

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 24, 2007

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 24, 2007, commencing at 9:00 a.m. All meetings will be held 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 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 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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of May 10, 2007.* Board requested to authorize.
- B. Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Oakland Airport Connector (OAC) Project.* Board requested to adopt.

- C. Renewal of Station Retail Permits at Four Locations.* Board requested to authorize.
- D. Grant of Two Easements to AvalonBay Communities, Inc., at the Union City BART Station.* 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. Authority to Execute Agreement No. 6M5010 with Mason Tillman Associates for an Availability and Utilization Study for the San Francisco Bay Area Rapid Transit District (BART).* Board requested to authorize.
- A-2. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. (CONTINUED from May 10, 2007, Engineering and Operations Committee Meeting)
Agreement with LAN Engineering Corporation for Construction Management Services for the Earthquake Safety Program Aerial Structures (Agreement No. 6M8013).* Board requested to authorize.
- B-2. CONTINUED from May 10, 2007, Engineering and Operations Committee Meeting)
Change Order to Contract No. 09AS-120, Vibro-Replacement and Grouting along the Transbay Tube, for Underground Obstructions during Vibro-Replacement (C.O. No. 10).* Board requested to authorize.
- B-3. Quarterly Performance Report, Third Quarter Fiscal Year 2007 - 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 Radulovich, Chairperson

- C-1. Authorize Developer Solicitation for the Millbrae BART Station.* Board requested to authorize.

- C-2. (CONTINUED from April 26, 2007, Planning, Public Affairs, Access, and Legislation Committee Meeting)
Strategic Plan Update.* For information.
- C-3. 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. Authority to Execute Agreement No. 6M5010 with Mason Tillman Associates for an Availability and Utilization Study for the San Francisco Bay Area Rapid Transit District (BART).* Board requested to authorize.

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. (CONTINUED from May 10, 2007, Engineering and Operations Committee Meeting)
Agreement with LAN Engineering Corporation for Construction Management Services for the Earthquake Safety Program Aerial Structures (Agreement No. 6M8013).* Board requested to authorize.
- B-2. CONTINUED from May 10, 2007, Engineering and Operations Committee Meeting)
Change Order to Contract No. 09AS-120, Vibro-Replacement and Grouting along the Transbay Tube, for Underground Obstructions during Vibro-Replacement (C.O. No. 10).* Board requested to authorize.
- B-3. Quarterly Performance Report, Third Quarter Fiscal Year 2007 - Service Performance Review.* For information.

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

- C-1. Authorize Developer Solicitation for the Millbrae BART Station.* Board requested to authorize.
- C-2. (CONTINUED from April 26, 2007, Planning, Public Affairs, Access, and Legislation Committee Meeting)
Strategic Plan Update.* For information.
- C-3. General Discussion and Public Comment.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

- A. Report of the District Security Advocacy Ad Hoc Committee. For information.
- B. Roll Call for Introductions.

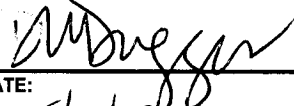

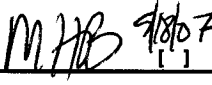
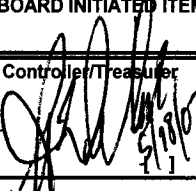
7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. PUBLIC EMPLOYMENT APPOINTMENT:
 - Title: General Manager
 - Gov't. Code Section: 54957(b)(1)
- B. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC EMPLOYEE PERFORMANCE EVALUATION:
 - Agency Negotiators: Directors Franklin, Murray, and Sweet
 - Titles: General Manager
 - General Counsel
 - Controller/Treasurer
 - District Secretary
 - Gov't. Code Sections: 54957 and 54957.6



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Administration Committee meeting		
DATE: 5/18/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development & Control Ext. 6551 Signature/Date:  5.18.07	General Counsel  5/18/07	Controller/Treasurer  5/18/07	District Secretary []	BARC []

NARRATIVE:

Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1 and Regional Measure 2 Funds for the Oakland Airport Connector (OAC) Project

PURPOSE:

To obtain approval of a Resolution of Project Compliance ("Resolution") and Initial Project Report ("IPR") based on the attached IPR Summary for Regional Measure 1 ("RM1") and Regional Measure 2 ("RM2") funds for the Oakland Airport Connector Project ("OAC"). The IPR includes an allocation request for a total of \$99.47 million planned project expenditures in FY07-08 through FY10-11.

DISCUSSION:

The Project is being procured by BART as a public-private partnership (P3) pursuant to the California Infrastructure Financing Act, Gov. Code §§ 5956 et seq. The general scope of the Project will include Design-Build, Operate & Maintain but there will also include a private sector financing component making it a Design-Build Finance & Operate (DBFO) contract. Once awarded, the private entity, or Concessionaire will be entirely responsible for the procurement, construction, testing and startup of the OAC. The Concessionaire will then operate and maintain the completed OAC for a term of up to 35 years. BART has pre-qualified three highly experienced teams. A Request for Proposals was issued May 2, 2007 and once proposals are received and evaluated, staff will come back to the Board for approval of the preferred proposal.

MTC Resolution No. 3636, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires that the BART Board approve a Resolution and IPR each time the project sponsor requests an allocation of RM2 funds. In this case, with the concurrence of MTC staff, BART is joining its application for RM1 funds to its application for RM2 funds, and is requesting a total allocation of \$99.47 million for the construction phase of the Project. This request includes \$68 million in RM2 funds and \$31.47 million in RM1 funds.

The purpose of the Project is based on recognition of existing transportation constraints in the Bay Area, increased growth at Oakland International Airport (OAK), anticipated future public and private development, and related congestion along roadways that

EDD: Approval of a Resolution of Project Compliance and Initial Project Report for Region

serve the area. Improvements to the existing transit service to OAK would encourage motorists to ride transit to OAK, thereby providing some relief to the congested traffic conditions in the area. Because of foreseeable growth in airport use, as well as local and regional roadway congestion, the demand for transit alternatives is expected to rise, particularly for a reliable alternative that air passengers can depend on to meet their scheduled flights.

FISCAL IMPACT:

Approval of the Resolution and IPR have no fiscal impact on unprogrammed District Reserves. Total funding of \$434 million for the Project is expected to be provided from public and private revenues.

ALTERNATIVES:

Do not approve the Resolution and IPR. This would delay or prevent construction of the Project.

RECOMMENDATION:

Approve the attached Resolution of Project Compliance and Initial Project Report in connection with the application for Regional Measure 1 and Regional Measure 2 Funds for the Oakland Airport Connector.

Oakland Airport Connector

Initial Project Report Summary

The purpose of the Oakland Airport Connector (OAC) Project is to build a Connector station at the existing BART Coliseum Station and a new station at the Oakland International Airport (OAK). The need for the Oakland Airport Connector Project is based on recognition of existing transportation constraints in the Bay Area, increased growth at Oakland International Airport, anticipated future public and private development, and related congestion along roadways that serve the area. Improvements to the existing transit service to OAK would encourage motorists to ride transit to OAK, thereby providing some relief to the congested traffic conditions in the area. Because of foreseeable growth in airport use, as well as local and regional roadway congestion, the demand for transit alternatives is expected to rise, particularly for a reliable alternative that air passengers can depend on to meet their scheduled flights.

Transit services to OAK, which include AirBART bus service, Alameda-Contra Costa Transit District buses (AC Transit), taxis and airport shuttles, provide various levels of service. The unpredictability of traffic congestion, the potential for stalls and the extra crowds during Oakland Coliseum events raise concerns for air passengers seeking to use these street-based methods to access OAK. Travel times for AirBART between the Coliseum BART Station and OAK are highly variable, as are the wait times for AirBART at the station and at the airport. Purchasing tickets at the Coliseum BART Station and OAK can be confusing and inconvenient for passengers, resulting in additional lost time and frustration for travelers.

The Project is being procured by BART as a public-private partnership (P3) pursuant to the California Infrastructure Financing Act, Gov. Code §§ 5956 et seq. The general scope of the Project will include Design-Build, Operate & Maintain but there will also include private sector financing component making it a Design-Build Finance & Operate (DBFO) contract. Once awarded, the private entity, or Concessionaire will be entirely responsible for the procurement, construction, testing and startup of the OAC. The Concessionaire will then operate and maintain the completed OAC for a term of up to 35 years sufficient for BART to pay the private entity's capital outlay, operations and maintenance cost, and a negotiated reasonable return on investment to the private entity, after which the ownership of the OAC would revert entirely to the District.

Project Delivery Milestones

Phase-Milestone	Planned		Actual	
	Start Date	Completion Date	Start Date	Completion Date
Environmental Studies, Prelimin.Eng. (ENV/PE/PA&ED)			9/99	7/02
Final Design - Plans, Specs. & Estimates (PS&E)			7/02	5/07
Right-of-Way Activities Acquisition (R/W)			6/02	4/07

Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)		1/11	5/07	
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Total Project Budget Information

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$3,800,000
Design - Plans, Specifications and Estimates (PS&E)	\$13,132,000
Right-of-Way Activities /Acquisition (R/W)	\$10,500,000
Utility Relocation	\$3,300,000
Construction / Rolling Stock Acquisition / Start-up, Testing, Financing, Contingency, BART Costs (CON)	\$403,268,000
Total Project Budget (in thousands)	\$434,000,000

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

**In the Matter of the Approval
Of a Subsequent Resolution of Project Compliance
And Initial Project Report for Regional
Measure 1 and Regional Measure 2 Funds for the
Oakland Airport Connector**

Resolution No. _____

Implementing Agency: San Francisco Bay Area Rapid Transit District (BART)
Project Title: Oakland Airport Connector

Whereas, certain bridge toll revenues, commonly referred to as Regional Measure 1 funds, approved by the voters of the San Francisco Bay Area in March 1988, provide toll revenue funds from the San Francisco Bay Bridges be used for projects that extend passenger rail service in the San Francisco Bay Area, commonly referred to as the "90 percent Rail Extension Reserves" (Streets and Highways Code §99314(a)(4)); and

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, identified specific transportation projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, Regional Measure 2 was approved by the voters of the San Francisco Bay Area on March 2, 2004; and

Whereas, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 1 and Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with such procedures and conditions; and

Whereas, BART is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the projects are eligible for 90 percent rail reserve Regional Measure 1 funds; and

Whereas, BART is requesting that MTC allocate Regional Measure 1 and Regional Measure 2 funds for the project and purposes set forth in the Initial Project Report, based on the Initial Project Report Summary that is attached hereto and incorporated herein as though set forth at length; now be it

Resolved, that BART and its agents will comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636), including specifically

(a) that if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's Percentage Participation in the project(s). Provided, that as used herein MTC's Percentage Participation shall equal the amount of RM1 and RM2 funds originally used, divided by Total Project Budget as shown in the Initial Project Report, as such amount shall be adjusted to reflect actual total project costs. Further provided that payments to the private entity with which BART enters into the Design-Build Finance & Operate (DBFO) contract described in the Initial Project Report, including reimbursement of capital outlay paid by the private entity and payment of a reasonable return on the entity's investment (all as described in the Initial Project Report), are appropriate uses consistent with the purpose of RM1 and RM2 funds and do not arise from any non-governmental use; and

(b) that assets purchased with RM1 and RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for their useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the fair market value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC, calculated in accordance with its Percentage Participation; and

(c) that BART will post on both ends of the construction site(s) at least one sign visible to the public stating that the Project is funded with Regional Measure 1 and Regional Measure 2 Toll Revenues; and be it further

Resolved, that BART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

Resolved, that all environmental clearances necessary for the project have been obtained, and that the year of funding for the construction phase has taken into consideration the time necessary to obtain permitting approval for such construction; and be it further

Resolved, that the phase or segment to be funded by Regional Measure 2 funds will be fully funded upon execution of the DBFO contract described in the Initial Project Report and will result in an operable and useable segment; and be it further

Resolved, that BART approves the Initial Project Report; and be it further

Resolved, that BART approves the cash flow plan described in the Initial Project Report; and be it further

Resolved, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the Initial Project Report; and be it further

Resolved, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that BART is authorized to submit an application for Regional Measure 2 funds for Oakland Airport Connector in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that BART certifies that the projects and purposes for which RM1 and RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and be it further

Resolved, that there is no legal impediment to BART making allocation requests for Regional Measure 1 and Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

Resolved that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM1 and RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and be it further

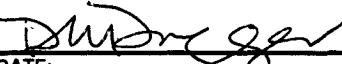
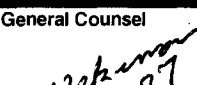
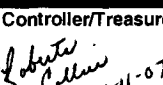

Resolved, that BART authorizes its General Manager, or his/her designee, to execute and submit an allocation request for the construction phase with MTC for \$31.47 million in Regional Measure 1 funds and \$68 million in Regional Measure 2 funds for the project, purposes and amounts included in the Initial Project Report; and be it further

Resolved, that the General Manager, or his/her designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the Initial Project Report as he/she deems appropriate; and be it further

Resolved, that a copy of this Resolution shall be transmitted to MTC in conjunction with the filing of the BART application referenced herein.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/17/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Sue Dept: Real Estate Ext. 7502	General Counsel  5-10-07 []	Controller/Treasurer  5-11-07 []	District Secretary []	BARC  5-14-07 []
Signature/Date:				

NARRATIVE:

Renewal of Station Retail Permits

PURPOSE: To obtain authorization to issue new Station Retail Permits to existing food and non-food vendors for terms of up to five years, plus two one-year options, and to increase existing permit fees.

DISCUSSION: In 1977, the Board of Directors adopted a policy permitting concessions on BART property. On October 7, 1999, the Board adopted a new policy permitting the sale of food and beverages in non-paid station areas.

There are 22 Station Retail Permits issued to vendors that sell primarily food products. Three of those permits will expire within the next several months and two expired within the last few months. There are 25 Station Retail Permits issued to vendors that sell primarily non-food items. Two of those permits have expired.

Vendors with expired permits have been allowed to continue operating on a month-to-month basis pending Board action on new permits. The vendors that need new permits, and their locations, are listed in Attachment A.

Board approval is required for any permit for a term in excess of one year. To minimize administrative costs and increase revenues, staff is seeking approval for the issuance of new permits with terms of up to five years, plus two one-year options. Board authorization will provide staff with the authority to execute the permits; however, staff may elect not to issue a permit if there are compliance or other issues.

Staff is proposing an initial 3% increase in current permit fees to those vendors whose fees have been determined by BART to be at fair market value. There will be subsequent increases of 3% for the remaining non-option years. For the two option years, staff is proposing increases of 3% to 5% for each year.

FISCAL IMPACT: BART anticipates receiving permit fees from the vendors listed in Attachment A totaling approximately \$27,720.00 for the first year and totaling approximately \$214,313.00 over a seven-year term. The latter figure assumes permit terms of five years (with the annual increases discussed above) plus two option years (with a 5% annual increase each year). The payments will be

EDD: Renewal of Station Retail Permits

deposited into the General Fund, Account 030.

ALTERNATIVE: Continue the existing permits on a month-to-month basis or terminate them.

RECOMMENDATIONS: Adoption of the following motion.

MOTION:

The General Manager, or his designee, is authorized to issue new Station Retail Permits to the entities listed on Attachment A, for terms of up to five years, plus two one-year options; to increase existing fees 3%; to increase fees at 3% per year for the remaining non-option years; and to increase fees 3% to 5% for each option year or to an amount based on market studies.

Attachment A

FOOD CONCESSIONS

Café Express
California Internet Café (2 kiosks)
Divalicious Hot Dogs
Farmers Market

STATION

Dublin/Pleasanton
North Concord
16th Street
Castro Valley

NON-FOOD CONCESSIONS

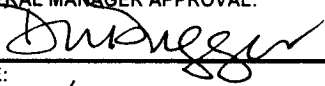

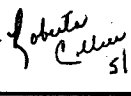
Cleaner's Xpress (2 kiosks)

STATION

Dublin/Pleasanton



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: 5/16/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: John H Rennels Dept: Property Development Ext. 6893	General Counsel  5/16/07	Controller/Treasurer  5/16/07	District Secretary []	BARC []
Signature/Date:				

NARRATIVE:

Grant of Easements to AvalonBay Communities at the Union City BART Station

Purpose: To request Board approval for the grant of two easements to AvalonBay Communities, Inc. (AvalonBay) for emergency vehicle access and for pedestrian and fire hydrant maintenance access to AvalonBay's private development project adjacent to the Union City BART Station.

Discussion: AvalonBay is pursuing a 438-unit, high-density (73 dwelling units per acre) transit-oriented apartment community adjacent to the Union City BART Station. Intermodal improvements to the BART Station are currently being undertaken jointly by BART and the City of Union City (the City). AvalonBay is requesting two surface easements from BART that will be consistent with those improvements. The first easement is to accommodate emergency vehicle access (EVA) and the second is to allow for fire hydrant maintenance access (FHMA) and pedestrian access. Exhibit A depicts the location of the requested easements relative to both the AvalonBay project and the Union City BART Station intermodal improvements. Both easements are for the same area and cover approximately 12,883 square feet within BART Parcel O-AB65 (APN 087-0019-001-1). The area that will be used for both the EVA and FHMA is comprised of thirty feet of the new interior roadway that is being constructed as part of Union City BART Station intermodal improvements.

The two easements are in keeping with the City's Station District Master Plan of June 2001. The Plan envisions urban density housing, office and retail, as well as community facilities, all integrated with transit and supported by new pedestrian and bicycle improvements that will activate and provide a new gateway to the transit center. At its sole expense, AvalonBay will construct and maintain a landscaped sidewalk on its property to complement the on-going improvements at the Union City BART Station. Without the pedestrian access easement, AvalonBay would not be able to connect the new pedestrian sidewalk to the BART Station property. The requested easements will not impact future development opportunities on BART's adjacent property.

AvalonBay is required to obtain the EVA from BART as a condition of obtaining development approval from the City, and the FHMA is necessary to allow AvalonBay to maintain the hydrant required by the Fire Marshall.

The District Surveyor will approve the easement documents. The Office of the General Counsel will approve the documents as to form.

EDD: Grant of Easements to AvalonBay Communities at the Union City BART Station

Fiscal Impact: Based on a Fair Market Value appraisal, AvalonBay will pay BART a one-time fee of \$180,000 into the District's General Fund. Staff has concluded that this price is fair and reasonable.

Alternatives: To not approve the easements. This would essentially end AvalonBay's project, as the City will not approve the development without the EVA easement, and the FHMA and pedestrian access easement is necessary for the reasons set forth above.

Recommendation: It is recommended that the Board adopt the following motion.

Motion: Adoption of the attached Resolution authorizing the grant of two easements to AvalonBay Communities, Inc. for (1) emergency vehicle access and (2) pedestrian and fire hydrant maintenance access as shown on Exhibit A, for a total consideration of \$180,000.

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

In the matter of authorizing the grant of easements to AvalonBay Communities
At the Union City BART Station
Easements 0-AB65E1 and 0-AB65E2 /APN087-0019-001-1

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that said Board determines that the grant of easements substantially as shown on the attached Exhibit A, is in the best interests of the District, and hereby authorizes the execution of two deeds by the President or Vice President of the Board and Secretary or Assistant Secretary of the District on behalf of the District in exchange for the sum of \$180,000.

#

SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary, of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the original resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT at its meeting regularly called and held on _____200_, a majority of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 200_.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District

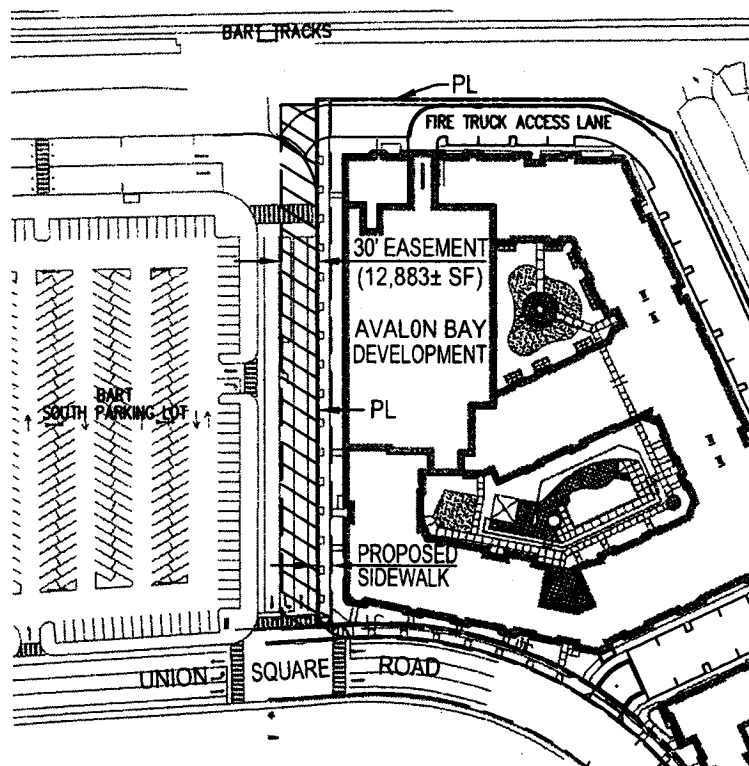
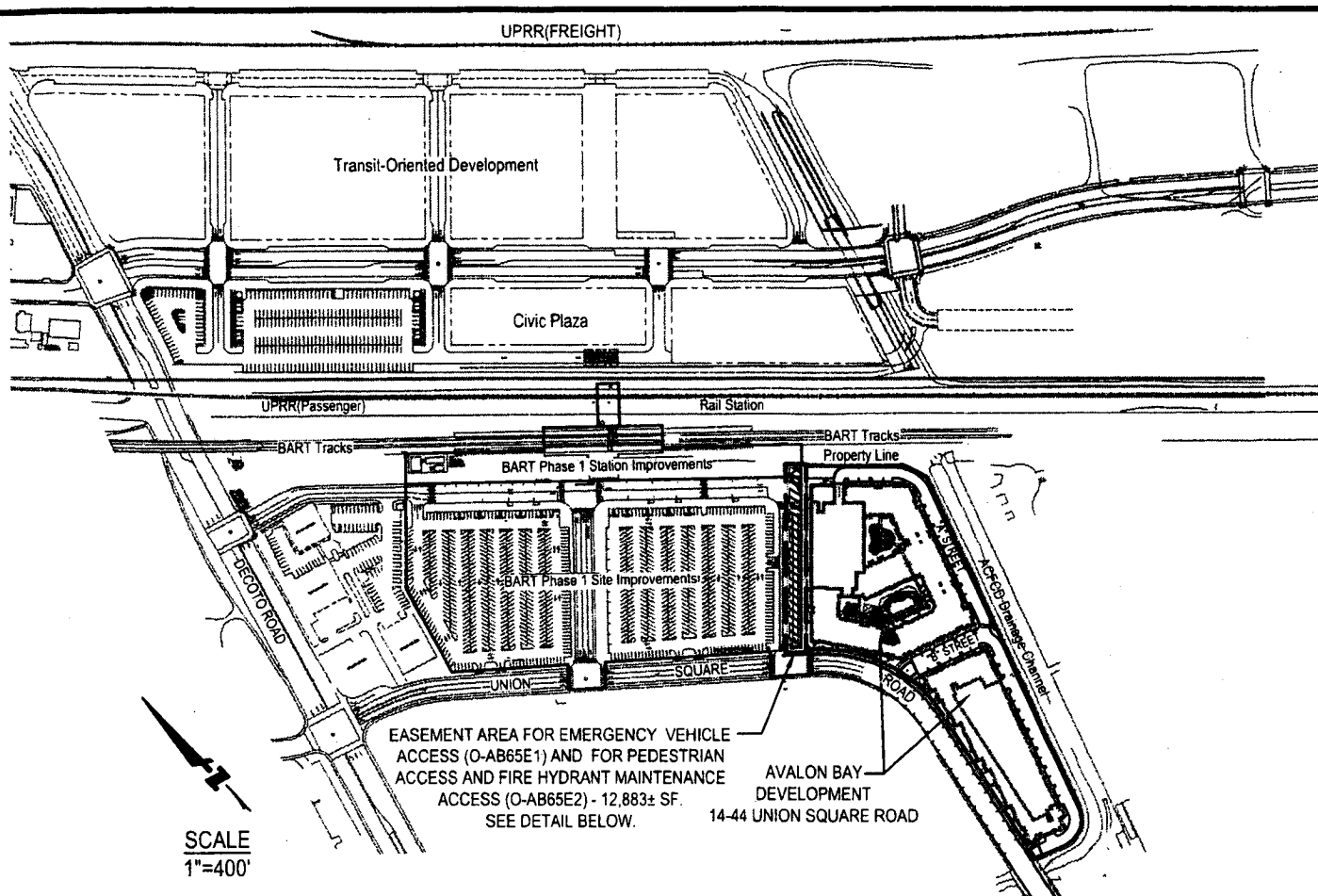


EXHIBIT "A"



255 Shoreline Drive, Suite 200
Redwood City, CA 94065
650/482-6300
650/482-6399 (FAX)

Subject AVALON UNION CITY
EXHIBIT "A"



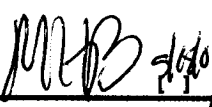
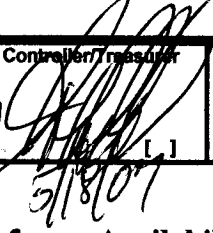
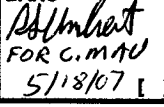
Job No. 20040090

By EA Date 5/11/07 Chkd. EA

SHEET 1 OF 1



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 5/18/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lee Davis Dept. Office of Civil Rights Ext. 6950 Signature/Date:  5/17/07	General Counsel  5/17/07	Controller/Treasurer  5/18/07	District Secretary []	BARC  FOR C.M.A.U. 5/18/07 []

NARRATIVE:

Authority to Execute Agreement NO. 6M5010 for an Availability and Utilization Study for the San Francisco Bay Area Rapid Transit District (BART)

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M5010 with Mason Tillman Associates to conduct an Availability and Utilization Study (study) for the San Francisco Bay Area Rapid Transit District (BART).

DISCUSSION:

Contracts awarded and administered by BART include those funded, either directly or indirectly, by Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other state/local sources. BART has implemented a Disadvantaged Business Enterprise (DBE) program for federally funded contracts in accordance with 49 CFR Part 26, as amended.

BART is seeking a qualified Consultant with proven ability to conduct an Availability/Utilization Study to support DBE programs administered in accordance with the requirements of 49 CFR Part 26, as amended, and recent relevant court rulings.

The Availability and Utilization Study will: (a) investigate the existence of discrimination and its effects in the public transportation contracting industry in the San Francisco Bay Area, and (b) satisfy the requirements for such a Study established by the Ninth Circuit Court of Appeals in the *Western States Paving Co., Inc. vs Washington State Department of Transportation, et al.* (Western States) decision. BART did conduct a disparity study in the mid-90's which was updated in the year 2000. The study needs further updating to reflect the current business market trends and should be designed to determine, in a fair and valid way, whether or not evidence of discrimination exists as presented in the Western States decision.

A request for Statement of Qualifications (SOQ) No. 6M5010 was issued on March 2, 2007 to solicit proposals for these services. Advertisements soliciting interest in the SOQ were placed in a number of publications, including DBE/WBE/MBE publications. A pre-proposal meeting was held on March 15, 2007 describing the nature of the services required and the source selection process. The SOQ was distributed to all interested potential proposers. On March 27, 2007, proposals were received from the following three Proposers:

EDD: Authority to Execute Agreement No. 6M5010 for an Availability/Utilization Study

CRA International, Inc. (CRA) - Oakland, CA
Mason Tillman Associates, Inc. (MTA) - Oakland, CA
Miller 3 Consulting Services, Inc. - Atlanta, GA

Evaluation of the proposals was conducted by the Selection Committee which was comprised of staff from Transit Systems Development, Office of Planning and Budget and the Office of Civil Rights, along with an external member from the Water Transit Authority. The entire evaluation process was chaired by BART Contract Administration. Proposals were first reviewed to determine if the proposers were considered responsive to the requirements of the SOQ. Subsequently, the proposals were reviewed and scored on the basis of the criteria established in the SOQ with respect to the qualifications of the proposing team (including subconsultants), the technical approach, and the qualifications of the key personnel and support staff. As a result of the written scoring and the competitive range determination, all three teams were short-listed and invited to participate in the oral presentation phase of the selection process.

Oral presentations were conducted on May 3, 2007. Based on the combined written and oral evaluations in which MTA ranked the highest cumulative score and the best value analysis conducted by the Committee, it was determined that MTA offers the best value to BART.

Accordingly, the Committee recommends award of Agreement No. 6M5010 to MTA in an amount not to exceed \$297,275.00 for a period not to exceed one year.

The Office of the General Counsel will approve the Agreement as to form.

FISCAL IMPACT:

This agreement will provide consultant services for the period not to exceed one (1) year. Total anticipated cost for the one (1) year period is not to exceed \$297,275.00. Funding for the one year cost is included in the FY08 preliminary operating budget of the Office of Civil Rights, Cost Center 425.

ALTERNATIVE:

The District could reject all proposals and re-solicit new proposals. Re-issuing the SOQ would adversely impact the District in its ability to meet federal guidelines and continue its goal-setting DBE program.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute Agreement No. 6M5010 to provide services to conduct an Availability and Utilization Study with Mason Tillman Associates. The Agreement will be for a term not to exceed one year and in an amount not to exceed \$297,275.00; the award is subject to compliance with the District's protest procedures.

Attachments

Introduction

Professional services to be provided by the consultant under the awarded agreement will: (a) investigate the existence of discrimination and its effects in the public transportation contracting industry in the San Francisco Bay Area, and (b) satisfy the requirements for such an Availability and Utilization Study (study) established by the Ninth Circuit Court of Appeals in the *Western States Paving Co., Inc. vs Washington State Department of Transportation, et al.* (Western States) decision.

Statement of Qualifications (SOQ) No. 6M5010 was issued to provide BART with the required services. The SOQ described the detailed objective selection process to be used and the criteria for making the selection.

Scope of Services

- Determine the utilization of DBEs in contracts awarded by BART.
- Identify any disparity between actual DBE participation on contracts with and without affirmative action components.
- Identify specific incidents of discrimination and/or patterns and practices in the public transportation contracting industry, which have had a discriminatory impact upon minority and women-owned businesses and their development.
- Determine the impact on minority and women-owned business enterprises that would occur if BART's existing DBE Program was discontinued.
- Identify the effectiveness of any race/gender neutral techniques that have been used to increase minority and women-owned business participation in construction, purchasing, professional services and other services contracts.
- Determine whether there are race/gender neutral methods available to BART that will facilitate DBE participation in public contracting.
- Determine potential availability of DBE firms absent the effects of discrimination.
- The Study shall examine the statistical disparities between expected availability and actual utilization, as well as past industry, government, and union practices, availability of bonding and financing, studies and findings of governmental agencies and commissions, lawsuits and other legal actions and other statistical evidence, which may be appropriate.

Selection Process

Using the data submitted in the statement of qualifications, the SF 330 and the organization chart proposers were evaluated based on the qualifications of the proposed team including subconsultants. Oral presentations were conducted for the short-listed firms.

EDD: Authority to Execute Agreement No. 6M5010 for an Availability/Utilization Study

Proposers

CRA International, Inc. (CRA)	Oakland, CA
Mason Tillman Associates, Inc. (MTA)	Oakland, CA
Miller 3 Consulting Services, Inc.	Atlanta, GA

RECOMMENDED AWARD

Agreement No. 6M5010

Mason Tillman Associates, for a period not to exceed one (1) year period, in an amount not to exceed \$297,275.00.

-Subconsultants Name and Location

JLMG Management - San Francisco, CA

Watson Enterprise - Oakland, CA

Jungle Communications - Berkeley, CA

Reasons for Selection

Performed large number of disparity studies locally and nationally.

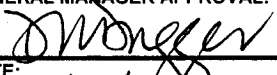
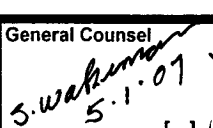
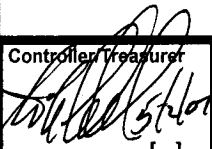
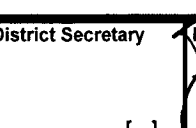
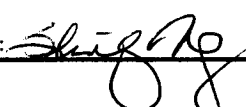
Strong demonstrated experience of the Project Manager.

Strong sense of the business community and excellent understanding of the scope of services.

Excellent explanation of the main issues regarding the Western States decision.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: 5/02/07		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shirley J Ng Dept: TSD Ext. 4927	General Counsel  5.1.07	Controller/Treasurer  5/1/07	District Secretary  5/2/07
Signature/Date:  5/1/07	[]	[]	[]

NARRATIVE:

AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M8013 FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE EARTHQUAKE SAFETY PROGRAM AERIAL STRUCTURES

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M8013 in an amount not to exceed \$26,000,000 with Lim And Nascimento Engineering Corporation (LAN) for Construction Management Services in support of aerial structure retrofits as part of the Earthquake Safety Program (Program).

DISCUSSION:

Preliminary design of retrofits for the aerial structures are now in progress, with the first of five major retrofit contracts anticipated for contract advertisement in October 2008. Construction management services are needed for constructibility reviews during the design phase. These retrofit contracts may involve enlarging or thickening the existing foundation, jacketing columns, and strengthening the pier caps with shear keys or seat extenders. Program staff will require assistance to manage construction and coordinate the construction activities with outside entities.

Accordingly, RFP No. 6M8013, to procure a consultant to conduct construction management activities for the aerial structures, was released on January 23, 2007. Advance notices were mailed on January 22, 2007 to over 300 prospective proposers. RFP No. 6M8013 was advertised in eight publications both locally and nationally. A pre-proposal meeting was held on January 31, 2007 that was attended by 50 prospective proposers.

Four (4) proposals were received on March 13, 2007 from the following firms:

Firm

Location

Seismic Retrofit Team (SRT), a joint venture
LAN Engineering Corp.
PGH Wong Engineering, Inc.
URS Corp.

Oakland, CA
San Ramon, CA
San Francisco, CA
San Francisco, CA

EDD: CM FOR ESP AERIAL STRUCTURES

The proposals were evaluated by a Source Selection Committee chaired by BART Contract Administration and composed of representatives from BART's Transit System Development department, Maintenance and Engineering department, Office of Civil Rights and the General Engineering Consultant, Bechtel Infrastructure. A thorough evaluation of these proposals was conducted. As a result of the technical evaluation, all proposers were short-listed to participate in the oral presentations. Oral presentations were conducted on April 20, 2007.

The Source Selection Committee recommends the award of Professional Services Agreement No. 6M8013 for Construction Management Services for the Earthquake Safety Program aerial structures to LAN Engineering Corp. based on its highest cumulative technical evaluation and oral presentation scores. Negotiations have begun and BART's internal audit department is working with Caltrans' requirement for a pre-award audit, the results of which will be incorporated into the executed Agreement, as appropriate.

The Office of General Counsel will approve the final Agreement as to form.

FISCAL IMPACT:

Agreement No. 6M8013 has a not-to-exceed cost limit of \$26,000,000. District financial obligations pursuant to each Agreement will be subject to a series of Work Plans (WPs). Each WP will have a defined scope of services and separate schedule and budget. Any WP assigned for funding under a State or federal grant will include State or federal requirements. WPs will be approved only if BART Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each WP.

Authority to issue WPs and administration of Agreement No. 6M8013 will reside with BART's Manager, Earthquake Safety Program.

Funding for individual WPs will be provided from the Capital Budget accounts as evidenced by the issuance of related work orders.

ALTERNATIVE:

Not to authorize award of the proposed Agreement. If the Agreement is not awarded, BART would have to seek other means of furnishing the required construction management services, adding cost and time to the Program.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute Agreement No. 6M8013 with LAN Engineering Corp. of San Ramon, CA for Construction Management Services for the Earthquake Safety Program aerial structures in an amount not to exceed \$26,000,000 for a term ending December 31, 2013, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to the District's protest procedures and FTA's requirements related to protest procedures.

CONSTRUCTION MANAGEMENT SERVICES FOR EARTHQUAKE SAFETY PROGRAM AERIAL STRUCTURES

• Introduction

The San Francisco Bay Area Rapid Transit District requires construction management services to oversee BART construction contracts for seismic retrofits of the aerial structures.

Request for Proposal (RFP) No. 6M8013 was issued to provide the District with the required services.

The RFP described the selection process in detail and indicated the criteria to be used for making the selection.

• Scope of Work

- Resident, field and office engineering
- Inspection services
- Constructability analysis
- Hazard analysis and safety certification
- Surveying
- Environmental monitoring
- Noise and vibration monitoring and data analysis
- Construction safety oversight
- Independent quality assurance oversight
- Project communications/recordkeeping
- Cost and schedule management
- Coordination with other entities
- Progress reporting and project closeout
- Claims management

• Selection Process

Followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural/Engineering services in which:

- Proposers are first evaluated on the basis of their qualifications, both written and oral
- Upon determining the most qualified proposer, terms and conditions of the agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposer; therefore, staff recommends awarding the agreement as outlined on the following page.

RECOMMENDED AWARD

- **Agreement #6M8013**

LAN Engineering for a term ending December 31, 2013 with a not-to-exceed value of \$26 million.

Subconsultant Name, Location – Services

PBS&J, Walnut Creek, CA – Construction Engineering, Inspection, Administration
Pinnacle One, Los Angeles, CA – Construction Claims Engineering and Scheduling
S&C Engineers, Oakland, CA – Construction Engineering, Inspection, Administration
Sequoia Consultants, Orange, CA – Material Testing
Stantec Consulting, Oakland, CA – Systems/Communications/Signals Interface
TRS Consultants, Oakland, CA – Construction Engineering, Inspection, Administration
Vall Cooper, Point Richmond, CA – Construction Engineering, Inspection, Administration

- **Reasons for Selection**

- Strong experience in construction management
- Strong experience in retrofit of bridge and aerial structures
- Strong qualifications of team personnel
- High qualifications ratings for firms

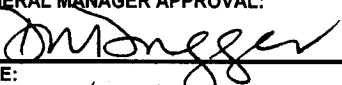
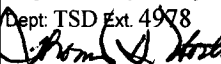
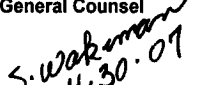
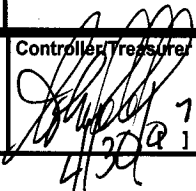
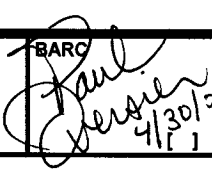
FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/30/06	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$186,000,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$186,000,000	
CM	\$61,498,000	\$66,912,000	
Environmental	\$1,042,796	\$2,473,947	
TOTAL E, E & CM	\$249,018,796	\$255,385,947	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,015,850	
Oakland Landside	\$17,970,000	\$10,701,339	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$174,939,000	Will adjust downward w/latest retrofit.
Marine Vibro Demo	\$101,285,000	\$115,601,434	
Stitching	\$82,962,000	\$1,426,680	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$122,804,000	
Fremont	\$178,224,000	\$193,507,000	
Concord	\$36,500,000	\$38,021,000	
Richmond	\$80,155,000	\$87,028,000	
San Francisco/Daly City	\$36,590,000	\$38,800,000	
Stations (#)	\$126,961,000	\$94,588,000	
Other Structures			
LMA	\$5,529,000	\$6,918,153	
Yds & Shops	\$12,436,000	\$11,459,000	
Parking Structures	\$14,437,000	\$15,194,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$5,904,000	
TOTAL CONSTRUCTION	\$909,469,000	\$917,907,456	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$182,522,986	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$78,489,611	
TOTAL PROGRAM COSTS	\$191,998,204	\$261,012,597	
TOTAL FUNDING	\$1,350,486,000	\$1,434,306,000	Budget may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to Board of Directors	
DATE: 5/02/07		BOARD INITIATED ITEM: No	
Originator/Prepared by: Thomas Horton Dept: TSD Ext. 4978  Signature/Date: 4/30/07	General Counsel  S. Wakeman 4.30.07 []	Controller/Treasurer  4/30/07 []	District Secretary BART  Paul Versier 4/30/07 []

NARRATIVE:

CHANGE ORDER NO. 10 TO CONTRACT NO. 09AS-120 - VIBRO-REPLACEMENT AND GROUTING ALONG TRANSBAY TUBE

PURPOSE: Authorize the General Manager to execute Change Order Number 10, Underground Obstructions Encountered During Vibro-Replacement, to Contract No. 09AS-120, for an amount of \$281,553.00 and a time extension of 20 calendar days.

DISCUSSION: The District authorized award of Contract No. 09AS-120, Vibro-Replacement and Grouting Along Transbay Tube, in April, 2006, to Condon-Johnson Associates, Inc., in the amount of \$9,728,490.00. The Contract calls for the Contractor to retrofit the landside (Port of Oakland) portion of the soil along the Transbay Tube using a combination of vibro-replacement (stone columns) and grouting.

During installation of the stone columns, the Contractor encountered numerous subsurface obstacles that prevented installation of many of them. In each case, the Contractor was required to halt work while BART staff and the designer determined if the stone column could be abandoned or if further retrofit measures at that location would be necessary. The Contract included 40 hours of standby time for such purposes, but the large number of obstructions caused the Contractor to exceed the 40 hours. Change Order No. 10 provides funding for the additional costs of standby time needed to deal with the unforeseen field conditions, and provides for a time extension to the Contract of 20 calendar days.

Change Order No. 10 will be approved as to form by the Office of the General Counsel prior to execution. The Procurement Department will review the Change Order prior to execution for compliance with the District's procurement guidelines.

FISCAL IMPACT: The total amount of \$281,553 for Change Order No. 10 is included in the total project budget for the FMS 09AS, Transbay Tube Design & Construction. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 56D Gov TCRP & Gen Fund

\$281,553

Currently \$11,530,000 of funding is available for commitment from this source. As of month ending April 1, 2007, \$10,058,540 has been committed against this fund source. There are

EDD: CHANGE ORDER NO. 10 TO CONTRACT NO. 09AS-120

pending commitments of \$195,419 in BART's financial management system. This action will commit an additional \$281,553 leaving an uncommitted balance of \$994,488 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: If Change Order No. 10 is not executed, staff would be unable to provide compensation to the Contractor for standby time for any unforeseen obstructions encountered. Failure to provide compensation to the Contractor for unforeseen conditions will likely lead to claims from the Contractor.

RECOMMENDATION: Adoption of the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 10, Underground Obstructions Encountered During Vibro-Replacement, to Contract No. 09AS-120, Vibro-Replacement and Grouting Along Transbay Tube - Port of Oakland, for an amount of \$281,553.00 and a time extension of 20 calendar days.

CHANGE ORDER SUMMARY FORM

BACKGROUND

Name of Contractor: Condon-Johnson Associates, Inc.
Contract No./NTP Date: 09AS-120/May 17, 2006
Contract Description: Vibro-Replacement and Grouting Along Transbay Tube
Percent Complete (thru 4/1/07): 80.97

COST

Original Contract Amount: \$ 9,728,490.00

Change Orders:

Board Authorized CO's	0%	\$00	
Other than Board Authorized Change Orders*	2.4%	\$228,963.79	
Change Order No. 10	<u>2.9%</u>	<u>\$281,553.00</u>	
Subtotal:	5.2%	\$510,516.79	<u>\$ 510,576.79</u>

Revised Contract Amount: \$10,239,006.79

Budgeted Amount: \$10,701,339.00

SCHEDULE

Original Contract Duration: 200 days
Time Extension to Date*: 29 days
Time Extension Due to this Change Order: 20 days
Revised Contract Duration: 249 days

SUMMARY REASON FOR THIS CHANGE ORDER

Change Order No. 10: To account for subsurface obstructions encountered during vibro-replacement activities.

*Includes two pending Change Orders. Change Order No. 2 (\$195,418.79) is a change from grouting to stone columns for a portion of the area. Change Order No. 9 (-\$296,505.00) is for a credit to BART based on a Value Engineering Change Proposal to reduce pavement restoration requirements.

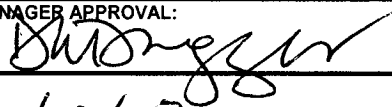
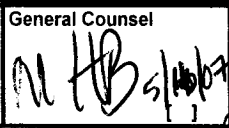


FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

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TOTAL FUNDING	\$1,350,486,000	\$1,434,306,000	Budget may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: 5/17/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Property Development Ext. 6114 Signature/Date:	General Counsel  5/17/07	Controller/Treasurer  5/17/07	District Secretary []	BARC  5/17/07

NARRATIVE:

Solicitation for Development at Millbrae BART Station

PURPOSE: To obtain Board authorization to release a private development solicitation for BART property at the Millbrae Station.

DISCUSSION: In 1994 the City of Millbrae initiated an effort to develop a conceptual plan for the Millbrae BART Station area that would address City land use and economic goals, as well as provide a context for the relationship of the Millbrae BART Station with surrounding land uses. The Millbrae Station Area Specific Plan was adopted in 1998 and it articulates as its goals the revitalization of the area around the proposed Millbrae Station with a mix of new uses that would generate a net fiscal benefit to the City, enhance the overall image and identity of this acknowledged gateway to Millbrae, develop linkages between the station area and the downtown, and provide traffic circulation improvements that would ensure no significant deterioration of existing traffic service levels. The plan and redevelopment program envisions a build out of the Millbrae station area over a 20 year period, that could realize development of 1,160,000 square feet of office, 1000 hotel rooms, 290 residential units, 100,000 square feet of support retail/restaurant, and 132,000 square feet of existing service commercial uses that will remain. The BART property (Exhibit 1) has been, in part, designated for 180,000 square feet of office, although the City of Millbrae has indicated that it would also consider a hotel for this property.

In keeping with the City's adopted Specific Plan/Redevelopment Plan, staff is recommending that BART now pursue private development on the Millbrae Station property. It is anticipated that development would generate annual revenue from a long-term ground lease as well as a share of income from the performance of any private development built on the property.

The Transit-Oriented Development (TOD) Policy adopted by the BART Board in July 2005 stipulates, in part, that the one-for-one replacement parking objective in development projects can be adjusted by employing the refined access methodology that examines transit access within the context of both development around transit and access strategies on a corridor or line segment basis. The new access methodology would be applied once a developer has been identified.

Following evaluation of proposals, BART staff will return to the BART Board of Directors for authorization to begin negotiations with the preferred developer. The Office of the General Counsel will approve any solicitation documents as to form.

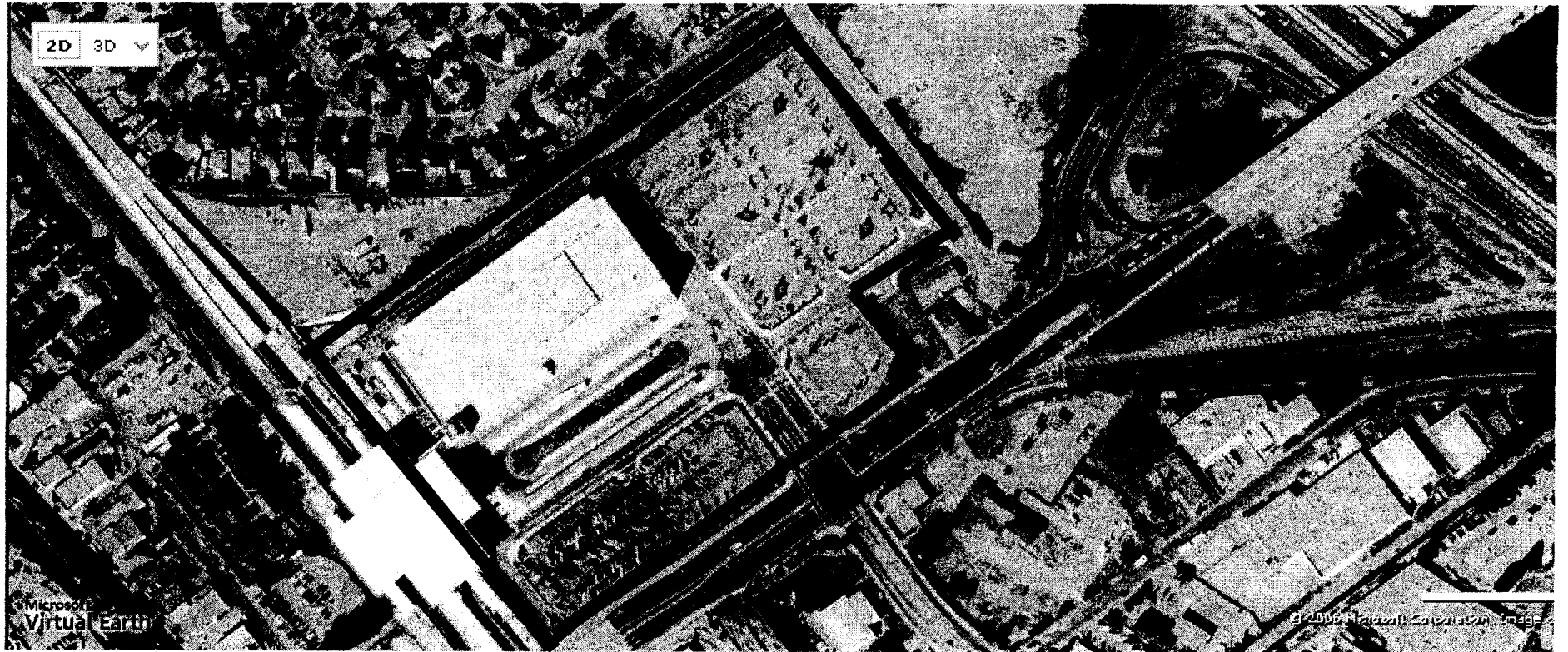
EDD: Solicitation for Development at Millbrae BART Station

FISCAL IMPACT: The only fiscal impact from the proposed action would be staff time involved in preparing the solicitation and conducting evaluations and interviews to determine a preferred developer to begin negotiations.

ALTERNATIVES: Do not pursue private development at the Millbrae Station at this time. This action would result in a missed opportunity to take advantage of the strong real estate market interest in the station area property.

RECOMMENDATION: It is recommended that the following motion be adopted:

MOTION: The Board hereby authorizes release of a private development solicitation for the Millbrae Station property.



Millbrae BART Station