (2) install preformed metal roofing on the Oakland Shop Annex high roof.

Advance Notice to Bidders was mailed on April 1, 2008 to 25 prospective bidders. Contract Books were mailed to 17 plan rooms and minority assistance organizations. The Contract was advertised on April 4, 2008. A pre-bid meeting and site inspection tour was held on April 15, 2008. Ten prospective bidders attended the pre-bid meeting, and ten prospective bidders visited the sites. A second site inspection tour was conducted on April 22, 2007, with three prospective bidders attending. The following five bids were received on April 29, 2008:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
1. Western Roofing Service	San Francisco	\$350,685
2. IMR Contractor Corp	San Francisco	\$374,221
3. ARC, Inc	Milpitas	\$431,400
4. Pioneer Contractors, Inc	San Francisco	\$438,890
5. Best, Inc	Hayward	\$442,810

### ENGINEER'S ESTIMATE

**\$297,000**

Staff has determined that the bid submitted by Western Roofing Service is responsive to the solicitation, and the bidder's license, business experience, and financial capabilities indicate that the bidder is responsible. Staff has also determined that the bid of \$350,685, which is approximately 18% above the Engineer's Estimate, is fair and reasonable.

Staff has determined that there will be no significant effect on the environment with installation of replacement roofing materials at these BART facilities, and that the work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to subsection d of Section 15301, Existing Facilities, of the State CEQA Guidelines.

**FISCAL IMPACT:**

Funding for this \$350,685 contract is included in the total project budget for 15QB, Reroof Three Stations FY07. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

**FY06 - 10 Capital Maintenance Allocation**  
**\$350,685**

**50Z**

As of the period ending 03/30 /08, \$700,000 is available for commitment from this fund source for this project and \$94,804 has been committed to date by BART. There is \$55,702 in pending commitments in BART's financial management system. This action will commit \$350,685, leaving an uncommitted balance of \$198,809.

There is no fiscal impact on available unprogrammed District capital funds.

**ALTERNATIVES:**

The alternative is to reject all bids, which will result in the deferral of roof replacement that is necessary for proper maintenance. Such deferral could lead to moisture and property damage caused by aged-induced failure of the roofing systems.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15QB-120, Reroof Hayward Yard Technical Training Center, CHS Vent Structure, and Oakland Shop Annex, to Western Roofing Service for the bid price of \$350,685, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm DeBardier</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>5/14/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ersten Y Imaoka Dept. M & E <i>Ersten Imaoka</i> Signature/Date: <i>5/12/08</i>	General Counsel <i>Andrea Kovacs</i> <i>5/15/08</i>	Controller/Treasurer <i>[Signature]</i> <i>5/12/08</i>	District Secretary [ ]	BARC <i>[Signature]</i> <i>5/12/08</i>
Status: Routed		Date Created: 05/05/2008		

TITLE:

## Award Contract No. 15QC-120, Repaving Parking Lots at Concord Station

NARRATIVE:

### PURPOSE:

To authorize the General Manager to award Contract No. 15QC-120, Repaving Parking Lots at Concord Station, to Bay Cities Paving and Grading, Inc.

### DISCUSSION:

This Contract, in general, consists of furnishing all labor, equipment, materials and services required to repave the surface parking lots of Concord Station. Concrete, pavement restriping and marking, stall striping, stall numbering, signage, electrical, irrigation, and miscellaneous and incidental work are also part of the scope of this Contract.

Advance Notice to Bidders was mailed on April 4, 2008 to 121 prospective bidders. Contract Books were mailed to 17 plan rooms and minority assistance organizations. The Contract was advertised on April 7, 2008. A pre-bid meeting was held on April 15, 2008. Five prospective bidders attended the pre-bid meeting. The following seven bids were received on May 6, 2008:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
1. Bay Cities Paving and Grading, Inc.	Concord	\$1,350,500
2. O. C. Jones & Sons, Inc.	Berkeley	\$1,414,141
3. Pavex Construction	San Jose	\$1,523,831
4. Granite Construction Co.	Santa Clara	\$1,575,581
5. Jos J. Albanese, Inc.	Santa Clara	\$1,633,400
6. Ghilotti Company	Santa Rosa	\$1,752,425
7. J. A. Gonsalves and Son	Napa	\$1,773,000

### ENGINEER'S ESTIMATE

**\$1,629,060**

Staff has determined that the bid submitted by Bay Cities Paving and Grading, Inc. is responsive to the solicitation, and the bidder's license, business experience, and financial capabilities indicate that the bidder is responsible. Staff has also determined that the bid of \$1,350,500, which is approximately 17% below the Engineer's Estimate, is fair and reasonable.

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 an existing facility involving no expansion of use.

**FISCAL IMPACT:**

Funding for this \$1,350,500 Contract is included in the total project budget for 15QC, Repave 3 Station Parking Lots FY 07. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

<b><u>FY- 00-06 Capital Allocation</u></b>	<b><u>50W</u></b>	<b><u>\$300,000</u></b>
<b><u>FY-06-10 Capital Maintenance Allocation</u></b>	<b><u>50Z</u></b>	<b><u>\$1,050,500</u></b>

As of the period ending 03/30 /08, \$450,000 is available for commitment from fund source 50W for this project and \$0 has been committed to date by BART. There is \$150,000 in pending commitments in BART's financial management system. This action will commit \$300,000, leaving an uncommitted balance of \$0.

As of the period ending 03/30/08, \$1,755,644 is available for commitment from fund source 50Z for this project and \$174,608 has been committed to date by BART. There is \$59,406 in pending commitments in BART's financial management system. This action will commit \$1,050,500 leaving an uncommitted balance of \$471,130.

There is no fiscal impact on available unprogrammed District capital funds.

**ALTERNATIVES:**

The alternative is to reject all bids, which will result in deferral of pavement rehabilitation, further deterioration of the pavement surfaces, and more extensive and costlier repairs in the future.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15QC-120, Repaving Parking Lots at Concord Station, to Bay Cities Paving and Grading, Inc., for the bid price of \$1,350,500, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Bakken</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/14/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher Dept:	General Counsel <i>Andrew Rosen</i> 5/12/08	Controller/Treasurer <i>[Signature]</i> 5/12/08	District Secretary	BARC <i>Paul Werner</i> 5/14/08
Signature/Date: <i>[Signature]</i> 5/12/08	[ ]	[ ]	[ ]	[ ]
Status: Routed		Date/Created: 04/16/2008		

TITLE:

### Procurement of Replacement Service Vehicles

NARRATIVE:

#### PURPOSE

To authorize the General Manager to purchase replacement non-revenue service vehicles consisting of police sedans, hybrid service vehicles, and light, medium, and heavy duty maintenance trucks and vans through the State's cooperative bid process.

#### DISCUSSION

These vehicles will directly replace an equal number of like vehicles throughout the District which have exceeded their serviceable life expectancy, in accordance with District guidelines. Retired vehicles are removed from the fleet and sold at auction. Last year 33 District vehicles were replaced in this manner. The new vehicles will be used by a variety of Departments for routine and emergency maintenance and other District business as required throughout the Bay Area.

California Government Code Section 54205 allows districts, such as BART, to request the California Department of General Services to make procurement of materials, equipment, and/or supplies on its behalf in accordance with Section 10298 of the Public Contract Code. Section 10298 also permits the Director of the California Department of General Services to consolidate the needs of its agencies for goods, information technology, and services and establish contracts, master agreements, multiple award schedules, cooperative agreements, and other types of agreements that leverage the State of California's buying power. In addition, the Department of General Services may make its services available, upon the same terms and conditions, to any district empowered to expend public funds for the acquisition of goods, information technology, and/or services. Districts may then enter into agreements, without further competitive bidding, with suppliers awarded contracts, master agreements, multiple award schedules, and cooperative agreements by the Department of General Services. These vehicles are now available from a variety of dealerships throughout Northern California determined by the State's procurement office to be the low bidder for their respective vehicles. It is recommended that orders be placed as early in the process as possible to ensure availability. Dealerships qualified by the State include those typically solicited by the District through its own procurement process.

Historically, the District has achieved significant cost savings by procuring automotive vehicles through the State of California. Because the State (including local government agencies that purchase through the State's competitive bid process) purchases a substantially greater volume of vehicles, the cost of vehicles procured through the State is expected to be lower than what the District could attain through its own contracting procedures. Additionally, cost savings are also achieved from a significant reduction in District labor hours required to process the State bid, as compared to the time required for in-house bid procedures.

Currently it is anticipated that the District will purchase about 11 police sedans, 9 hybrid vehicles and 21 light, medium and heavy duty pickup type trucks. These numbers are estimates and the mix might change somewhat due to immediate District needs.

### **FISCAL IMPACT STATEMENT**

Funding of \$900,000 for purchase of non revenue vehicles is included in the total project budget for the FMS #79BJ - Replace Non Revenue Vehicles. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

#### **FY06 - 10 Capital Allocation**

**50Z**

**\$900,000**

As of 4/18/08, \$2,233,000 is available for commitment from this fund source for this project, and BART, to date, has committed \$107,701. There is \$690,668 pending commitment in BART's financial management system. This action will commit an additional \$900,000, leaving an uncommitted balance of \$534,631 in this fund.

### **ALTERNATIVE**

Non-revenue vehicles are essential to the safe and reliable operation of the District. Although these vehicles could be purchased through the District's Procurement Office, it is anticipated that the cost would be greater and the time required for procurement would be significantly increased. To not approve this purchase, will increase the mileage and use of vehicles already due for replacement significantly beyond the limits established by District guidelines. Use of vehicles beyond the recommended retirement criteria increases maintenance expenditures and vehicle unscheduled down time.

### **RECOMMENDATION**

It is recommended that the Board adopt the following motion.

### **MOTION**

The General Manager is authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles through State of California Department of General Services contracts for an amount not to exceed \$900,000.00, including applicable taxes.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 5/14/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept. Real Estate ext. 6952 <i>Joseph Basuino</i> Signature/Date: 5-12-08	General Counsel <i>Andrew...</i> 5/12/08 [ ]	Controller/Treasurer <i>[Signature]</i> 5/9/08 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 5-12-08 [ ]
Status: Approved		Date Created: 05/05/2008		

TITLE:

### Condemnation of Real Property for Warm Springs Extension Project (WSX) BART Parcel #J-1030-1, -2A, -2B, -2C, -3A, -3B, -3C and J-1031-1

NARRATIVE:

#### PURPOSE:

To adopt by a two-thirds vote of the entire Board the attached Resolution of Necessity to Condemn fee simple and lesser interests in real property located at 39410 Civic Center Drive, Fremont, California 94538. This property is required for the Warm Springs Extension Project.

#### DISCUSSION:

The San Francisco Bay Area Rapid Transit District ("BART") proposes to purchase certain real property for the purpose of constructing a rail extension from the existing Fremont Station site south to Warm Springs ("WSX" or the "Project"). The Project requires the acquisition of the fee simple interest and lesser interests in a 7.007 acre property owned by ASN Fremont, LLC. It is located at 39410 Civic Center Drive, Fremont, CA 94538 (BART Parcel #J-1030-1, -2A, -2B, -2C, -3A, -3B, -3C and J-1031-1, or the "Subject Parcel").

The Board certified a California Environmental Quality Act ("CEQA") Final Environmental Impact Report ("FEIR") on September 15, 1992. The District prepared a Supplemental Environmental Impact Report ("SEIR") for the purpose of updating the 1992 FEIR due to changed circumstances and certain revisions to the Project since 1992. On June 26, 2003, following a public hearing, the Board certified the SEIR and adopted the Project.

The Federal Transit Administration ("FTA") and BART released a Final Environmental Impact Statement ("FEIS") for the Warm Springs Extension Project in July of 2006. The FTA issued a Record of Decision on October 24, 2006 which determined that the National Environmental Policy Act requirements and other federal requirements for the Project had been satisfied.

The proposed use of the Subject Parcel is for trackway. A portion of the Subject Parcel is also to be used to mitigate lost storm water storage capacity for the Alameda County Flood Control and Water Conservation District's ("ACFC") South Tule Detention Pond, resulting from the acquisition of ACFC property for the Project.

Project features proposed on and near the Subject Parcel have been specifically planned and located in an attempt to meet Project needs in the most beneficial and least environmentally harmful way possible. The trackway alignment must extend south from the existing Fremont Station, travel through a narrow corridor of open land between Walnut Avenue and Stevenson Boulevard, which includes a crossing of the Hayward Fault, pass through Central Park in a subway which must rise to grade once it has crossed beneath the operating Union Pacific track, and then cross Paseo Padre Parkway in a manner compatible with the City of Fremont's Washington Boulevard/Paseo Padre Parkway grade separation project which is currently under construction. Where the trackway crosses the Hayward Fault, it must do so on a widened earthen embankment to minimize risk of future damage and increase BART's ability to maintain the trackway at this location.

In the immediate vicinity of the Subject Parcel, the BART alignment is highly constrained by its tie-in to the Fremont Station and the narrow corridor of land on which the alignment must be built between Walnut Avenue and Stevenson Boulevard. On either side of the BART alignment between Walnut Avenue and Stevenson Boulevard are the South Tule Pond and a mixture of improved land including office buildings, apartment complexes with retail and condominium developments.

The Project facilities and uses to be located on the Subject Parcel, particularly the trackway alignments and replacement detention pond, are necessary for the successful construction of the Project and the safe and efficient operation of the BART system. The Subject Parcel is uniquely suited to support these Project purposes.

The offer required by Section 7267.2 of the Government Code has been made to the owners of record of the Subject Parcel on March 6, 2008. The estimated market value of the Subject Parcel is \$5,265,000.00.

Former owners of the Subject Parcel (and/or their assignees) are the Philip H. and Ruth Ann Ingber Trust, Cynthia M. Ingber Morisch, the 1998 Irrevocable Trust for the Benefit of Eric Ward Ingber, Kate Sexton Ingber, the Peter S. Ingber Trust, the Sara Loring Ingber Trust and the Griffin 1989 Living Trust (collectively the "Ingber Parties"). ASN Fremont, LLC (and/or its predecessors in interest) has entered into a series of agreements with the Ingber Parties, who appear to have some interest in the condemnation award.

To date, negotiations appear to be at an impasse. The property owners have been notified of the Board hearing on May 22, 2008.

In order to proceed with the recommended condemnation, the Board must determine each of the following:

1. The public interest and necessity required by the proposed project.
2. The proposed project is planned or located in a manner that will be most

compatible with the greatest public good and the least private injury.

3. The proposed property acquisition is necessary for said project.
4. The offer required by Section 7267.2 of the Government Code has been made to the owners or owners of record.

**FISCAL IMPACT:**

Funding of \$5,265,000 for acquisition of this parcel from ASN is included in Project 02EC, ROW Acquisition. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for the purchase will come from the following:

CTC Traffic Congestion Relief-WSX 55N \$5,265,000

As of month ending 3/30/2008, \$44,318,000 is available for commitment from this fund source for this Project, and \$5,279,431 has been committed by BART to date. There are no pending commitments in BART's financial management system. This action will commit an additional \$5,265,000, leaving an uncommitted balance of \$33,773,569 in this fund source.

There is no fiscal impact on available unprogrammed District reserves.

**ALTERNATIVES:** Withdraw the condemnation action and proceed with negotiations without the backing of eminent domain. Withdrawal of the condemnation action may result in the property not being available for Project construction when required and exposing BART to additional escalation on the capital cost of the WSX Project.

**RECOMMENDATIONS:** It is recommended that the Board adopt the attached Resolution of Necessity to condemn the Real Property.

**MOTION:** Adoption of the attached Resolution. A two-thirds vote of the full Board is required to adopt this Resolution.

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

RESOLUTION OF NECESSITY TO CONDEMN  
REAL PROPERTY; MAKE FINDINGS AND  
DETERMINATIONS; AUTHORIZE EMINENT  
DOMAIN PROCEEDINGS AND APPLICATION  
FOR POSSESSION PRIOR TO JUDGMENT;  
DRAW AND DEPOSIT WARRANT /)

Resolution No.

**Recitals**

1. The San Francisco Bay Area Rapid Transit District (“BART or District”) is undertaking the construction of the Warm Springs Extension project (the “Project”). The BART Board of Directors (“Board”) certified a California Environmental Quality Act (“CEQA”) Final Environmental Impact Report (“FEIR”) on September 15, 1992. The District prepared a Supplemental Environmental Impact Report (“SEIR”) for the purpose of updating the 1992 FEIR due to changed circumstances and certain revisions to the Project since 1992. On June 26, 2003, following a public hearing, the Board certified the SEIR and adopted the Project.

2. The Federal Transit Administration (“FTA”) and BART released a Final Environmental Impact Statement (“FEIS”) for the Warm Springs Extension Project in July of 2006. The FTA issued a Record of Decision on October 24, 2006 which determined that the National Environmental Policy Act (“NEPA”) requirements and other federal requirements for the Project have been satisfied.

3. The Project requires the acquisition of certain property owned by ASN Fremont, LLC (“ASN”) that is defined in paragraph 5 of these Recitals as the Subject Property.

4. The District has complied with all requirements of CEQA and NEPA for the Project.

5. The District desires to acquire for public use, by exercise of the power of eminent domain, property interests, to wit, fee title, permanent easement and temporary construction easement together with all improvements situated thereon and together with all rights appurtenant thereto, to certain real property owned in fee simple by ASN , as its interests appear of record, which real property, or interests in property, is located at 39410 Civic Center Drive, California, 94538, and is identified as BART Parcel Numbers J-1030-1,-2A,-2B,-2C,-3A,-3B,-3C and J-1031-1 (Assessor's Parcel Numbers 507-0465-017-01 and 507-0465-018), and is more particularly described and shown in Exhibit A, attached hereto and incorporated herein by this reference (the "Subject Property").

6. The Board of Directors constitutes the governing body of the District and is authorized by Sections 28953, 29010, and 29031 of the California Public Utilities Code to acquire the Subject Property by eminent domain.

7. The District has tendered a written offer to the owner of record to purchase the Subject Property for the fair market value, and has sent to the owner written notice of the intent to adopt this resolution of necessity.

8. The Board of Directors has given due consideration to all oral and documentary evidence presented and has found that the acquisition of the Subject Property is required by the public interest and necessity for rapid transit purposes, more particularly to construct the Project and all incidents thereto.

Now, therefore, by vote of two-thirds or more of its members, the Board of Directors of the San Francisco Bay Area Rapid Transit District does find and resolve that:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner which will be most compatible with the

greatest public good and the least private injury;

3. The Subject Property is necessary for the Project; and
4. The offer required by Section 7267.2 of the California Government Code has been made to the owners of record of the Subject Property.
5. The District has complied with all conditions and statutory requirements, including those prescribed by CEQA, that are necessary to exercise the power of eminent domain to acquire the Subject Property.
6. The Subject Property is being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the District's use of the Subject Property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
7. The Subject Property is being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the District's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.
8. The portions of the Subject Property identified as BART Parcel Numbers J-1030-2A and J-1031-1 are being acquired as substitute property pursuant to California Code of Civil Procedure Sections 1240.320 and 1240.330 and are necessary for the purposes specified in those sections.

Special counsel, Erickson, Beasley & Hewitt, are hereby AUTHORIZED AND EMPOWERED:

To acquire in the name of the San Francisco Bay Area Rapid Transit District, by condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California.

To prepare and prosecute in the name of the San Francisco Bay Area Rapid Transit District such proceedings in the proper court as are necessary for such acquisition; and

To deposit the probable amount of just compensation, based on an appraisal, and to apply to said court for an order permitting the San Francisco Bay Area Rapid Transit District to take immediate possession and use the Subject Property for said public uses and purposes.

The General Manager of the San Francisco Bay Area Rapid Transit District is hereby AUTHORIZED AND EMPOWERED:

To draw a warrant in the amount as determined by an appraisal of the fair market value of the Subject Property, made payable on CTC Traffic Congestion Relief-WSX Fund 55N, said warrant to be made payable to State of California--Condemnation Deposits Fund, and deliver said warrant to said special counsel or wire said sum directly to the State of California Treasurer's Office, to be deposited with said payee as security for the order for possession hereinbefore authorized.

###

## **Exhibit A**

- Exhibit A-1 Page 1 of 2 Legal Description of J-1030-1 Fee**
- Exhibit A-1 Page 2 of 2 Legal Description of J-1031-1 Fee**
- Exhibit A-2 Page 1 of 2 Plat of J-1030-1**
- Exhibit A-2 Page 2 of 2 Plat of J-1031-1**
- Exhibit A-3 Page 1 of 1 Legal Description of J-1030-2A Storm Drain Easement**
- Exhibit A-4 Page 1 of 1 Plat of J-1030-2A**
- Exhibit A-5 Page 1 of 2 Legal Description of J-1030-2C Access Easement**
- Exhibit A-5 Page 2 of 2 Legal Description of J-1030-2B Access Easement**
- Exhibit A-6 Page 1 of 2 Plat of J-1030-2C**
- Exhibit A-6 Page 2 of 2 Plat of J-1030-2B**
- Exhibit A-7 Page 1 of 1 Legal Description of J-1030-2B Access Easement in favor of ACFC&WCD\***
- Exhibit A-8 Page 1 of 1 Plat of J-1030-2B**
- Exhibit A-9 Page 1 of 3 Legal Description of J-1030-3A Temporary Construction Easement**
- Exhibit A-9 Page 2 of 3 Legal Description of J-1030-3B Temporary Construction Easement**
- Exhibit A-9 Page 3 of 3 Legal Description of J-1030-3C Temporary Construction Easement**
- Exhibit A-10 Page 1 of 3 Plat of J-1030-3A**
- Exhibit A-10 Page 2 of 3 Plat of J-1030-3B**
- Exhibit A-10 Page 3 of 3 Plat of J-1030-3C**

\*Alameda County Flood Control and Water Conservation District



Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

**Exhibit A-1 Page 1 of 2 J-1030-1**

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

**BEGINNING** at a point on the northerly line of said Parcel 2, said point being at the northwesterly end of the line that reads "South 27°52'48" East 180.44 feet" as shown on said "Parcel Map 5503"; thence along said line, South 26°31'29" East 75.64 feet; thence leaving said line, North 64°16'26" West 70.86 feet, to a point on the northerly line of said Parcel 2 that reads "North 37°47'12" East 170.04 feet" as shown on said "Parcel Map 5503"; thence along said line, North 39°08'31" East 47.61 feet, to the **POINT OF BEGINNING**.

Containing 1,641 square feet of land (0.038 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

Exhibit A-1 Page 2 of 2 J-1031-1

LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF  
APN 507-0465-018  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA

January 8, 2008

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., official records in the office of the recorder of Alameda County, State of California, being more particularly described as follows:

BEGINNING at a point on the northerly line of said Parcel 2, said point being at the westerly end of the line that reads "North 86°45'11" East 280.48 feet" as shown on said "Parcel Map 5503", said line also being on the southerly boundary of Parcel 3 of "Parcel Map 6975" filed December 27, 1996, in Book 229 of Maps, at pages 14 through 15, Alameda County Records; thence along said line, North 88°06'30" East 280.46 feet; thence continuing along said boundary line of PARCEL 2, North 86°42'17" East 562.53 feet to a non-tangent curve to the right; thence along said non-tangent curve to the right, to which a radial line bears North 60°39'29" East, having a radius of 425.00 feet, southeasterly through a central angle of 25°49'51", for an arc length of 191.60 feet; thence along the southerly line of said Parcel 2 for the next three (3) courses, (1) North 82°18'12" West 315.91 feet, (2) North 87°24'25" West 458.32 feet, (3) North 68°57'39" West 163.26 feet; thence leaving said southerly line, North 55°32'38" East 33.55 feet, to the POINT OF BEGINNING.

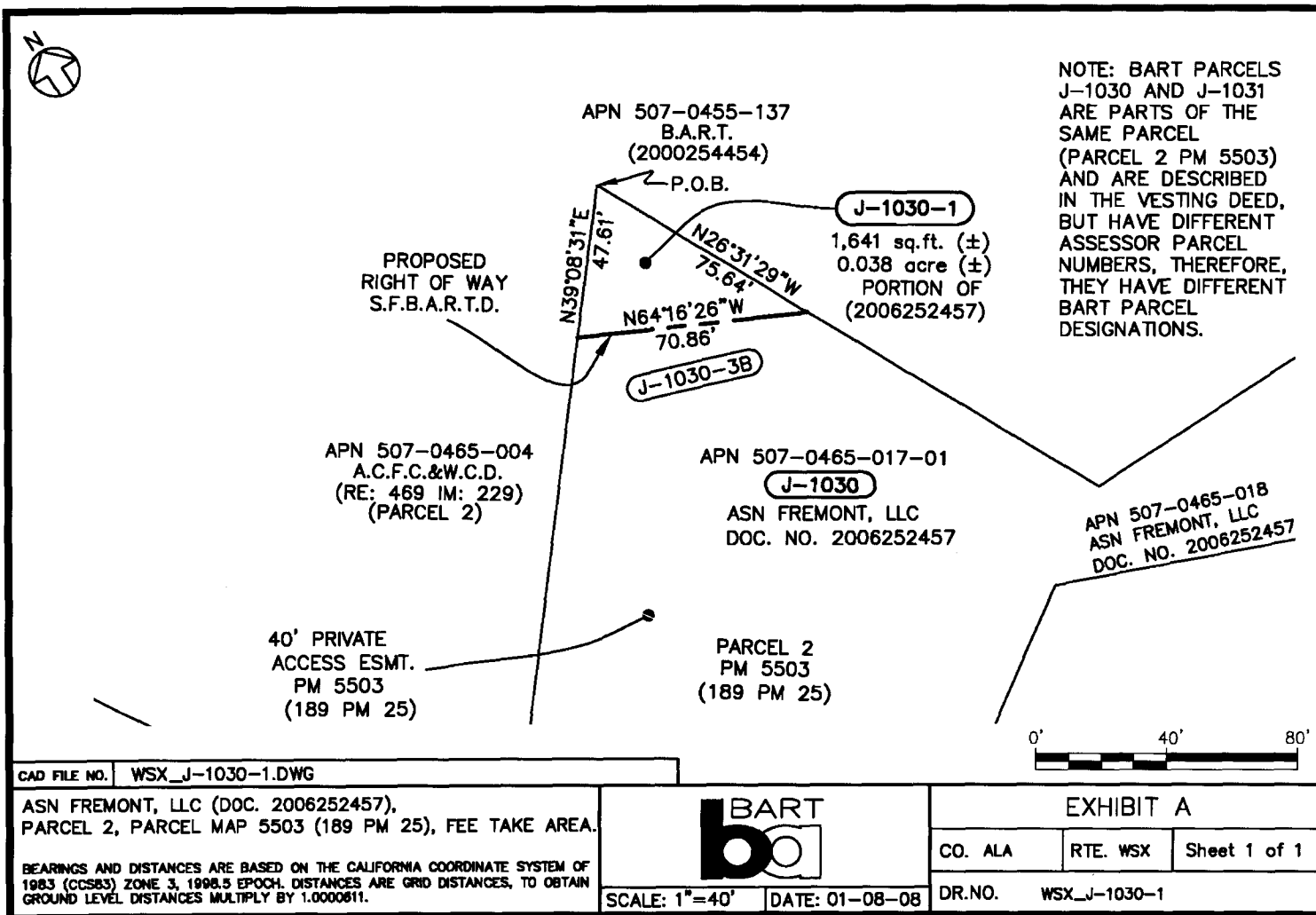
Containing 99,057 square feet of land (2.274 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

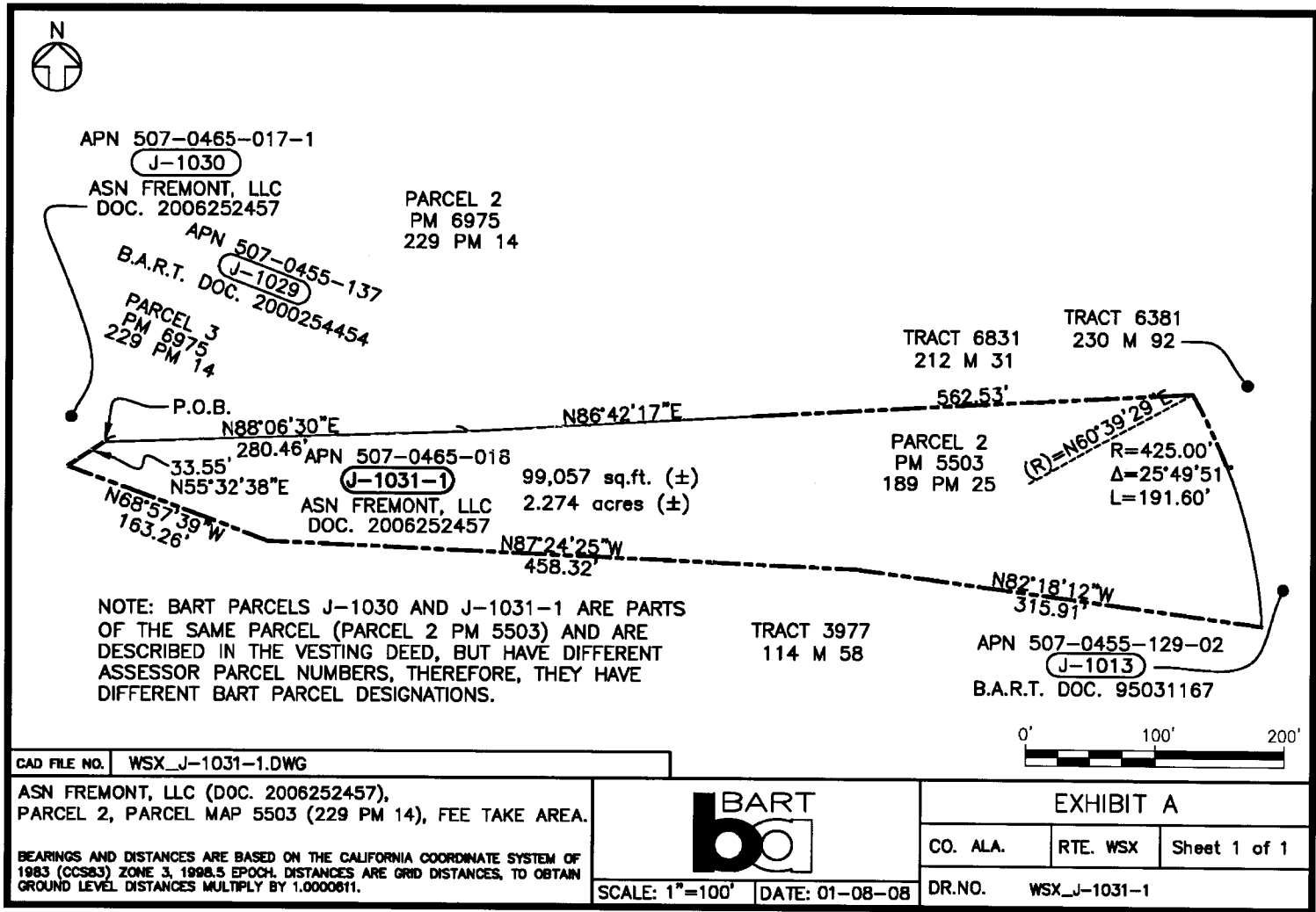
Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

Exhibit A-2 Page 1 of 2



Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

Exhibit A-2 Page 2 of 2



Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

**Exhibit A-3 Page 1 of 1 J-1030-2A**

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

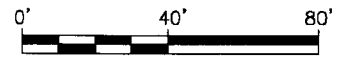
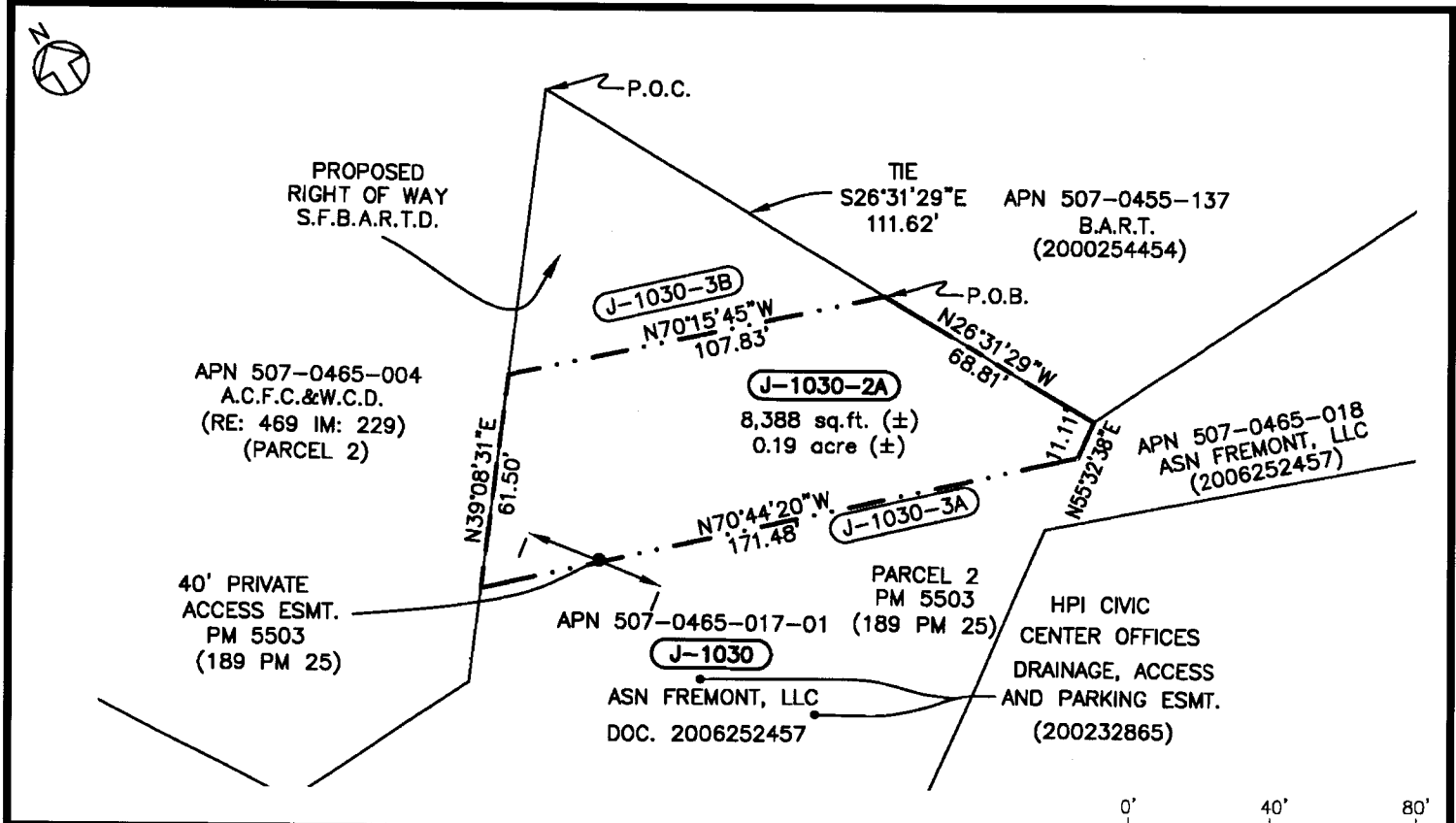
Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

COMMENCING at a point on the northerly line of said Parcel 2, said point being at the northwesterly end of the line that reads "South 27°52'48" East 180.44 feet" as shown on said "Parcel Map 5503"; thence along said line, South 26°31'29" East 111.62 feet to the POINT OF BEGINNING; thence continue southeasterly along said line, a distance of 68.81 feet; thence leaving said line, South 55°32'38" West 11.11 feet; thence North 70°44'20" West 171.48 feet, to a point on the northerly line of said Parcel 2 that reads "North 37°47'12" East 170.04 feet" as shown on said "Parcel Map 5503"; thence along said line, North 39°08'31" East 61.50 feet; thence leaving said line, South 70°15'45" East 107.83 feet, to the POINT OF BEGINNING.

Containing 8,388 square feet of land (0.19 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.



CAD FILE NO. WSX\_J-1030-2A.DWG

ASN FREMONT, LLC (DOC. 2006252457),  
 PARCEL 2, PARCEL MAP 5503 (189 PM 25), PERMANENT  
 EASEMENT.  
 BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF  
 1983 (CCS83) ZONE 3, 1998.5 EPOCH. DISTANCES ARE GRID DISTANCES, TO OBTAIN  
 GROUND LEVEL DISTANCES MULTIPLY BY 1.0000811.



SCALE: 1"=40' DATE: 01-08-08

EXHIBIT A

CO. ALA	RTE. WSX	Sheet 1 of 1
DR.NO. WSX_J-1030-2A		

Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

Exhibit A-5 Page 1 of 2 J-1030-2C

LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA

January 8, 2008

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

COMMENCING at the intersection of the easterly line of said Parcel 2 with the northerly line of Civic Center Drive as shown on said map, said point being the southerly terminus of the line that reads "South 30°05'16" West 130.00 feet" as shown on said map; thence along said northerly line of Civic Center Drive, South 58°34'44" East 23.03 feet to the POINT OF BEGINNING; thence leaving said northerly line, the following courses:  
North 31°26'35" East 176.871 feet,  
South 58°33'25" East 176.79 feet,  
a tangent curve to the left, a radius of 25.00 feet, delta of 90°00'00", an arc length of 39.27 feet,  
North 31°26'35" East 359.94 feet,  
North 39°08'12" East 114.89 feet,  
North 13°15'02" West 12.05 feet,  
South 64°16'16" East 20.44 feet,  
South 26°40'08" East 20.13 feet,  
South 63°19'52" West 11.48 feet,  
South 39°08'12" West 196.29 feet,  
South 31°26'35" West 306.50 feet,  
North 58°33'25" West 176.79 feet,  
a tangent curve to the left, a radius of 25.00 feet, delta of 90°00'00", an arc length of 39.27 feet,  
thence South 31°26'35" West 132.98 feet, thence a tangent curve to the left, a radius of 25.00 feet, delta of 15°59'44", an arc length of 6.98 feet to said northerly line of Civic Center Drive, thence along said northerly line North 58°33'25" West 12.97 feet to the POINT OF BEGINNING.

Containing 13,016 square feet of land (0.299 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

**Exhibit A-5 Page 2 of 2 Legal Description of 2<sup>nd</sup> BART access easement J-1030-2B**

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

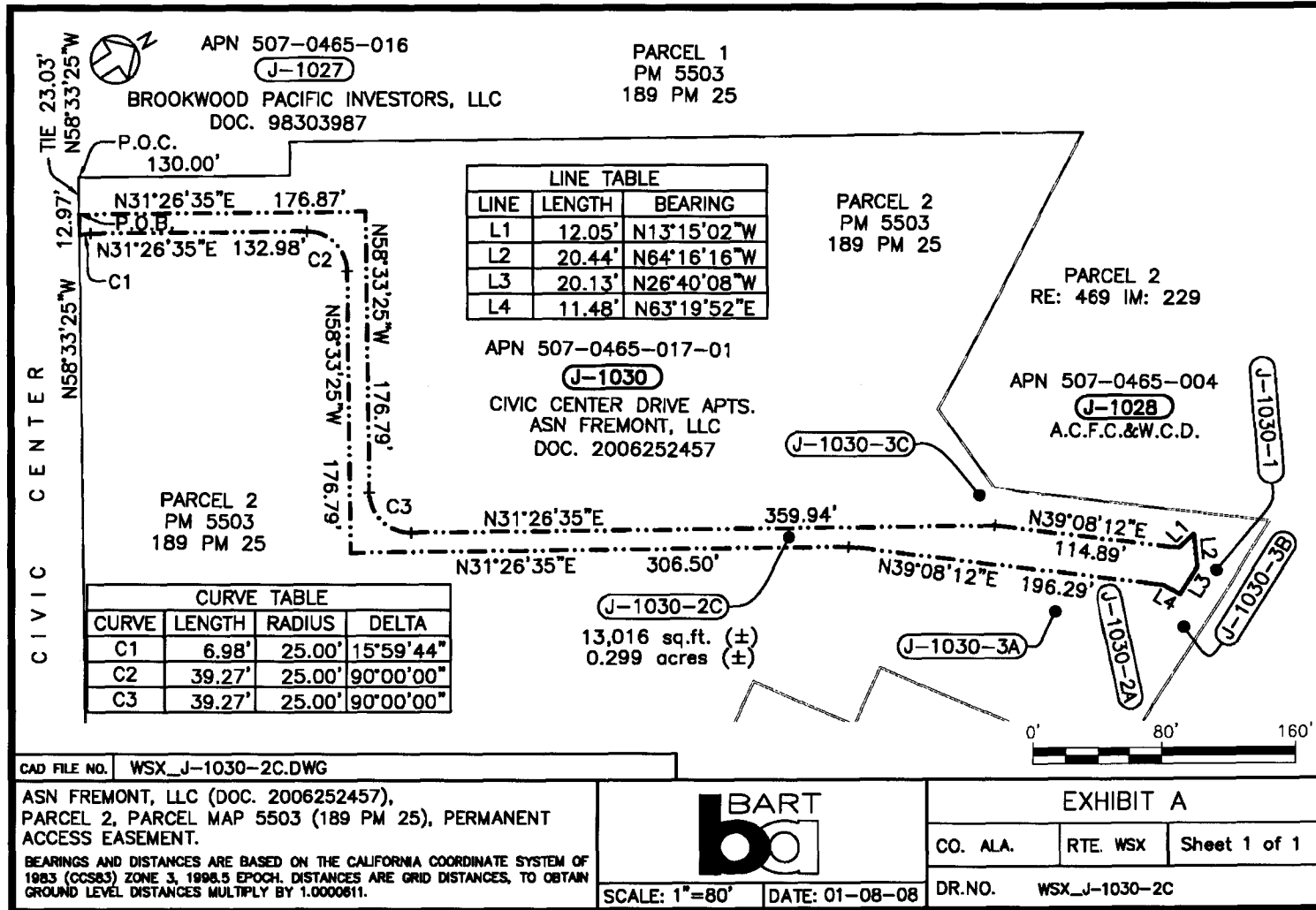
COMMENCING at a point on the northerly line of said Parcel 2, said point being at the northwesterly end of the line that reads "South 27°52'48" East 180.44 feet" as shown on said "Parcel Map 5503"; thence along said line, South 26°31'29" East 75.64 feet, thence, leaving said northwesterly line and along the proposed westerly line of the lands of SFBART North 64°16'16" West 11.13 feet to the POINT OF BEGINNING; thence continuing northwesterly along said proposed westerly line of SFBART, North 64°16'16" West 25.41 feet, thence leaving said line, South 26°40'08" West 20.13 feet, thence North 63°19'52" West 15.50 feet to the POINT OF BEGINNING.

Containing 156 square feet of land (0.004 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

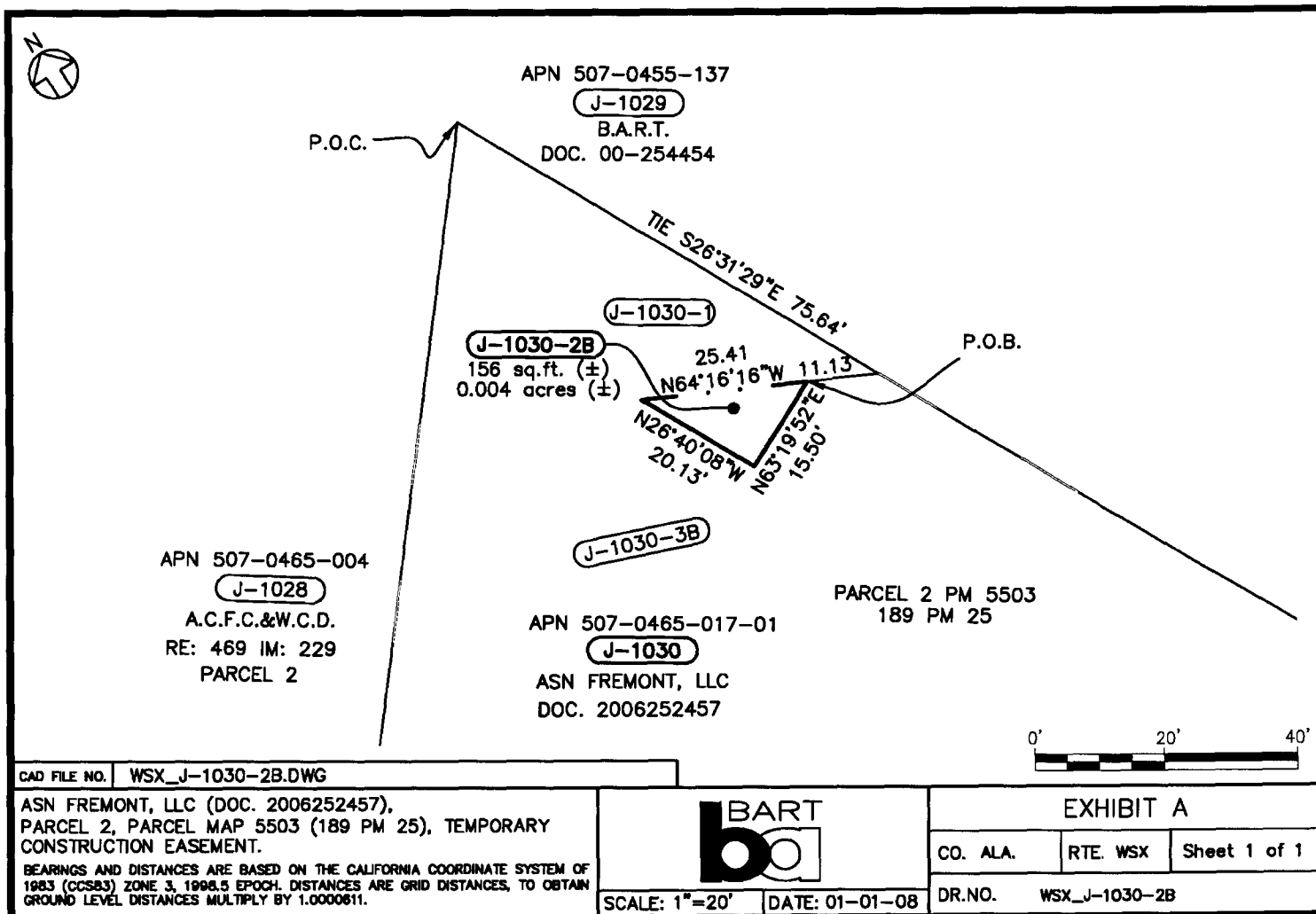
This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.





Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

		EXHIBIT A	
		CO. ALA.	RTE. WSX
SCALE: 1"=80'		DATE: 01-08-08	
DR.NO.		WSX_J-1030-2C	



Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

CAD FILE NO. WSX\_J-1030-2B.DWG

ASN FREMONT, LLC (DOC. 2006252457),  
 PARCEL 2, PARCEL MAP 5503 (189 PM 25), TEMPORARY  
 CONSTRUCTION EASEMENT.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF  
 1983 (CCS83) ZONE 3, 1998.5 EPOCH. DISTANCES ARE GRID DISTANCES. TO OBTAIN  
 GROUND LEVEL DISTANCES MULTIPLY BY 1.0000611.



SCALE: 1"=20' DATE: 01-01-08

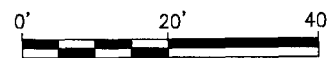


EXHIBIT A		
CO. ALA.	RTE. WSX	Sheet 1 of 1
DR.NO.	WSX_J-1030-2B	

Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

**Exhibit A-7 Legal description of ACFC Access Easement J-1030-2B**

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

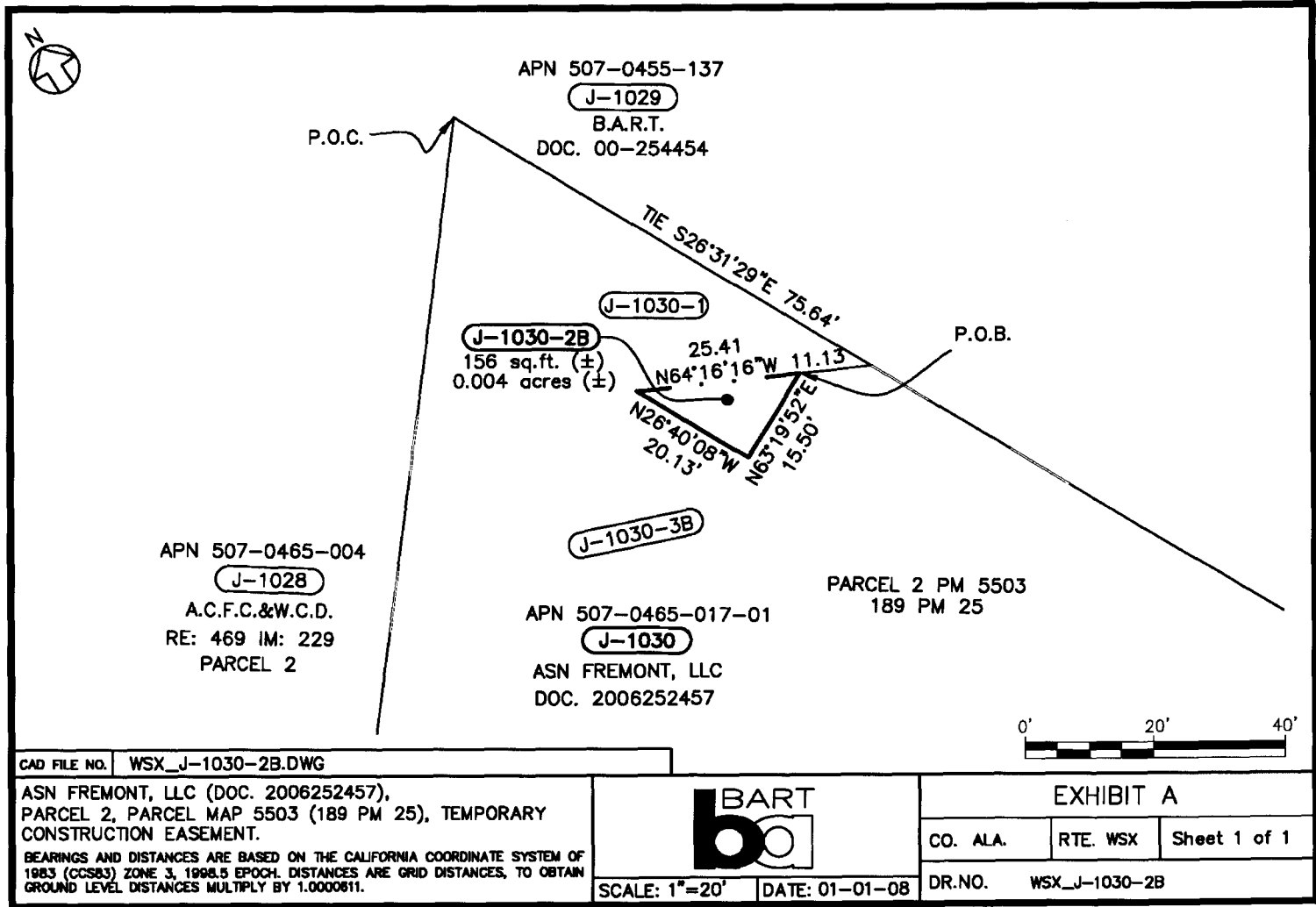
COMMENCING at a point on the northerly line of said Parcel 2, said point being at the northwesterly end of the line that reads "South 27°52'48" East 180.44 feet" as shown on said "Parcel Map 5503"; thence along said line, South 26°31'29" East 75.64 feet, thence, leaving said northwesterly line and along the proposed westerly line of the lands of SFBART North 64°16'16" West 11.13 feet to the POINT OF BEGINNING; thence continuing northwesterly along said proposed westerly line of SFBART, North 64°16'16" West 25.41 feet, thence leaving said line, South 26°40'08" West 20.13 feet, thence North 63°19'52" West 15.50 feet to the POINT OF BEGINNING.

Containing 156 square feet of land (0.004 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

Exhibit A-8 Plat of ACFC Access Easement



Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)

CAD FILE NO. WSX\_J-1030-2B.DWG

ASN FREMONT, LLC (DOC. 2006252457),  
 PARCEL 2, PARCEL MAP 5503 (189 PM 25), TEMPORARY  
 CONSTRUCTION EASEMENT.  
 BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF  
 1983 (CCS83) ZONE 3, 1998.5 EPOCH. DISTANCES ARE GRID DISTANCES. TO OBTAIN  
 GROUND LEVEL DISTANCES MULTIPLY BY 1.0000811.



SCALE: 1"=20' DATE: 01-01-08

EXHIBIT A  
 CO. ALA. RTE. WSX Sheet 1 of 1  
 DR.NO. WSX\_J-1030-2B

Project: Warm Springs Extension  
Owner: ASN FREMONT, LLC  
BART Parcel No.: J-1030 (J-1031)

Exhibit A-9 Pg 1 of 3

J-1030-3A

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

**COMMENCING** at a point on the northerly line of said Parcel 2, said point being at the southwesterly end of the line that reads "North 37°47'12" East 170.04 feet" as shown on said "Parcel Map 5503"; thence along said line, North 39°08'31" East 16.08 feet, to the **POINT OF BEGINNING**; thence continue northeasterly along said line, a distance of 10.63 feet; thence leaving said line, South 70°44'20" East 171.48 feet; thence South 55°32'38" West 12.41 feet; thence North 70°44'20" West 167.76 feet, to the **POINT OF BEGINNING**.

Containing 1,697 square feet of land (0.039 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA

January 8, 2008

Being a portion of that certain real property shown as "Parcel 2" on that certain map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, as conveyed in that certain Grant Deed recorded June 30, 2006 as document 2006252457, granted to ASN Fremont, LLC from Civic Center Drive Apartments, L.P., Official Records in the office of the Recorder of Alameda County, State of California, being more particularly described as follows:

COMMENCING at a point on the northerly line of Parcel 2, said point being at the northwesterly end of the line that reads "South 27°52'48" East 180.44 feet" as shown on said "Parcel Map 5503"; thence along said line, South 26°31'29" East 75.64 feet, to the POINT OF BEGINNING; thence continuing southeasterly along said line, a distance of 35.97 feet; thence leaving said line, North 70°15'45" West 107.83 feet, to a point on the northerly line of Parcel 2 that reads "North 37°47'12" East 170.04 feet" as shown on said "Parcel Map 5503"; thence along said line, North 39°08'31" East 34.21 feet; thence leaving said line, South 64°16'16" East 34.33 feet, thence the following 3 courses South 26°40'08" East 20.13 feet, North 63°19'52" East 15.50 feet, North 64°16'16" West 11.13 feet to the POINT OF BEGINNING.

Containing 2,364 square feet of land (0.054 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.

**LEGAL DESCRIPTION  
ASN FREMONT, LLC  
PORTION OF APN 507-0465-017-01  
ALAMEDA COUNTY  
CITY OF FREMONT, CALIFORNIA**

**January 8, 2008**

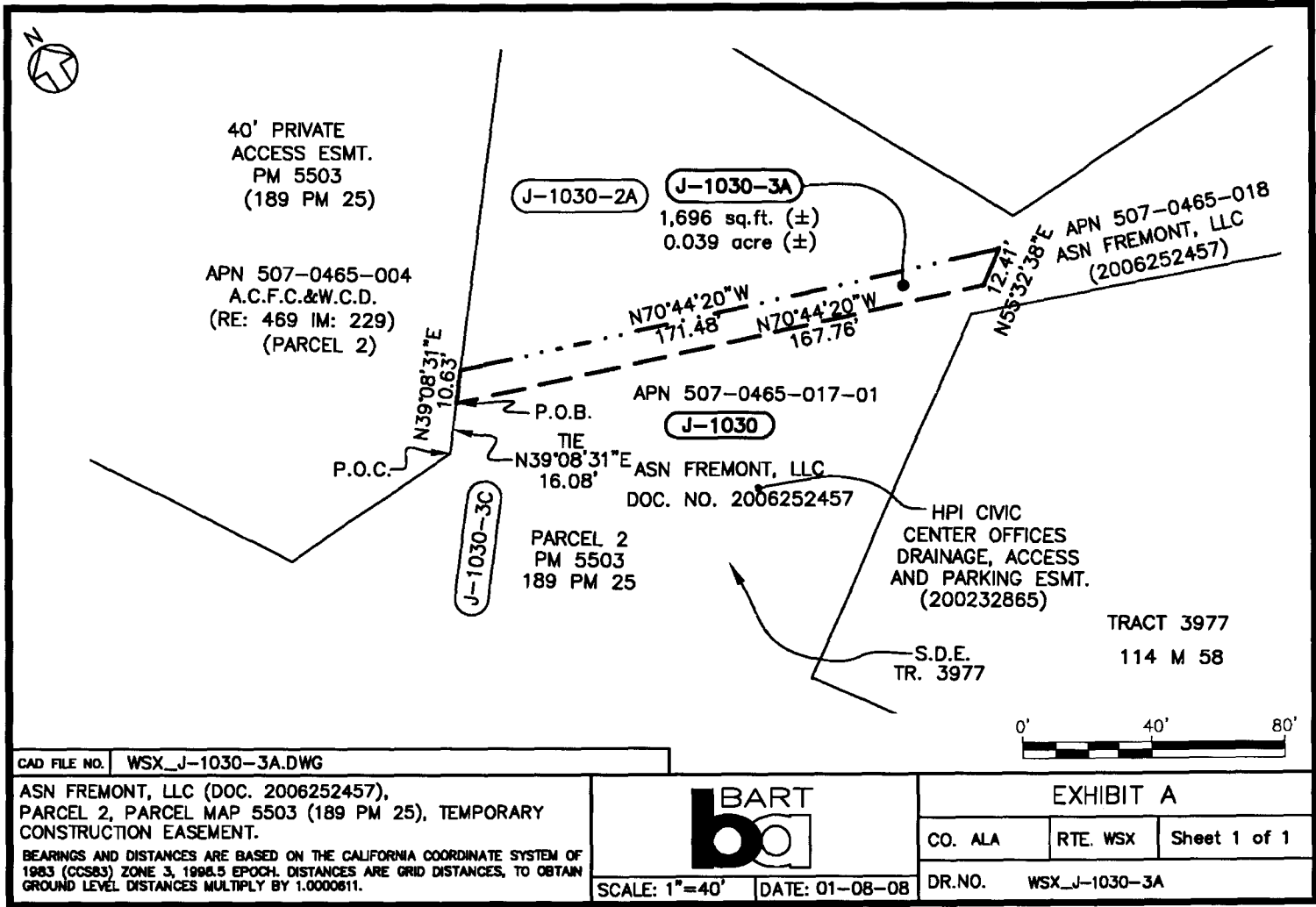
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**BEGINNING** at a point on the northerly line of Parcel 2, said point being at the southwesterly end of the line that reads "North 37°47'12" East 170.04 feet" as shown on said "Parcel Map 5503"; thence along said line, North 39°08'31" East 16.08 feet; thence leaving said line, South 70°44'20" East 27.95 feet; thence, South 39°15'41" West 76.44 feet; thence North 59°00'02" West 26.39 feet; thence North 39°08'31" East 54.59 feet, to the **POINT OF BEGINNING**.

Containing 1,927 square feet of land (0.044 acre), more or less.

A Plat Map is attached hereto and made a part hereof.

This description is based on record, on file documents and field survey measurements. Bearings and distances are based on the California Coordinate System of 1983 (CCS83) Zone III, 1998.5 Epoch. Distances are grid distances, to obtain ground level distances multiply by 1.0000611.



CAD FILE NO. WSX\_J-1030-3A.DWG

ASN FREMONT, LLC (DOC. 2006252457), PARCEL 2, PARCEL MAP 5503 (189 PM 25), TEMPORARY CONSTRUCTION EASEMENT.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83) ZONE 3, 1998.5 EPOCH. DISTANCES ARE GRID DISTANCES. TO OBTAIN GROUND LEVEL DISTANCES MULTIPLY BY 1.0000611.



SCALE: 1"=40' DATE: 01-08-08

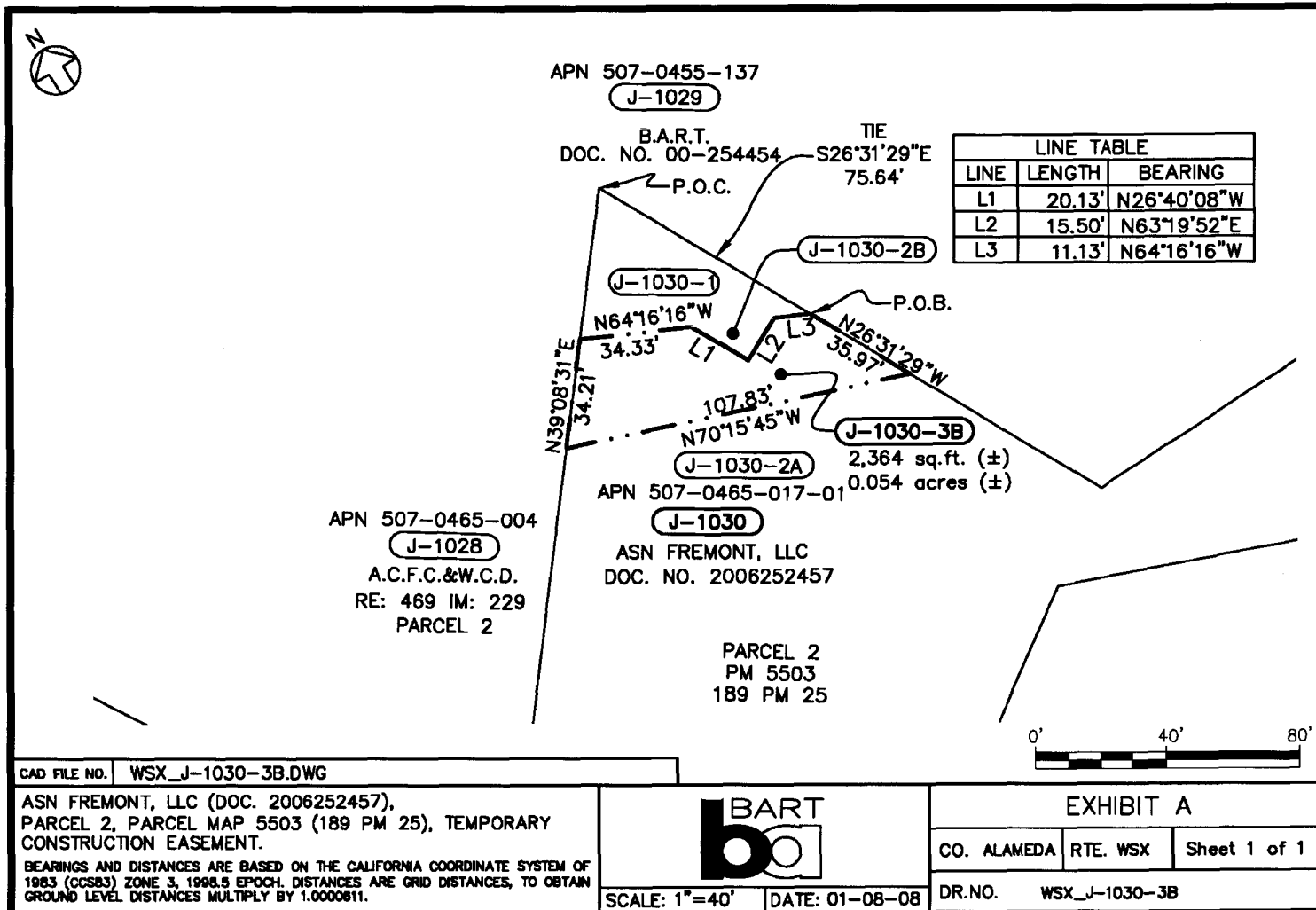
EXHIBIT A

CO. ALA RTE. WSX Sheet 1 of 1

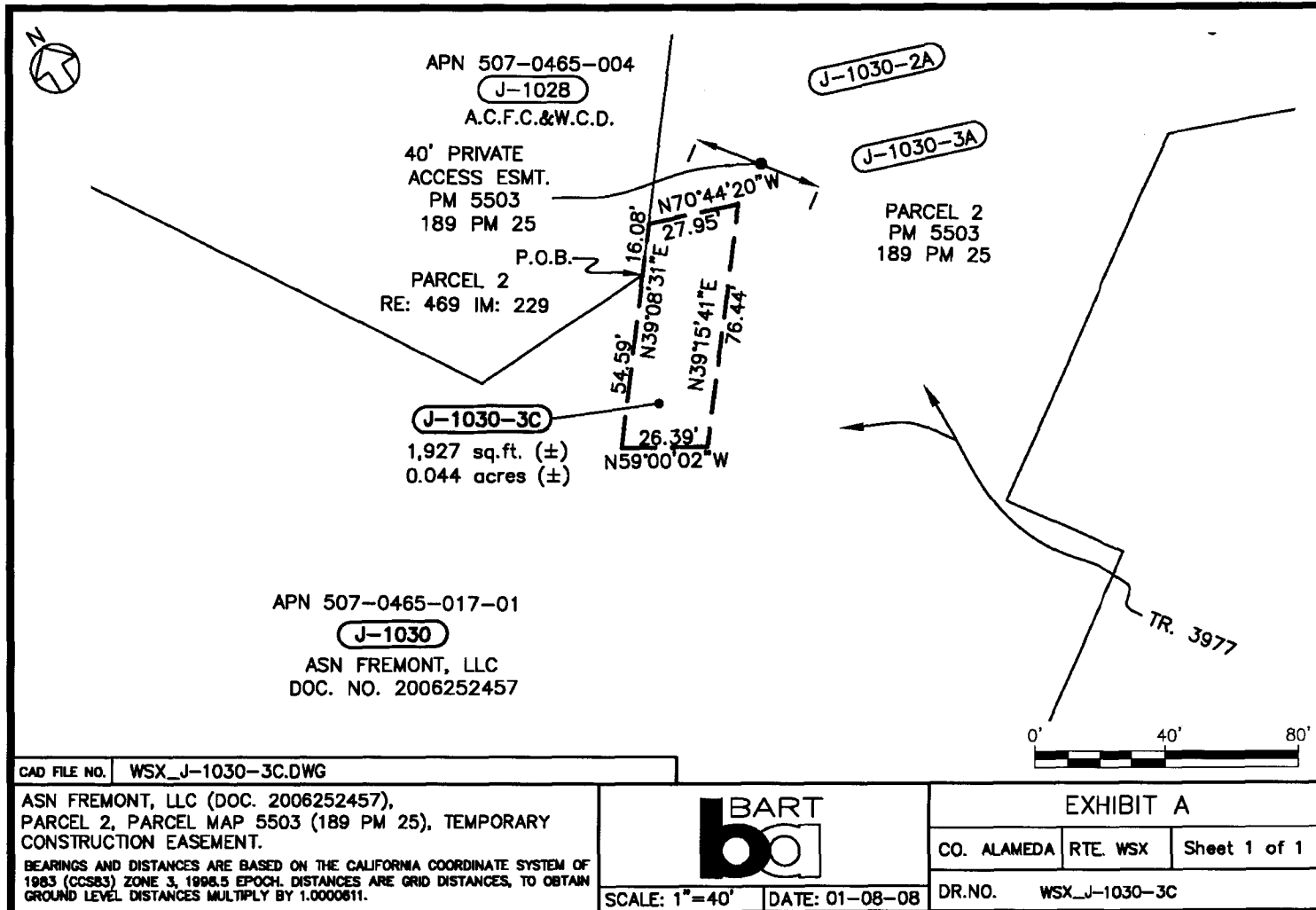
DR.NO. WSX\_J-1030-3A

Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)





Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)



CAD FILE NO. WSX\_J-1030-3C.DWG

ASN FREMONT, LLC (DOC. 2006252457),  
 PARCEL 2, PARCEL MAP 5503 (189 PM 25), TEMPORARY  
 CONSTRUCTION EASEMENT.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF  
 1983 (CCS83) ZONE 3, 1996.5 EPOCH. DISTANCES ARE GRID DISTANCES. TO OBTAIN  
 GROUND LEVEL DISTANCES MULTIPLY BY 1.0000611.



EXHIBIT A

CO. ALAMEDA	RTE. WSX	Sheet 1 of 1
DR.NO.		WSX_J-1030-3C

Project: Warm Springs Extension  
 Owner: ASN FREMONT, LLC  
 BART Parcel No.: J-1030 (J-1031)



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca deVander</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>5/14/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept: Engineering <i>K. Zubair</i> Signature/Date: <i>5/12/08</i>	General Counsel: <i>Andrew...</i> 5/12/08	Controller/Treasurer: <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> 5/12/08
Status: Routed		Date Created: 05/07/2008		

TITLE:

### AWARD OF CONTRACT NO. 79HH-110, CCTV PROJECT-PHASE I INSTALLATION

NARRATIVE:

#### DISCUSSION:

The CCTV project is a part of the District's Infrastructure Security upgrade program to protect the BART system. Contract No. 79HH-110 provides for the installation of more than 200 cameras of different varieties, over 130 door interlocks and more than 15 access control points. These devices will be installed in four stations (12th Street, Embarcadero, Montgomery and Powell Street stations) and three other BART facilities. The data from each device will be transported to other locations for analysis, monitoring and further processing.

This was the first District public works contract that implemented the new Security Sensitive Information (SSI) contract procedures. Among other things, prospective Bidders were subject to a security clearance before given access to the SSI Contract Documents. The District held a public "Out-Reach" on June 5, 2007 to pre-advertise this Contract and to explain the new Nondisclosure Agreement (NDA) procedures.

Advance Notices to Bidders were mailed on September 20, 2007 to one-hundred thirty-two (132) prospective Bidders. The Contract No. 79HH-110 was advertised on December 07, 2007. The pre-Bid meeting was conducted on December 19, 2007, with eleven (11) prospective Bidders attending the meeting. Three prospective Bidders executed NDAs with the District. The following single bid was received on April 22, 2008 from Adesta Limited Partnership with offices in San Leandro, CA and Omaha, NE (Adesta).

Bid Category	Adesta - Bid Price (\$)
Total Bid Price -Alternative No. 1 (All stations and Facilities)	5,899,824.33
Alternative No. 2 Total Base Bid Price (Embarcadero Station and 3-Facilities only)	2,775,291.06
Total Additive Bid A (12th Street Station)	1,198,647.21
Total Additive Bid B (Montgomery Street Station)	897,202.71
Total Additive Bid C (Powell Street Station)	1,028,683.35

**BIDDER****BID PRICE (Lump Sum)**

Adesta Limited Partnership, San Leandro, CA

\$ 5,899,824.33

**Engineer's Estimate****\$ 3,500,000**

The Engineer's Estimate that was prepared by an on-call consultant is outdated and does not reflect recent escalation on material cost. After the Bid opening, the engineering staff re-evaluated the Engineer's Estimate to correct the deficiencies and revised the estimate to \$5,586,000. Based on the revised estimate, District staff has determined that the price bid by Adesta is fair and reasonable.

After review by District staff, the proposal submitted by the single Bidder, Adesta, has been deemed to be responsive to the solicitation. Furthermore, a review of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

**FISCAL IMPACT:**

Funding for \$5,899,825 for award of Contract No. 79HH-110 is included in the total project budget for the FMS #79HH, CCTV Project – Phase I Installation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of month ending April 27, 2008 the following funding is available for commitment from these sources. The total cost of \$5,899,825 will be funded as follows:

Fund Grant	Funds Available	Committed	Pending Commitments	Funds Allocated to this EDD	Funds Remaining
52X-Federal	\$ 2,569,478	\$ 400,126	\$ 0	\$ 2,120,787	\$ 48,565
52Y-Federal	\$ 1,442,566	\$ 5,000	\$ 0	\$ 1,437,566	\$ 0
52Z-Federal	\$ 3,909,525	\$ 0	\$ 0	\$ 2,341,472	\$ 1,568,053
<b>Total</b>	<b>\$ 7,921,569</b>	<b>\$ 405,126</b>	<b>\$ 0</b>	<b>\$ 5,899,825</b>	<b>\$ 1,616,618</b>

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The alternative is not to accept the single bid and re-advertise the Contract, or award only the Alternative No. 2 Base Bid. However, staff recommends that the full award be granted.

**RECOMMENDATION:**

Based on the analysis by Staff, it is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 79HH - 110 for CCTV Project – Phase I Installation Contract to Adesta Limited Partnership for the Bid price of \$ 5,899,824.33 pursuant to notification issued by the General Manager.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to PPAAL Committee		
DATE: c <i>5/16/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alan Lee Dept: Customer Access <i>Alan E. Leo</i> Signature/Date: <i>5/15/08</i>	General Counsel <i>Alan Lee</i> <i>5/15/08</i>	Controller/Treasurer <i>[Signature]</i> <i>5/16/08</i>	District Secretary	BARC

**Contract To Provide Management Services to Operate BART's Bike Parking Facilities Program At Embarcadero, Fruitvale, and Berkeley Stations**

NARRATIVE:

**PURPOSE:**

To authorize the General Manager to enter into Agreement No. 6M6015 with Alameda Bicycle to provide management services to operate BART's Bike Parking Facilities Program at Embarcadero, Fruitvale, and Berkeley BART Stations for a total cost not-to-exceed \$846,260 for five years (three-year base term with two one-year options).

**DISCUSSION:**

The District intends to engage the services of a management company to operate its Bike Parking Facilities Program. The District currently has bike parking facilities at Embarcadero, Fruitvale, and Berkeley Stations which are operated by three separate contractors.

The goal of this procurement is to reduce annual operating costs by consolidating overhead expenses in one operator, to increase utilization of the bike parking facilities, and to provide more consistent service.

Requests for Proposals were mailed to 39 prospective proposers. A Pre-Proposal Conference was conducted February 7, 2008 with four prospective proposers attending. Three Proposals were received on March 25, 2008.

The proposals were reviewed by a Source Selection Committee, which was chaired by Contract Administration and included representatives from Customer Access, Transportation and the Office of Civil Rights. Technical proposals were reviewed by the Source Selection Committee for compliance with the minimum technical requirements as set forth in the RFP. The technical requirements included items such as experience in operating bicycle parking facilities or comparable customer service- oriented operations, personnel capacity to provide the required ongoing management services over a potential five-year period, and relevant marketing experience. Three proposals were received. All three proposals were determined to have met the District's minimum technical requirements.

The price proposals were opened by the Source Selection Committee on April 3, 2008. Prices are shown for a total of five years (a three-year term with two one-year options). The two one-year options are exercisable at the sole discretion of the District.

<u>PROPOSER</u>	<u>PROPOSED PRICE</u>
Alameda Bicycle, Alameda , CA	\$846,260.00
Bikestation and Alameda Bicycle, Long Beach, CA and Alameda, CA	\$912,566.00
Pacific Park Management, San Francisco, CA	\$2,377,708.02
Project Manger's Estimate	\$860,000.00

Alameda Bicycle submitted the lowest-priced technically acceptable proposal.

**FISCAL IMPACT:**

The maximum compensation under Agreement No. 6M6015 with Alameda Bicycle will not exceed \$846,260 for five years (three-year base term with two one-year options). Funding for this Agreement for fiscal years 2009 through 2013 will come from Customer Access operating budget account No. 551-010. Funding for the proposed FY09 budget for the Bike Station Program is \$222,854.

**ALTERNATIVES:**

Do not approve the Agreement and rebid the contract.

**RECOMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to enter into Agreement No. 6M6015 with Alameda Bicycle to provide Management Services to Operate BART's Bike Parking Facilities Program at Embarcadero, Fruitvale, and Berkeley BART Stations for a total cost not-to-exceed \$846,260 for five years (three-year base term with two one-year options) subject to compliance with the District's protest procedures.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

**TO:** Board of Directors

**DATE:** May 16, 2008

**FROM:** General Manager

**SUBJECT: Internet Subscription Pilot Program for Student Discount Tickets**

**Purpose:** To increase participation by schools and students in the Teen Extreme Program by allowing students to buy student discount tickets via the internet. To encourage more schools to enroll in the program by easing the administrative burden placed on already overburdened school personnel. Selling the tickets over the internet directly to students, will reduce or eliminate in-school transactions, thus reducing the time required by school personnel to administer the program. On-site sales will remain an option for schools to serve students unable to establish an internet account.

**Discussion:** The Board directed staff to create an internet sales program on a demonstration basis for one school year. Prior to implementing the program, the Board requested that staff present the details of the program for its review.

Nearly every school in the program was called, starting with the schools with the highest sales. The list included approximately 150 private, public and charter schools. Each school representative contacted was given a detailed description of the new program, which was followed by a solicitation of their interest to participate in the program.

The responses were overwhelmingly in support of the new program with the caveat that the existing program should also remain in place. Some school districts use the existing program to provide pre-paid transportation for children in shelters or in alternative school programs. Additionally, some students do not have the required tools to purchase items over the internet. Of the 143 schools contacted, 119 were in favor of the new program; while 11 schools were not interested, 3 schools were uncertain and we are awaiting feedback from ten other schools.

### School Responsibilities:

Participating schools are those that have signed an agreement with the District, which states they will adhere to the rules of the program. A new section will be added to the existing agreement to address the process and responsibilities for schools that choose to implement the internet sales method.

Aside from promoting the program to its students, the school's primary role will be to gather and verify enrollment information such as name, address, birth date, student identification number, and the responsible adult's e-mail address, from students requesting internet accounts. An Excel spreadsheet with this information will be forwarded by the school to BART staff.



BART Responsibilities:

BART will develop all collaterals for the program including sign-up forms, program descriptions for use by schools to promote the program, and program posters to promote ticket sales. BART will work with the schools to create low cost, high impact promotional programs to reach out to as many students as possible.

Once the verified student spreadsheet is received by BART, staff will assign and maintain a database of student account numbers. BART will relay account numbers to students via the e-mail address of the responsible adult who will be instructed to go to the website to establish the student account.

BART will forward the account numbers to the ticket vendor so only students with approved account numbers can open an internet account. Each student will be allowed only one account. All customer disputes related to account numbers and verification of student status or mailing address will be handled by BART.

Ticket Vendor Responsibilities:

The student can establish an account on-line if a BART issued account number is used. The customer should be able to access their sales history, order status, update their credit card information, and change their monthly subscription on-line. Credit card information, ticket orders and delivery will be handled by the ticket vendor.

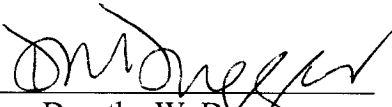
The rules of the program will be stated as part of the sign-up process. The responsible party will have to agree to the terms of the program and acknowledge the responsibilities of the student using the ticket and those of the person buying the ticket.

A subscription program can be established so that ordering and payment is automatic, or tickets can be purchased on an as needed basis. Regardless of how tickets are ordered, each account is limited to one transaction per month for a maximum purchase of 4 tickets. In order to control the limit on the number of tickets sold, a student with an internet account cannot buy tickets on site at the school.

The internet orders will be fulfilled within two days and mailed to the address listed on the account. If the student prefers to pick up the tickets, arrangements can be made for pick up at a Tectrans outlet located throughout the system.

Program Cost: We have had discussions with our existing internet tickets sales vendor, Tetrans. They are very interested in performing the work for BART. The District would need to pay the contractor \$10,000 to develop the web system to support this additional internet sales program. In addition to the one time cost to develop the program, the vendor will charge the District \$1.75 per transaction. This fee includes postage, bank transaction fees, and commission fees. The customer will not be charged any additional amount above the cash price of the ticket(s). Staff estimates that the transaction fees will be approximately \$21,000 if sales remain at the same level they were in FY 2007-08. Staff is still negotiating with the vendor.

**Conclusion:** Staff believes this is a reasonable approach to conducting the program. Schools need to be approached and sent program materials by the end of May so that students can sign up for internet sales in September, 2008.



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Dorothy W. Digger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# San Francisco Bay Area Rapid Transit District

## Memorandum

**Date:** May 15, 2008

**TO:** Board of Directors

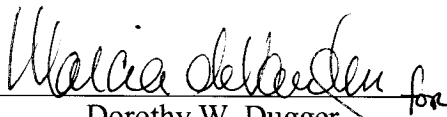
**FROM:** General Manager

**SUBJECT:** Status of Proposed BART to Livermore Extension Environmental Study

This memorandum will provide you with some background information on staff's pre-scoping outreach and planning efforts for a Program Environmental Impact Report (EIR) in the I-580 corridor. The EIR's purpose is to evaluate, on a programmatic screening level, potential alignment and technology alternatives for a BART extension project to Livermore. The EIR is expected to result in the identification of a proposed project and alternatives to be evaluated in a future project-level EIR. This effort will also inform future BART right-of-way preservation efforts along I-580 and ongoing passenger rail planning efforts in the Altamont Pass High-Speed Rail Corridor. BART staff is coordinating with the City of Livermore on this environmental effort. The EIR is being funded entirely by the Alameda County Transportation Improvement Authority (ACTIA) Measure B Program. The ACTIA Board is scheduled to take action on authorizing a total of \$4.3 million for the BART to Livermore Program EIR on May 22, 2008.

BART staff is providing the attached presentation summarizing our pre-scoping outreach efforts, key alternatives, potential project issues, and likely next steps. You will have opportunities to hear and give comments on the BART to Livermore Technical Advisory Committee's (TAC) recommendations. These suggested next steps will be presented to the Tri-Valley Regional Rail Policy Working Group on May 23, 2008. BART Directors Zoyd Luce and President Gail Murray are members of the Tri-Valley Regional Rail Policy Working Group. The next key milestone will be the Notice of Preparation (NOP) for the Program EIR, which is scheduled to be published this June.

Please contact me or Marianne Payne at 510-464-6140, should you have any concerns or questions regarding this information.

  
Dorothy W. Dugger

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff