

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

BOARD MEETING AGENDA

June 13, 2013

6:00 p.m.

A regular meeting of the Board of Directors will be held at 6:00 p.m. on Thursday, June 13, 2013, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of May 9, 2013, and May 23, 2013.* Board requested to authorize.
- B. Resolutions of Support for Metropolitan Transportation Commission One Bay Area Grant Discretionary Funding and Alameda County Transportation Commission Vehicle Registration Fee for Berkeley BART Plaza & Transit Area Improvements Project.* Board requested to adopt.
- C. Award of Contract No. 15QJ-140, Reroof Dublin/Pleasanton Station Supervisor's Building.* Board requested to authorize.
- D. Award of Invitation for Bid No. 8921, Motor, Condenser Fan.* Board requested to authorize.
- E. Reject All Bids for Invitation for Bid No. 8915, Double-Ended Cleaning Carts.* Board requested to reject.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Fiscal Year 2014 Budget.* Board requested to adopt.
- B. Agreement with Acquia, Inc., for Web Site Migration and Platform Management Services (Agreement No. 4299).* Board requested to authorize.
- C. Modification to Travel Reimbursement Policy for BART Advisory Committees.* Board requested to authorize.
- D. Travel Pass for Attendees of the 2013 American Public Transportation Association Sustainability and Public Transportation Workshop.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Change Order to Contract No. 15PB-110A, Earthquake Safety Program Aerial Structures – A Line North, with Atkinson Contractors, LP, for Seismic Retrofit of Pier P-238 (C.O. No. 25).* Board requested to authorize.
- B. Cost-Sharing Agreement between San Francisco Bay Area Rapid Transit District and Santa Clara Valley Transportation Authority for the Hayward Maintenance Complex Project.* Board requested to authorize.
- C. Oakland Airport Connector Project: Quarterly Update.* For information.
- D. Noise Generation and Abatement Report.* For information.
- E. (CONTINUED from May 9, 2013, Board Meeting)
Quarterly Performance Report, Third Quarter Fiscal Year 2013 - Service Performance Review.* For information.

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

Director Blalock, Chairperson

- A. 2013 State and Federal Legislative Advocacy Goals.* Board requested to authorize.
- B. Agreement with Alameda Park Street Bicycles, Inc., for Management Services to Operate BART's Bike Facilities (Agreement No. 6M6063).* Board requested to authorize.

6. GENERAL MANAGER'S REPORT

7. INDEPENDENT POLICE AUDITOR'S REPORT

8. BOARD MATTERS

- A. Appointment of Citizen Review Board Members.* Board requested to ratify.
- B. Board Member Reports. For information.
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

9. PUBLIC COMMENT

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

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

Board of Directors
Minutes of the 1,677h Meeting
May 9, 2013

A regular meeting of the Board of Directors was held May 9, 2013, convening at 9:09 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director McPartland. Director Saltzman entered the Meeting later.

President Radulovich brought Introduction of Special Guests before the Board. Director Murray introduced and welcomed Mr. Bill McCammon, Executive Director of the East Bay Regional Communications Systems Authority.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 25, 2013.
2. Award of Contract No. 15QH-140, Site Improvements at Various Stations – Phase III.
3. Award of Invitation for Bid No. 8920, Pinion Gear, High Speed.
4. Special Appointments: BART and AC Transit Coordinating Committee.

President Radulovich requested that Award of Contract No. 15QH-140, Site Improvements at Various Stations – Phase III, be removed from Consent Calendar.

Director Blalock made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes - 7: Blalock, Fang, Keller, Mallett, Murray, Raburn, and Radulovich. Noes – 0. Absent – 2: Directors McPartland and Saltzman.

1. That the Minutes of the Meeting of April 25, 2013, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 8920, an estimated quantity contract, for procurement of Pinion Gear, High Speed, to Columbia Gear, for the Bid price of \$226,382.00, including applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

3. That the Board of Directors ratify the appointment of Directors Raburn, Radulovich, and Saltzman as the District's representatives to the BART and AC Transit Coordinating Committee.

President Radulovich brought the matter of Award of Contract No. 15QH-140, Site Improvements at Various Stations – Phase III, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, gave a brief presentation on the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15QH-140, Site Improvements at Various Stations – Phase III, to American Asphalt Repair and Resurfacing Co., Inc., of Hayward, California, for the Bid price of \$987,625.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Blalock, Fang, Keller, Mallett, Murray, Raburn, and Radulovich. Noes – 0. Absent – 2: Directors McPartland and Saltzman.

Director Murray, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2014 Preliminary Budget Sources, Uses, and Service Plan, before the Board. Mr. Carter Mau, Assistant General Manager – Administration and Budgets; Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis; Mr. Gregg Marrama, Department Manager of Capital Development; and Mr. Oversier, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Clarrissa Cabansagan
Mr. Jerry Grace
Mr. George Sergio Figueroa
Mr. Marlon Rodriguez
Rev. Daniel Buford

Discussion on the item continued.

President Radulovich announced that the order of agenda items would be changed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Bicycle Access Plan: Update and Next Steps, before the Board. Mr. Steve Beroldo, Manager of Access Programs, and Mr. Oversier presented the item.

The following individuals addressed the Board.

Mr. Alan Smith
Mr. Jerry Grace
Ms. Renee Rivera
Ms. Disney Bolin
Ms. Cathy Kora
Mr. Simon Poulton

Mr. Dave Campbell
Ms. Ginger Jui
Ms. Shirley Johnson
Mr. Jon Spangler
Mr. Nadir Jeevanjee
Mr. Ed Pik
Mr. Marlon Rodriguez

The item was discussed.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Project Revisions and Addendum to the Hayward Maintenance Complex Project – Final Initial Study/Mitigated Negative Declaration, before the Board. Mr. Ric Rattray, eBART Project Manager, Transit System Development, presented the item. The item was discussed. Director Murray moved that, having reviewed and considered the information contained in the Addendum, the Board adopt Resolution No. 5212, In the Matter of Adopting Modifications to the Hayward Maintenance Complex Project (HMC Project). Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 1: Director McPartland.

President Radulovich announced that the items on East Contra Costa BART Extension (eBART) Project Update and Quarterly Performance Report, Third Quarter Fiscal Year 2013 – Service Performance Review, would be continued to a future meeting.

President Radulovich called for the General Manager’s report. General Manager Grace Crunican had no report.

President Radulovich called for Board Member Reports.

Director Blalock reported he had attended the City of Fremont’s legislative meeting at the Tesla plant and had been a speaker at a South Bay Engineers’ Club luncheon.

Director Mallett reported he had attended meetings with local elected officials, District staff, and Board members.

Director Murray reported she had given a presentation on the State of Good Repair to the Contra Costa Leadership class.

Director Raburn reported he had attended the Salinas Rail Tour and the League of Women Voters of Oakland luncheon.

Director Saltzman reported she had attended the League of Women Voters of Oakland luncheon.

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

President Radulovich called for Public Comment.

The following individuals addressed the Board.

Mr. Jerry Grace
Mr. George Sergio Figueroa
Mr. Jon Spangler
Mr. Chris Finn

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

The Board Meeting recessed at 1:48 p.m.

The Board reconvened in closed session at 2:00 p.m.

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

Absent: Director McPartland.

Director Blalock exited the Meeting.

The Board Meeting recessed at 4:00 p.m.

The Board reconvened in open session at 4:03 p.m.

Directors present: Directors Radulovich.

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

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

The Board Meeting was adjourned at 4:03 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,678th Meeting
May 23, 2013

A regular meeting of the Board of Directors was held May 23, 2013, convening at 6:06 p.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Radulovich announced that the order of agenda items would be changed, and that the item of Exclusive Negotiating Agreement with West Oakland Development Group, LLC, for Development at West Oakland Station would be continued to a future meeting.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, now was the time set to hold a public hearing on the Fiscal Year 2014 (FY14) Budget, that staff would give a brief presentation on the FY14 Budget, and that the meeting would then be opened for comments from the public. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Gregg Marrama, Department Manager of Capital Development; and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

The following individuals addressed the Board.

Ms. Barbara Shawcroft
Mr. Stephen Reynolds
Mr. Jerry Grace
Ms. Christian Frock
Mr. George Figueroa
Ms. Antonette Bryant
Ms. Claudia Hudson
Mr. Chris Finn
Ms. Connie Rainey

The public hearing was closed.

Consent Calendar items brought before the Board were:

1. Fiscal Year 2014 Proposition 4 Appropriations Limit.

2. Award of Contract No. 20HE-120, HVAC Upgrade for the Train Control Rooms at L14, L18, A58, C20 and C76.
3. Award of Contract No. 15QH-130, Site Improvements at Various Stations – Phase II.
4. Award of Invitation for Bid No. 8922, Cushion and Cover Assemblies.

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

1. Adoption of Resolution No. 5213, In the Matter of the Establishment of the Fiscal Year 2014 Appropriations Limit.
2. That the General Manager or her designee be authorized to award Contract No. 20HE-120, HVAC Upgrades at the Train Control Rooms at L14, L18, A58, C20, and C76, to American Air Conditioning, Plumbing & Heating Co., in the amount of \$564,600.00, including applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.
3. That the General Manager be authorized to award Contract No. 15QH-130, Site Improvements at Various Stations – Phase II, to L C Engineering & Construction, Inc., of San Francisco, for the Bid price of \$1,314,493.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 8922, Procurement of Cushion and Cover Assemblies, an estimated quantity contract, to Sedia Incorporated, for the Bid price of \$1,373,462.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Consent Calendar report brought before the Board was:

1. Fiscal Year 2013 Third Quarter Financial Report.

Director Murray, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2014 Preliminary Budget before the Board. Mr. Mau gave a brief presentation on the item.

The following individuals addressed the Board.

Ms. Elsie Tucker
Mr. Victor Garnica
Mr. Jonathan Bair
Ms. Clarrissa Cabansagan
Ms. Robin Ryan
Mr. John Arantes

The item was discussed.

President Radulovich brought the matter of Proposed Modifications to the District Bicycle Rules before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item.

The following individuals addressed the Board.

Mr. Jerry Grace
Mr. Fred Atkins
Mr. Tom Willging
Mr. Douglas Gary
Ms. Robin Ryan
Mr. Brian Toy
Mr. Najari Smith
Ms. Carol Levine
Mr. Stewart Gooderman
Ms. Midori Tabata
Ms. Shirley Johnson
Mr. Jerry Vail
Mr. Marc Caswell
Mr. David Favello
Mr. Andy Thornley
Ms. Catherine Orland
Ms. Tereza Kramer
Mr. Eric Steinhauer
Mr. Nadir Jeevanjee
Mr. Jon Spangler
Mr. Dave Campbell
Ms. Renee Rivera
Mr. William Jones
Ms. Antonette Bryant
Mr. Sam Kimbrel
Mr. Jason Bezis
Ms. Doria Robinson
Ms. Mo Devlin

The item was discussed. Director Raburn moved that the General Manager be authorized to modify the bike rules, effective July 1, 2013, to allow bikes on all trains, except for the first three cars, and in all stations during commute periods; and that the results of the modified program be reviewed by staff and brought back to the Board for further consideration in November 2013.

President Radulovich seconded the motion. Director Keller made a substitute motion, that the bike rules be modified as recommended for a trial period to end December 1, 2013, and the results of the modified program be reviewed by staff and brought back to the Board for further consideration at the second meeting in October 2013. Director Mallett seconded the substitute motion. Discussion continued. Director Blalock called the question. The substitute motion carried by electronic vote. Ayes - 6: Directors Blalock, Keller, Mallett, McPartland, Murray, and Saltzman. Noes – 3: Directors Fang, Raburn, and Radulovich. (The BART Bike Rule Modifications are attached and hereby made a part of these Minutes.)

Director Blalock brought the matter of Proposed Late Night Bus Service Update before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

The item was discussed.

The following individuals addressed the Board.

Mr. Eric Panzer

Mr. Jerry Grace

Ms. Jesse Stout

Ms. Caren Woodson

Ms. Pamela Stewart-Wagner

President Radulovich brought the matter of Resolution In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter Schuette vs. Coalition to Defend Affirmative Action before the Board. General Counsel Matthew Burrows presented the item. Director Fang moved adoption of Resolution No. 5214, In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter Schuette vs. Coalition to Defend Affirmative Action. Director McPartland seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Mallett and Murray.

Director Murray, Chairperson of the Administration Committee, brought the matter of Agreement No. 6M6062, Brokerage and Service Provider Services for East Bay Paratransit and Assignment of Lease, before the Board. Ms. Laura Timothy, Manager of Access and Accessible Services, presented the item. Director Murray moved that the General Manager be authorized to execute, jointly with AC Transit, Agreement No. 6M6062 (AC Transit Agreement 2013-1243) for Broker and Service Provider Services for the East Bay Paratransit Consortium, with Veolia, and to exercise the Options, for an amount not to exceed \$430,383,825.00 (including the Options); that BART's share of the cost of the Agreement for such services shall be 31% or not to exceed \$133,418,986.00; that the General Manager or her designee be authorized to request special services for BART under the Agreement in the amount of up to \$100,000.00 per year during the life of the Agreement, for a total additional not-to-exceed amount of \$1,000,000.00; and that the General Manager be authorized to agree to accept assignment of a space lease from Veolia in the event Veolia ceases to be the East Bay Paratransit Consortium broker for the purpose of re-assigning the lease to the then current East Bay Paratransit Consortium broker, provided that the costs required under such lease do not exceed \$400,000.00 per year and that the

lease term does not exceed 11 years. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Murray brought the matter of Concurrence in Exercise by Alameda Contra Costa Transit District of Two Year Option with CGR Management Consultants, LLC to Provide Program Coordinator Office Services for East Bay Paratransit Consortium (Agreement No. 2010-1139) before the Board. Ms. Timothy briefly presented the item. Director Murray moved that the General Manager be authorized to concur in AC Transit's exercise of an Option to extend Agreement No. 2010-1139, for Program Coordinator Office services for the East Bay Paratransit Consortium, with CGR Management Consultants LLC, for an additional two years for an amount not to exceed \$580,617.00, with BART's share of the cost of the Option to be 50%, not to exceed \$290,308.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Murray brought the matter of District Recruitment Sourcing Services before the Board. Ms. Elaine Kurtz, Department Manager, Human Resources, presented the item. Director Mallett moved that the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain District recruitment sourcing services, to identify qualified candidates for positions identified by the Human Resources Department, with the cost of the sourcing service not to exceed an aggregate amount of \$225,000.00. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Amendment No. 2 to the Memorandum of Understanding with the Metropolitan Transportation Commission; Alameda Contra Costa Transit District; Golden Gate Bridge, Highway and Transportation District; and San Francisco Municipal Transportation Agency Regarding Operations and Maintenance of Clipper Fare Collection System, before the Board. Mr. Larry Kozimor, Project Manager, present the item. Director Blalock moved that the General Manager be authorized to execute Amendment No. 2 to the Memorandum of Understanding regarding Operations and Maintenance of Clipper Fare Collection System. Director Mallett seconded the motion.

Mr. Jerry Grace addressed the Board.

The motion carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

President Radulovich called for the General Manager's report. General Manager Grace Crunican gave a brief overview of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 12, 2013.

President Radulovich called for Board Member Reports.

Director Mallett reported he had attended various city council meetings, met with San Francisco supervisors, and been a guest speaker at Richmond Chamber of Commerce events.

Director Murray reported she had cut the ribbon at the farmers market at Contra Costa Centre and given a State of Good Repair report to the Rossmoor Rotary Club.

Director McPartland reported he had attended an American Legion annual meeting.

Director Fang reported he had met in Shanghai on the Memorandum of Understanding for Sister Cities.

Director Raburn reported he had attended a presentation to the East Bay Housing organization at the Lake Merritt site, the California Transit Association legislation conference, and the American Public Transportation Association Career Day for Arise High School students.

President Radulovich called for Roll Call for Introductions.

Director Raburn requested that specifications for traction power substations include requirements for maximizing energy efficiency.

Director Mallett requested a schedule for ending the monthly parking program given demand based parking approach.

President Radulovich called for Public Comment.

The following individuals addressed the Board.

Ms. Katie Hickox
Mr. Shawn Keally
Mr. John Knox White

The Board Meeting was adjourned at 11:06 p.m. in memory of former General Manager William R. (Bill) Stokes.

Kenneth A. Duron
District Secretary

EDD Attachment, May 23, 2013 Board Meeting
BART Bike Rule Modifications

~~Bikes are allowed on all trains except those trains shown in highlighted areas of the BART Fares and Schedules brochure. It is the rider's responsibility to refer to BART schedules.~~

Bikes are allowed on all trains but never in the first car. During commute hours (7:00 to 9:00 am and 4:30 to 6:30 pm.) bikes are not allowed in the first three cars of any train.

Regardless of any other rule, bikes are never allowed on crowded cars. Use your good judgment and only board cars that can comfortably accommodate you and your bicycle. Hold your bike while on the trains.

~~Bikes are allowed in any car but the first car of a train.~~

Bicyclists must use elevator or stairs, not escalators, and always walk bikes.

Bicyclists must yield priority seating to seniors and people with disabilities, yield to other passengers, and not block aisles or doors or seat seats.

In case of an evacuation, leave your bike on the train and do not let it block aisles or doors.
Bicyclists under 14 years old must be accompanied by an adult.

Gas powered vehicles are never permitted.

Bikes must be parked in racks and lockers. Call (510) 464-7133 for locker availability. Bikes parked against poles, fences or railings will be removed.

COMMUTE HOURS

~~(Weekdays approximately 7:05 to 8:50 am and 4:25 to 6:45 pm.)~~

~~During morning commute hours, bikes are allowed in the Embarcadero Station only for trips to the East Bay (as indicated by the Fares and Schedules brochure).~~

~~During evening commute hours, bicyclists traveling from the East Bay must exit at the Embarcadero Station (as indicated by the Fares and Schedules brochure).~~

~~Bikes cannot enter or exit 12th and 19th Street Oakland Stations on weekdays between 6:56-8:50 am and 4:35-6:40 pm (as indicated by the Fares and Schedules brochure).~~

Folded bikes are allowed on the trains at all times.

~~During commute hours, folding bikes must be folded before entering the paid area at the Embarcadero, Montgomery, Powell, and Civic Center San Francisco Stations, and the 12th and 19th Street Oakland Stations. At all other stations, they may be folded on the platform, but must be folded before boarding a train.~~

Violation of the above rules subject to citation under CA Vehicle Code Sec. 21113 and Sec. 42001.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Debra DelVande</i>		GENERAL MANAGER ACTION REQ'D: Approval and forward to Administration Committee		
DATE: <i>6/5/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Donna Lee 6/3/13</i>	<i>[Signature]</i> <i>6-3-13</i> []	<i>[Signature]</i> []	[]	<i>[Signature]</i> <i>6-3-13</i> []
Status: Routed		Date Created: 05/31/2013		

TITLE:

Approval of Resolutions of Support for MTC One Bay Area Grant (OBAG) Discretionary Funding and Alameda County Transportation Commission Vehicle Registration Fee (VRF) Funding for Berkeley BART Plaza & Transit Area Improvements Project

NARRATIVE:

PURPOSE:

To request that the Board of Directors adopt two Resolutions of Support for the FY 2012/13 Coordinated Funding Program in connection with the Berkeley BART Plaza & Transit Area Improvements Project.

DISCUSSION:

The City of Berkeley and the District jointly filed an FY 2012/13 Coordinated Funding Program application with the Alameda County Transportation Commission (Alameda CTC) for the Berkeley BART Plaza & Transit Area Improvements Project (the Project), with the City of Berkeley filing as the “sponsoring agency” and the District filing as the “implementing agency.” The Alameda CTC has awarded the Project two grants under the FY 2012/13 Coordinated Funding Program. Both grants require separate Resolutions of Support. The first Resolution authorizes applying to the Metropolitan Transportation Commission (MTC) for \$4.1 million in One Bay Area Grant (OBAG) Discretionary Funding, and the second Resolution authorizes executing a funding agreement with the Alameda CTC for \$3.7 million in Vehicle Registration Fee (VRF) funding. As the “implementing agency,” BART will directly receive the OBAG and VRF funding through the FY 2012/13 Coordinated Funding Program.

These two grants will assist in funding the Project, a joint effort between BART and the City of Berkeley. The two parties are negotiating a Memorandum of Understanding (MOU) that addresses the role of each with regard to financial contributions, plan development and review, and construction related to the Project.

The completed Project will serve a signature place-making function for the Downtown Berkeley Area, with enriched multimodal access for an anticipated influx of new residents and employees. The Project will improve intermodal connectivity and enhance rider safety and comfort by updating existing structures and installing new transit structures. The planned improvements include increased covered waiting areas for local and transbay AC Transit bus stops, wayfinding signage (including real-time BART arrival/departure signs), and enhanced pedestrian safety and bicycle parking. The Project will replace the sidewalk and plaza surface materials, improve pedestrian-oriented lighting, and install low-impact storm water treatments and other landscaping improvements. The Project also includes the construction of an updated station entry Rotunda, disability access improvements to the curb ramps, and security gates at secondary entrances to the Berkeley BART station.

FISCAL IMPACT:

Approval of the Resolution of Local Support for MTC Discretionary Funding is required for the District to receive the OBAG funding for the Project. MTC requires a minimum local match of \$526,775 (11.47%) for the total \$4.1 million OBAG funding request. The City of Berkeley will provide \$400,000 in local match and BART will provide \$126,775 in match from programmed Prop. 1B Lifeline Program funds.

Alameda CTC requires BART, as the grant recipient, to assure there will be necessary funds to complete the Project. The Alameda CTC Resolution of Support requires that BART assure \$6.7 million in additional funding, the difference between the estimated total Project construction cost of \$10.4 million and the requested \$3.7 million in VRF funding. BART could assure the \$6.7 million through federal and local funding previously secured or programmed for this project. The funds include: \$1.8M in CMAQ (FTA Fund 3000, currently in reserves for Project 05EA-001), programmed \$721,360 in Prop. 1B Lifeline, \$400,000 expected from the City of Berkeley pursuant to the MOU, and the yet to be awarded \$4.1 million in OBAG funding.

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

ALTERNATIVE:

Do not approve the two Resolutions of Support. BART would risk the loss of \$4.1 million in OBAG funding and \$3.7 million in VRF funds.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The BART Board of Directors approves the attached Resolutions of Support in the amount of \$4.1 million for One Bay Area Grant funds and \$3.7 million for Vehicle Registration Fees for the Berkeley BART Plaza & Transit Area Improvements Project.

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

In the Matter of Approving
the Resolution of Local Support For
MTC Discretionary Funding

Resolution No. _____

WHEREAS, San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$4.1 million in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Berkeley BART Plaza & Transit Area Improvements Project (herein referred to as PROJECT) for the Federal Cycle 2 One Bay Area Grant (OBAG) Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP-21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code Sections 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated there under, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING,

MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds of at least 11.47%; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's Federal Transportation Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$526,775 in matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the PROJECT is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its General Manager to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

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

In the Matter of Approving
the Resolution of Support For
Alameda CTC Measure B and/or
Vehicle Registration Fee Grant Funding

Resolution No. _____

WHEREAS, San Francisco Bay Area Rapid Transit District (“APPLICANT”) has submitted an application to the Alameda County Transportation Commission (“Alameda CTC”) for \$3.7 million from one or more of the following funding sources administered by the Alameda CTC and programmed at Alameda CTC’s discretion as part of the Alameda CTC FY 2012/13 Coordinated Program (“PROGRAM”): Measure B Bicycle/Pedestrian Countywide Discretionary Fund, Measure B Express Bus Service fund, Vehicle Registration Fee (VRF) Pedestrian and Bicyclist Access and Safety Program, and/or VRF Transit Congestion Relief Program funding (collectively, “FY 2012/13 COORDINATED PROGRAM FUNDING”), for the Berkeley BART Plaza & Transit Area Improvements Project (“PROJECT”).

WHEREAS, Alameda CTC is a joint powers authority resulting from the merger of the Alameda County Congestion Management Agency and Alameda County Transportation Improvement Authority and is responsible for distributing to local jurisdictions certain Measure B and VRF revenues for bicycle and pedestrian safety, local streets and roads, local transportation technology, mass transit, paratransit, and transit center development programs; and

WHEREAS, APPLICANT represents that APPLICANT is an eligible grant recipient for such Measure B and/or VRF funds; and

WHEREAS, prior to entering into a funding agreement for FY 2012/13 COORDINATED PROGRAM FUNDING, Alameda CTC requires the responsible grant recipient to adopt a resolution confirming the following:

- 1) APPLICANT commits to provide the amount of matching funds specified in the grant funding agreement; and
- 2) APPLICANT understands that the amount of FY 2012/13 COORDINATED PROGRAM FUNDING is capped at the amount approved by the Alameda CTC Commission, and therefore APPLICANT cannot anticipate any PROJECT cost increase to be funded with additional Measure B and/or VRF grant funds; and
- 3) APPLICANT shall complete the PROJECT as described in the grant funding agreement; and
- 4) APPLICANT will comply with all the PROJECT-specific requirements as set forth in the PROGRAM Guidelines and grant funding agreement.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to enter into a funding agreement for FY 2012/13 COORDINATED PROGRAM FUNDING for PROJECT; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby confirm and agree that:

1. APPLICANT will provide \$6.7 million in matching funds;
2. APPLICANT understands that the amount of FY 2012/13 COORDINATED PROGRAM FUNDING for the PROJECT is capped at the amount approved by the Alameda CTC Commission, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Measure B/VRF grant funding;
3. PROJECT will be implemented as described in the application, grant funding agreement and in this resolution;
4. APPLICANT and the PROJECT will comply with the requirements as set forth in the PROGRAM Guidelines and grant funding agreement; and therefore be it further

RESOLVED that APPLICANT is an eligible sponsor of Measure B and/or VRF funded projects; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its General Manager to execute a funding agreement with Alameda CTC for FY 2012/13 COORDINATED PROGRAM FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to Alameda CTC by June 30, 2013.

DULY PASSED AND ADOPTED by the San Francisco Bay Area Rapid Transit District Board of Directors, the Resolution of Local Support for Vehicle Registration Fee Grant Funding, on June 13, 2013 by the following vote:

AYES: **NOES:** **ABSTAIN:** **ABSENT:**

SIGNED:

By: _____
Name: _____
Title: _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Abecia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to July 11, 2013 E&O Committee meeting.		
DATE: c <i>6/5/13</i>		BOARD INITIATED/ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept. Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: <i>6/3/13</i>	General Counsel <i>[Signature]</i> <i>6.3.13</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Paul [Signature]</i> <i>6/3/13</i> []

TITLE:

Award Contract No. 15QJ-140, Reroof Dublin Pleasanton Station Supervisor's Building

NARRATIVE

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QJ-140, Reroof Dublin/Pleasanton Station Supervisor's Building, to Stronger Building Services.

DISCUSSION: The work of this Contract consists of providing all labor, equipment and materials required to remove and replace the roof of the Supervisor's Building located in the L-line storage track, in the median of I-580 Freeway near the Dublin/Pleasanton Station.

The District provided advance notice to 78 prospective Bidders on March 26, 2013 and Contract Documents were mailed to 26 plan rooms and minority assistance organizations on March 29, 2013. The Contract was advertised on March 29, 2013. A total of eleven (11) firms purchased the Contract Documents. A pre-Bid meeting was conducted on April 16, 2013, with fourteen (14) prospective Bidders attending the meeting. The following seven (7) Bids were received on May 7, 2013:

BIDDER	LOCATION	Certified Small Business	TOTAL BID
Best Contracting Services, Inc.	Gardena, CA	No	\$113,174.00
Stronger Building Services	Hayward, CA	Yes	\$113,382.60
Andy's Roofing Company Inc.	Milpitas, CA	No	\$113,440.00
Western Roofing Service	San Leandro, CA	No	\$126,000.00
Pioneer Contractors, Inc.	San Francisco, CA	Yes	\$135,000.00
Alcal Specialty Contracting, Inc.	Fremont, CA	No	\$162,563.00
Southwest Construction & Property Management	San Bruno, CA	Yes	\$167,252.00
Engineer's Estimate			\$115,000.00

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for certified small businesses. The apparent low Bidder, Best Contracting Services, Inc., is not a certified small business. The apparent second low

bidder, Stronger Building Services, is a certified small business, making it eligible for the 5% reduction in its Bid price provided by the small business preference. After review by the Office of Civil Rights, and application of the 5% small business preference, the Bid submitted by Stronger Building Services has been determined to be the lowest responsive Bidder.

Furthermore, a review of this Bidder's license, business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$113,382.60, which is approximately 1.5 % below the Engineer's Estimate, is fair and reasonable.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The Bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

FISCAL IMPACT: Funding of \$113,382.60 for the award of Contract No. 15QJ-140 is included in the total project budget with respect to FMS project number: 15QJ000, Title: Systemwide Reroof Structures. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of May 20, 2013, \$1,490,000.00 is available for this project from the following sources:

Fund No	Source	Fund Description	Funded Amount
851W	BART	FY07-11 Capital Allocation	\$690,000.00
8524	BART	FY12 Capital Allocation	\$500,000.00
8525	BART	FY13Capital Allocation	\$300,000.00
		Total	\$1,490,000.00

BART has expended \$911,514.00, committed \$275,399.00, and reserved \$0.00 to date for other actions. This action will commit \$113,383.00 leaving an available balance of \$189,704.00 in this project funding.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would result in lower prices and rebidding would delay the reroofing work.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No.15QJ-140, Reroof

Award Contract No. 15QJ-140, Reroof Dublin Pleasanton Station Supervisor's Building

Dublin/Pleasanton Station Supervisor's Building, for the Bid price of \$113,382.60 to Stronger Building Services, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/7/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/26/2013	<i>[Signature]</i> 6/6/13 []	<i>[Signature]</i> []	[]	<i>[Signature]</i> 6/7/13 []
Status: Approved		Date Created: 05/30/2013		

TITLE:

Award of Invitation for Bid No. 8921, Motor, Condenser Fan

NARRATIVE:

PURPOSE: To obtain Board authorization to award Invitation for Bid (IFB) No. 8921 to Dahl-Beck Electric in the amount of \$204,297.17 for the purchase of Motor, Condenser Fan.

DISCUSSION: The District operates 230 C-Cars. The existing C-Car is equipped with two (2) identical undercar-mounted Heating Ventilation and Cooling (HVAC) units, and one condenser fan on each unit . The District is currently overhauling and upgrading the C-Car HVAC systems to provide increased cooling capacity, reliability and power consumption efficiency. The upgrade package includes a redesigned condenser coil with greater capacity and efficiency, a redesigned condenser fan motor with greater performance and efficiency, and associated connectors and hardware to complete the installation. While this upgrade was designed and tested as a package, the procurements have been unbundled, with the condenser coil procurement that was approved by the Board in January 2013, and this procurement of the condenser fan motors.

This is a twenty four (24) month estimated quantity contract for a base quantity of 230 condenser fan motors, with an option to purchase an additional estimated quantity of 100. Pursuant to the District's standard estimated quantity contract, during the term of the contract, the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price for both the base contract and the option, subject to availability of funding.

A Notice Requesting Bids was published on April 19, 2013 and Bid requests were mailed to six (6) prospective bidders. Bids were opened on May 14, 2013 and the following four (4) bids were received:

<u>Bidder</u>	<u>Unit Price</u> <u>Base Qty 230 ea.</u>	<u>Unit Price</u> <u>Option Qty 100 ea,</u>	<u>Grand Total incl</u> <u>9.00%</u>
<u>Sales Tax</u> Grainger Lincolnshire, IL	\$348.68	\$348.68	\$87,414.07

Vincent Electric Motor Co. Oakland, CA	\$383.67	\$383.67	\$138,006.10
Dahl-Beck Electric Richmond, CA	\$556.32	\$594.75	\$204,297.17
Vapor Stone Rail Systems Plattsburgh, New York	\$1649.00	\$1649.00	\$593,145.30

Independent cost estimate by BART staff: \$215,820 including applicable sales tax.

The apparent low bid from Grainger was non-responsive because it was not signed. The apparent 2nd low bid from Vincent Electric executed the portion of the Buy America Certificate indicating that it could not comply with the requirement, but might qualify for a waiver. However, Vincent Electric subsequently indicated that they did not qualify for a waiver. Consequently, the bid of Vincent Electric is non-responsive.

Staff has determined that the bid submitted by Dahl-Beck Electric is responsive and that the bid amount of \$204,297 (including sales tax) is fair and reasonable based on recent purchases.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

Fiscal Impact:

Funding of \$204,297 for the award of IFB 8921, Motor, Condenser Fan will come from project budget 42AK000 - C Car HVAC Renovation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 6/4/13, \$2,200,000 is available for this project from the following source:

Fund No.	Source	Fund Description	Amount
3002	FTA	CA-090-Y873-00	\$ 1,760,000
8524	BART	FY12 Operating Capital Alloc.	\$ 440,000
		Total	\$ 2,200,000

BART has expended \$24,804, encumbered \$1,183,348, and pre-encumbered \$242,912 for this purchase, to date. This action will encumber an additional \$0 of remaining available funds, leaving an available fund balance of \$748,936.

There is no fiscal impact on available un-programmed District Reserves.

Alternatives: Do not upgrade the C-Car HVAC, resulting in continued operation of the current inefficient HVAC system and increased maintenance costs.

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

Motion: The General Manager is authorized to award IFB No. 8921, an estimated quantity contract for procurement of Motor, Condenser Fan, to Dahl-Beck Electric, for the Bid price of \$204,297.17, including applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and FTA requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>6/5/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Kirtland Smith Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>6-3-13</i>	<i>6-3-13</i> []	[]	[]	<i>6/4/13</i> []

TITLE:

Reject all Bids for Invitation for Bid No. 8915 Procurement of Vehicle, Yard, Double Ended Carts

NARRATIVE:

PURPOSE: To reject all Bids for Invitation For Bid (IFB) No. 8915, Procurement of Vehicle, Yard, Double Ended Carts.

DISCUSSION: Custom made double ended electric carts, also called vehicles, are required by cleaning staff to travel in the narrow paths between storage tracks in rail yards. The carts must be custom built with the ability to drive from both ends to transport car cleaning crews and supplies to the rail cars stored in the yards as there is no space to turn the vehicles around. The District's current fleet of carts includes many that were purchased in 2001 and are frequently in need of electrical and mechanical repair due to daily usage, severe service environment, and age. Out-of-service time and repair costs are excessive and these carts need to be replaced.

A notice requesting Bids was published on April 10, 2013 and Bid requests were mailed to four (4) prospective Bidders. Bids were opened on April 30, 2013 and three (3) Bids were received.

<u>Bidder</u>	<u>Unit Price</u> <u>(6 each)</u>	<u>Grand Total including</u> <u>9 % Sales Tax</u>
Toyota Material Handling Hayward, CA.	\$22,826.00 Base Order \$23,490.00 Option A \$24,178.00 Option B	\$149,282.00 \$153,624.64 <u>\$158,124.12</u> \$461,030.76
Cromer Equipment Oakland, CA.	\$28,702.67 Base Order \$28,702.67 Option A \$30,446.56 Option B	\$187,715.46 \$187,715.46 <u>\$199,120.50</u> \$574,551.42
Karrior Electric Vehicles Gardena, CA.	\$31,000.00 Base Order \$28,500.00 Option A \$28,500.00 Option B	\$202,740.00 \$186,390.00 <u>\$186,390.00</u> \$575,520.00

Independent cost estimate by BART staff: \$360,000.00 including taxes.

Pursuant to the Special Provisions, Bids were evaluated on the basis of the total Bid Price, including the Base Bid and Option A and Option B. The apparent low Bid submitted by Toyota Material Handling was non-responsive because the Bidder indicated that it could not meet the First Article delivery requirements set forth in the IFB.

The apparent second low Bid submitted by Cromer Equipment is 24% higher than the Bid submitted by Toyota Material Handling and 40% higher than the independent cost estimate.

The IFB requires that the Supplier deliver the First Article within four weeks after award of the Contract. Staff has reevaluated this requirement and concluded that although a thirty day period to deliver the First Article would be sufficient for a standard vehicle, such a short lead time is not sufficient to produce a quality First Article sample for a custom product. Staff believes that competition would likely be improved, and better prices obtained, if the IFB is readvertised with a longer period for potential manufacturers to provide the First Article unit. Following the rejection of Bids, Staff will readvertise this IFB with a longer lead time for delivery of the First Article.

Fiscal Impact:

There is no fiscal impact from rejection of all Bids.

Alternatives: Award the Contract to the low responsive Bidder, Cromer Equipment, at a Bid price that is nearly 40 percent higher than the staff estimate. This will impact the District's available funding resulting in the purchase of fewer carts.

Recommendation: On the basis of analysis by Staff, it is recommended that the Board adopt the following motion.

Motion: All Bids for IFB No. 8915, Procurement of Vehicle, Yard, Double Ended Carts, are rejected and the General Manager is authorized to re-advertise the IFB.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carla Delaney</i>		GENERAL MANAGER ACTION REQ'D: Place on the June 13, 2013 Board of Directors Agenda		
DATE: <i>6/7/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept:	General Counsel <i>Robert Umbreit</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Robert Umbreit</i> FOR C.M.A.U. <i>6/7/13</i>
Signature/Date: <i>Robert Umbreit 6/7/13</i>	<i>[Signature]</i>	[]	[]	[]

TITLE:

ANNUAL BUDGET RESOLUTION FOR FISCAL YEAR 2014

NARRATIVE:

PURPOSE

To authorize adoption of an Interim Annual Budget Resolution for Fiscal Year 2014 (FY14). The budget will be revised after labor contract negotiations have been completed.

DISCUSSION

Approval by the Board of Directors is requested for the FY14 operating and capital budgets. The total proposed FY14 budget (operating and capital) is \$1.53 billion. The FY14 operating budget is essentially balanced, with \$795.3 million (M) in sources and \$796.6M in uses, less an adjustment for the Other Post Employment Benefits (OPEB) unfunded liability of \$1.4M. The FY14 capital budget totals \$737.3M.

The proposed Interim FY14 annual budget summarized in Attachments 1 & 2 and Exhibit A incorporates the proposed initiatives and allocations to capital projects that were included in the Preliminary Budget Memo and reviewed in presentations to the Board of Directors during April and May. The initiatives have been updated to reflect the wishes of the Board as discussed at the last Board meeting. These initiatives and the entire budget support the District's themes of Infrastructure, Stations and Sustainability. Two small changes to the Preliminary Budget are summarized later in this document.

The Interim FY14 annual budget will be revised to reflect the outcome of the current labor negotiations. No wage increase resulting from the negotiations has been assumed in the FY14 budget. However, a 1% conditional wage increase from the last labor contract is included. This increase was conditioned on factors for ridership, sales tax, pension and medical rate increases, and unplanned expenses. These conditions were met and the increase is included.

FY14 Operating Budget

As the District enters its fifth decade of service, there are vital system reinvestment needs that are severely underfunded. At the same time, BART has experienced an unprecedented period of ridership growth, with average weekday trips for FY14 estimated to average over 400,000 trips per day for the first time. Maintaining our 95% passenger on-time performance is critical to keeping this ridership and becomes more challenging as the system ages. Therefore, when considering how to use additional passenger revenue over the past several years, the District has made funding of the infrastructure and state of good repair needs a priority. The operating

budget includes a total of \$46M directed to the Rail Car Sinking Fund as discussed in the FY14 Capital Budget section. In addition, on February 28, 2013, the Board of Directors approved extension of the District's productivity-adjusted inflation-based fare increase program, with the new revenue dedicated to fund the top three priority capital projects – the New Rail Car Program, Hayward Maintenance Center and Automated Train Control. The fare increases are estimated to generate more than \$325 million over the eight year term of the program. The first increase of 5.2% is scheduled for January 1, 2014 and is estimated to generate \$7.5M in FY14 for the capital projects.

The Board of Directors also passed modifications to the paid parking program on February 28. The increase in revenue from these fees is dedicated to funding improvements and programs to benefit station access, rehabilitation and modernization needs. For FY14 the increased revenue is estimated at \$4M and will fund a variety of station related initiatives.

The budget also funds an allocation of \$32.9M in other State of Good Repair needs, including continuing the program to replace seats and floors in the current fleet, C1 Car renovation, replacement of obsolete tunnel and facility lighting, and the "baseline" State of Good Repair allocation that provides for local match on capital grants, stations and facilities renovation, equipment, and other important funding requirements not typically eligible for grants. These allocations are on top of the budgeted \$53.1M debt service payment, which primarily consists of payments on bond issues for prior year capital rehabilitation programs.

In addition to the Rail Car Sinking Fund and seat and floor replacement budget initiatives, the FY14 operating budget also includes \$12.6M and 44 positions in operating initiatives to address a number of essential operating needs, with \$4M of the total related to stations funded by the parking revenue increase. The initiatives include a major station cleaning and rehabilitation initiative, attendance management program, corrosion protection for the Transbay Tube, bicycle storage, station profile and small business availability studies, website equipment and staffing, and other initiatives. See Attachment 3 for a summary of these proposals.

Along with the 44 positions proposed in the budget initiatives, 7 positions were also added during the current fiscal year to address establishment of the new Stations group, and immediate needs in Finance, Human Resources, and Government & Community Relations.

At the May 23 meeting, the Board directed staff to use BART funds to leverage potential local contributions to supplement analysis in the existing BART Metro Vision study. There is a particular focus on possible high-capacity transit investments in the I-80 corridor and a new BART corridor serving western San Francisco (BART to the Beach). This initiative, which provides \$100,000 (\$50,000 per corridor) to acquire or leverage local contributions to advance the analyses and support for BART projects, has been added to the budget as shown in Attachment 3.

There are two changes between the proposed FY14 Interim Annual Budget and the FY14 Preliminary Budget. These include lowering the ADA Paratransit total by \$204,099 to reflect the recently approved East Bay Paratransit operating agreement, and the allocation of \$100,000 to

capital for the two corridor studies.

FY14 Capital Budget

The capital budget proposes FY14 expenditures of \$737.3M and funds 480 positions. While the capital budget is usually funded primarily through Federal and other capital grants, in FY14 a large portion of the budget is funded by local sources earmarked for construction activities associated with system expansion projects including eBART, the Oakland Airport Connector and Warm Springs. Another significant contributor of capital funds is BART's own operating revenues, which provide baseline capital rehabilitation allocations essential for required local match, equipment and inventory needs, and important State of Good Repair expenditures which do not qualify for grants, including stations and facilities renovation.

Additional operating revenues are also earmarked for multi-year projects including rail car interiors, C-Car reliability improvements, and mandatory lighting retrofits in subways and stations. The largest operating revenue commitment is our annual contribution to the District's initial \$298M commitment for its share of the Phase 1 purchase of 410 rail cars. In addition, by directing fare revenue from the renewal of BART's inflation-based fare increase program, we have a new policy and financial commitment to implement the three priority projects – 1,000 new rail cars, construction of the Hayward Maintenance Complex, and development and implementation of a modern replacement train control system. System renovation continues to comprise a large portion of planned capital expenditures on activities such as station modernization and repair, train control and traction power, trackway renovation, essential upgrades, and ADA/system accessibility improvements. Also included in this category are approximately \$25 million of direct safety related renovation and repair projects not included in the Safety and Security program category, including trackway fall protection, third-rail coverboard replacement, emergency power and fire safety system renovation, emergency communications, vertical circulation safety improvements, and sidewalk repairs.

Despite our investments and initiatives focused on achieving a State of Good Repair, there remains a substantial deficit in meeting projected needs. As informed through recent asset management and comprehensive needs analysis work, BART has a preliminary estimate of a ten year renovation need of at least \$6B to at least maintain our current state of reliability. This translates to a \$600M annualized need, of which less than half is projected to be available from all sources as noted in Metropolitan Transportation Commission (MTC) and Association of Bay Area Government's (ABAG) draft Plan Bay Area (Bay Area Regional Transportation Plan). BART must continue to compete aggressively for available and emerging regionally distributed funds, as well as pursue other self-help initiatives to assist in addressing this deficit.

FY14 BUDGET RESOLUTION

Staff recommends approval of the attached Resolution to adopt the FY14 Annual Budget. As in previous years, the FY14 Resolution includes authorization to submit annual applications for Transportation Development Act (TDA), State Transit Assistance (STA) and Bridge Toll funds that are included in the FY14 capital budget, as appropriate. The Resolution also allows the General Manager or the General Manager's designee to execute the agreement with the City and County of San Francisco to provide annual transfer payments for feeder services to the San

Francisco Municipal Transportation Agency for FY14. The Resolution also incorporates provisions referring to the SFO Extension service plan and certain District system-wide operating policies. The Resolution authorizes the General Manager, or designee, to file grant applications and execute funding agreements on behalf of the District with the State of California for security grants. The only change in the authorizations for FY14 is a modification due to a change in compensation policy applicable to AFSCME represented employees which was approved by the Board when it approved AFSCME Side Letter SL-1-12. Future adjustments in pay ranges for AFSCME employees that are consistent with the terms of their collective bargaining agreement will be brought to the Board for approval.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. It assumes adoption of the staff recommendations for the capital allocations as outlined in the previous paragraphs.

FISCAL IMPACT

The proposed FY14 Interim Annual Budget is balanced, with a small positive result of \$0.1M..

ALTERNATIVES

Not adopt the budget or adopt a budget that differs from what has been presented to the Board of Directors over the past three months. Rules of the Board of Directors require that the budget be adopted prior to June 30th; adoption of the Budget Resolution by June 30th is required to authorize expenditures in FY14.

RECOMMENDATION

Adoption of the following motion:

MOTION

Adoption of the attached Resolution in the matter of approving the Interim Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizing expenditures for the fiscal year July 1, 2013 to June 30, 2014.

Attachment 1
Fiscal Year 2014 District Operating Budget
Sources and Uses Detail

SOURCES	FY14 PRELIMINARY	Changes	FY14 ADOPTED
Rail Passenger Revenue	\$ 414,997,366	\$ -	\$ 414,997,366
ADA Passenger Revenue	883,870	-	883,870
Parking Revenue	19,828,938	-	19,828,938
Other Operating Revenue	19,488,352	-	19,488,352
Sub-Total Operating Revenue	455,198,526	-	455,198,526
Sales Tax Proceeds	215,745,689	-	215,745,689
Property Tax Proceeds	30,893,265	-	30,893,265
Measure B / Other	1,819,582	-	1,819,582
State Transit Assistance	18,755,610	-	18,755,610
Federal 5307 Grant - MTC Rail Car Fund Swap	72,000,000	-	72,000,000
Millbrae Use, Operating & Maint. Agreement	807,579	-	807,579
Allocation from Access Fund	50,000	-	50,000
Sub-Total Financial Assistance & Allocations	340,071,725	-	340,071,725
TOTAL SOURCES	795,270,251	-	795,270,251
USES			
Labor	400,630,888	-	400,630,888
OPEB Unfunded Liability	1,407,651	-	1,407,651
ADA Paratransit	13,504,336	(204,099)	13,300,237
Purchased Transportation	2,980,003	-	2,980,003
Power	41,652,000	-	41,652,000
Other Non-Labor	107,661,673	-	107,661,673
Sub-Total Operating Expense	567,836,551	(204,099)	567,632,452
Extraordinary Expense - MTC Rail Car Fund Swap	72,000,000		72,000,000
Debt Service	53,120,253	-	53,120,253
MTC Loan Debt Service	5,150,000	-	5,150,000
Allocation - Capital Rehabilitation	32,807,013	100,000	32,907,013
Allocation - Rail Car Sinking Fund	46,000,000	-	46,000,000
Allocation - Priority Capital Programs	7,524,800	-	7,524,800
Allocations - Other	5,088,557	-	5,088,557
Allocation - To SFO Reserve / Warm Springs Project	7,150,728	-	7,150,728
Sub-Total Allocations	156,841,351	100,000	156,941,351
TOTAL USES	796,677,902	(104,099)	796,573,803
OPEB Unfunded Liability	(1,407,651)	-	(1,407,651)
NET RESULT	\$ -	\$ 104,099	\$ 104,099
Average Weekday Trips	403,680		403,680
Operating Ratio	91.8%		91.8%
Farebox Recovery Ratio	83.9%		83.9%

Attachment 2

FY14 Capital Budget Headcount and Planned Expenditures Program Summary

Program Category	Capital Headcount	Planned Expenditures
System Renovation**		
Rolling Stock	47.7	77,338,983
Mainline	91.1	57,545,381
Stations	14.1	15,904,427
Controls & Communications	83.3	36,158,580
Facilities	12.6	74,946,542
Work Equipment	-	2,184,000
Total System Renovation	248.9	264,077,913
Safety & Security	10.9	16,742,248
Earthquake Safety	37.7	109,583,769
Service & Capacity Enhancement	18.2	35,895,983
System Expansion	79.7	306,073,490
Capitol Corridor***	23.0	3,368,563
Reimbursable****	14.0	1,574,059
Cost Allocation Plan	48.0	CAP costs are included in each of the line items above
TOTAL	480.4	737,316,025

* Total authorized permanent positions.

** Includes approximately \$25M in safety-related system renovation, including fall protection, coverboards, emergency power, fire safety systems, communications, sidewalk repairs and other project categories.

*** All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capitol Corridor Joint Powers Board in the Annual State Budget Act.

**** Positions fully reimbursed by Muni, Caltrans, and others for BART staff expenses incurred in performing services for those organizations.

**Attachment 3
Fiscal Year 2013 District Budget
Budget Initiatives**

Operating	FTE	Cost
Stations Initiatives**	15.0	3,060,574
Attendance Management Program	2.0	1,000,000
Transbay Tube Cathodic Protection	0.4	931,960
Website Content Management System		720,000 *
Planning & Development / Stations Planning Group	2.5	526,784
Bicycle Storage**		504,000 *
Vendor Portals - Public Access of Procurement Documents		500,000 *
Availability & Utilization Study (2-year Program)		500,000
Station Profile Study**		500,000 *
Asset Management Plan Implementation	3.0	494,645
Transient Population Management**	2.0	400,000
Cyber Security	2.0	353,359
Finance - General Accounting	2.0	317,838
Regional Anti-Terrorism Law Enforcement System (RAILS)	2.0	317,772
Budget & Financial Analysis	2.0	299,235
Website Staffing & Non-Labor	1.0	279,417
Inventory - Storekeepers	3.0	277,035
Embarcadero Station - Neolithic Netting System Artwork**		250,000 *
Clipper Support	1.0	225,543
Legal - Telecommunications	1.0	188,367
Total Quality Management (TQM)	1.0	180,526
Parking Enforcement	2.0	166,745
Maintain Wayfinding / Signage**		150,000
Training - Rolling Stock & Shops	1.0	146,139
Training - Information Technology		120,600
Rider Response to Peak Fare Pricing - Study		120,000 *
System Safety - Safety Specialist	1.0	108,123
Total	43.9	\$12,638,662

* One-time

**Stations Related Initiatives

Capital

Tunnel & Facility Lighting Conversion (3-year Program)		4,533,116
Strategic Opportunity Assessment - I-80 Corridor & Bart to Beach		100,000
Total		\$ 4,633,116

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

**In the matter of approving
The Annual Budget for the
San Francisco Bay Area Rapid
Transit District and authorizing
Expenditures for the Fiscal Year
July 1, 2013, to June 30, 2014**

Resolution No.

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 4, May 8, and May 9, 2013 in newspapers of general circulation in the County of San Francisco, the County of Alameda, and the County of Contra Costa, of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2013, to June 30, 2014; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to adopt an Annual Budget for the Fiscal Year July 1, 2013, to June 30, 2014; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District is required by Public Utilities Code Section 28767 to determine and create, by resolution, such number and character of positions as are necessary to properly carry out the functions of the District; and

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code §99200, et seq., provides for the disbursement of funds from the Local Transportation Fund of the Counties of Alameda and Contra Costa for use by eligible claimants for the purpose of operating assistance; and

WHEREAS, the State Transit Assistance (STA) fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, as attested to by opinions of the Office of the General Counsel, the San Francisco Bay Area Rapid Transit District is an eligible applicant for Net Toll Revenues and MTC Rail Extension Reserve bridge toll revenues pursuant to Section 30892 of the Streets and Highways Code; and is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code Section 99260; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and San Mateo County Transit District, dated April 27, 2007, states that the San Francisco Bay Area Rapid Transit District will provide service on the SFO extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the system-wide operating plan for Fiscal Year 2014 was presented to the Board of Directors on May 9, 2013, in a presentation entitled Fiscal Year 2014 Preliminary Budget Operating Sources, Uses and Service Plan; and

WHEREAS, the California Emergency Management Agency (CalEMA) makes funds available from the FY 2013-2014 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) to eligible applicants to support approved security transit projects;

NOW, THEREFORE, BE IT RESOLVED that the attached Annual budget (marked Exhibit A and incorporated herein as though set forth at length) is hereby adopted; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes appropriations of monies expected to be available in the General Fund, Capital Funds including Construction Funds and existing and anticipated Federal, State and local grants, for expenditures in the amounts and for the purposes set forth in said budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to enter into services agreements (including professional, technical, maintenance and repair agreements) and lease or license agreements for District use of real property, facilities, equipment and software provided that:

- (1) The General Manager shall first determine that the work or services concerned, in the amounts authorized in a service agreement, cannot satisfactorily be performed by the officers or employees of the District;
- (2) Agreements that are let by public bidding, service, lease, and license agreements, and amendments thereto, between \$25,000 and \$100,000, shall be reported bi-monthly to the Board of Directors;
- (3) Prior authorization by the Board of Directors is required when:
 - a. The agreement, and amendments thereto, total in the aggregate \$100,000 or more in the fiscal year; or
 - b. Amendments total in the aggregate \$100,000 or more in any subsequent fiscal year;
- (4) The General Counsel is authorized to enter into services agreements in amounts up to \$100,000 with special counsel not previously designated by the Board without prior notice to the Board where the General Counsel determines that such immediate action is necessary to protect the legal interests of the District. Any such agreement shall be reported by the General Counsel to the Board within the calendar month thereafter.
- (5) The General Manager's authority to take immediate remedial measures, as defined in Section 20224 of the California Public Contract Code, and as authorized in Resolution No. 4834 shall remain unchanged; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exchange District goods and services for goods and services from others of approximately equal or greater value; and

BE IT FURTHER RESOLVED that all disbursements resulting from the exercise of authority granted the General Manager pursuant to this resolution shall be reported to the Board of Directors in the District's quarterly financial report; and

BE IT FURTHER RESOLVED that Resolution No. 5195, adopted June 14, 2012, is repealed effective August 31, 2013, except as it applies to unexpended capital appropriations, and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a Bridge Toll Application, a TDA Application and an STA Application along with necessary supporting documents, with the Metropolitan Transportation Commission for allocation of bridge toll revenues, TDA and STA funds in FY14; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute any actions necessary for the purpose of obtaining financial assistance provided by the California Transit Security Grant Program – FY 2013-2014 California Transit Assistance Fund (CTSGP-CTAF); and

BE IT FURTHER RESOLVED that the San Francisco Bay Area Rapid Transit District's system-wide operating policies shall be generally as set forth in the May 9, 2013, presentation entitled Fiscal Year 2014 Preliminary Budget Operating Sources, Uses and Service Plan, subject to such adjustments that staff determines necessary to operate the service in the public's interest; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute an agreement with the City and County of San Francisco (CITY) to provide a transfer payment in FY14, such transfer payment being paid by the District to CITY in order to facilitate the coordination of transit service and furnish an incentive to CITY for providing enhanced transfer services between MUNI and BART stations; and

BE IT FURTHER RESOLVED that the General Manager is authorized to make expenditures and incur liabilities against said funds within the limits set forth in said budget and the provisions of this Resolution, and to act on behalf of the District in connection with contracts arising thereunder, by following the procedures provided by law, and by Board of Directors' Resolutions and Board Rules, except that no contractual obligation shall be assumed by the District in excess of its ability to pay, and provided further that all expenditures shall be in conformance with statutory and other restrictions placed on the use of said funds; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed Board Appointed Department/Executive Office budgets by more than ten percent (10%) ten (10) days after written notice of this intended action has been mailed to the Board of Directors,

provided that the Total Net Operating Expense line item set forth in "Exhibit A" is not exceeded and such action is consistent with Board Rule 5-1.4 and provided further that the General Manager will prepare and send to the Board, a summary of Department budgets within approximately 30 days after the adoption of this budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed the foregoing ten percent limitation for emergency expenditures which are made in accordance with Resolution No. 4834 and Public Contract Code Section 20224; and

BE IT FURTHER RESOLVED that the General Manager is authorized to act on behalf of the District, and to make expenditures and incur liabilities against all funds of the District as provided for in contracts which have been authorized by the Board of Directors of the District and that the Board's authorizations of such contracts also include the necessary appropriations for such contracts and change orders authorized by Rules approved by the Board, subject, however, to compliance with such specific appropriation resolutions as may be adopted by the Board from time to time; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to issue free or discounted promotional tickets in FY14 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2013:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of June 30, 2014, budgeted for the District shall be 3,417.75 (a part-time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 50 positions, of which not more than 25 positions may be charged to operating expense provided the budgeted Total Net Operating Expense is not thereby exceeded;
- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that

they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range adjustments. The General Manager is directed to initiate the annual review by October of each year.

- (4) The District Secretary shall insure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers' employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.
- (5) The General Manager is authorized to pay employees on the merit plan that portion of their merit increase which exceeds the top of the salary range, but with no increase to the employee's "base wage" above the top of the salary range.
- (6) Except for Paragraph 1, and to the extent it is modified by Resolution No. 4748, Resolution No. 4487 remains in full force and effect.

###

EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2014

<u>FUND SOURCES</u>	TOTAL
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 455,198,526
Property Tax	30,893,265
1/2 ¢ Sales Tax	215,745,689
Measure B Paratransit Assistance	1,819,582
Caltrain - Millbrae Station Joint Use	807,579
5307 Preventive Maintenance Grant - Rail Car Fund Swap	72,000,000
State Transit Assistance	18,755,610
Allocations from Access Fund	50,000
Total Operating Sources	795,270,251
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY13	\$ 737,316,025
TOTAL ESTIMATED FUND SOURCES	\$ 1,532,586,276
 <u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense ⁽¹⁾	\$ 402,038,539
Non-Labor Expense	165,593,913
Total Net Operating Expense	\$ 567,632,452
Extraordinary Expense - Rail Car Fund Swap	72,000,000
Revenue Bond Debt Service	53,120,253
MTC Loan Debt Service	5,150,000
Allocations to Capital - Rehabilitation	32,907,013
Allocations to Capital - Rail Car Sinking Fund	46,000,000
Allocations to Capital - Priority Capital Programs	7,524,800
Allocations to Capital - Other	5,088,557
Allocations to SFO Reserve / Warm Springs Project	7,150,728
Total Operating Uses	\$ 796,573,803
Other Post Employment Benefits Unfunded Liability	\$ (1,407,651)
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY13	\$ 737,316,025
TOTAL ESTIMATED FUND USES	\$ 1,532,482,177
NET FINANCIAL RESULT (DEFICIT)	\$ 104,099

⁽¹⁾ Total Authorized Permanent Positions (FTE) as of 7/01/13 = 3,417.75

EXHIBIT B

**CHARACTER, BASE SALARIES, PAY BANDS, HOURLY WAGE RATES,
AND MANAGEMENT INCENTIVE PAY OF MANAGEMENT AND
NON-REPRESENTED CLASSIFICATIONS**

CHARACTER OF POSITION/PAYROLL
CLASSIFICATION TITLE

HOURLY WAGE RANGE

CLERICAL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ADMINISTRATIVE TECHNICIAN	\$25.2098	\$26.0637	\$27.3574	\$28.4172	\$29.5047	\$29.9221
ADMINISTRATIVE SECRETARY	24.2676	25.3393	26.3319	27.3511	28.3968	28.7946
SENIOR SECRETARY	22.5948	23.4315	24.2941	25.3393	26.3585	26.7561
SENIOR CLERK	24.0509	25.1122	26.0957	27.1054	28.1409	28.5386
INTERMEDIATE CLERK	21.5140	22.3936	23.2222	24.0781	25.1122	25.5098
P/T SURVEY TAKER (SINGLE RATE)	28.9568					

NOTE: The clerical rates are effective June 30, 2013

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
14	\$139,292	\$177,599	\$215,905
13	120,328	153,419	186,510
12	109,142	139,157	169,171
11	103,944	132,529	161,115
10	98,993	126,217	153,441
9	94,279	120,207	146,135
8	89,790	114,483	139,176
7	81,442	103,839	126,236
6	77,564	98,895	120,226
5	70,353	89,701	109,049
4	67,003	85,430	103,856
3	63,812	81,361	98,910
2	60,773	77,487	94,200
1	55,122	70,282	85,441

NOTE: The professional/ management pay bands were effective 01/01/10

MANAGEMENT INCENTIVE PAY (ANNUAL) Amount Effective

Deputy General Manager	\$4,800	5/14/2012
Assistant General Manager - Operations	\$4,800	6/28/1999
Chief of Police	\$4,800	6/16/2012
Assistant General Manager - Administration and Budget	\$4,800	8/14/2006
Assistant General Manager - Planning and Development	\$4,800	11/13/2012
Managing Director - Capitol Corridor	\$4,800	11/21/2009

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

INDEPENDENT POLICE AUDITOR	\$163,115.00
DISTRICT SECRETARY	\$170,527.39
CONTROLLER-TREASURER	\$216,599.55
GENERAL COUNSEL	\$245,935.00
GENERAL MANAGER	\$323,200.00

Note: The base salaries provided for the General Manager, District Secretary, Independent Police Auditor, Controller-Treasurer and General Counsel are effective June 30, 2013



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>6/7/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: BART Webmaster Dept: Office of the CIO <i>FM</i> <i>6/7/13</i>	General Counsel <i>[Signature]</i> <i>6/7/13</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> <i>FORCMAU</i> <i>6-7-13</i> []

TITLE:

Agreement with Acquia, Inc., for Website Migration and Platform Management Services (Agreement No. 6M4299)

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M4299 with Acquia, Inc. for website Content Management Software (CMS) provisioning, content migration and hosting services.

DISCUSSION:

The District operates a website (www.bart.gov) and mobile website (m.bart.gov) that attract more than 24 million users annually. The 2012 customer satisfaction survey placed bart.gov among the District's top three most important, most highly rated services.

In February 2013 it was announced that the District's current Content Management Software, Adobe Publish, will be discontinued in December 2013. Adobe Publish is Software as a Service, so the District will no longer have website publishing, editing or maintenance capabilities once the application is discontinued.

To maintain current web operations, the District must deploy new Content Management Software. All website applications (e.g. QuickPlanner, real time web services, Developer APIs) must also be migrated to a new environment and integrated into new Content Management Software. It is a rebuild of the website "back-end" akin to replacing the foundation of a house.

Following a staff evaluation of four separate Content Management platforms on 125 business and technical requirements drawn from numerous sources including interviews with internal stakeholders and peer transit agencies, Drupal emerged as the candidate system that would best meet the District's business and technical requirements. Drupal is a popular open source website content management framework that is used by many .gov sites including The White House, New York MTA, NASA, DHS, DOD, DOT, ATF and more.

Acquia, Inc. is a commercial open source software company providing products, services, and technical support for the Drupal framework. Acquia, Inc. is uniquely positioned with a dedicated focus on all three areas of this project: Drupal software provisioning and configuration, content migration to Drupal and the Drupal Platform as a Service. Acquia, Inc., has a proven track record managing the security requirements of high profile government websites.

Urgent Need

Under the limited timeframe, BART has neither the staff resources nor the in-house Drupal expertise required to complete the required migration by December 2013. This work must begin in July 2013 or the District will lose website publishing, editing and maintenance capabilities in December 2013.

Continuity

Staff has identified Acquia, Inc. because of its proven ability to deliver similar projects for public agencies such as BART in three areas: Drupal software, content migration to Drupal and Drupal Platform as a Service. Staff believes that any other consultant would have to go through an extensive learning curve and lengthy security certifications to meet project requirements.

Cost Reasonableness

The cost from a competing service provider would be approximately \$450,000 annually. Services quoted by Acquia, Inc. are significantly less than the services quoted by an alternative vendor. In addition, the ongoing annual cost for the Acquia Platform as a Service is less than the current cost of the District's existing private cloud platform at Rackspace, Inc. yet it provides a larger suite of service.

FISCAL IMPACT:

Subject to approval of the FY14 budget, funding of \$555,140 for award of Agreement No. 6M4299 is included in the Office of the Chief Information Officer's proposed budget. This includes \$424,140 for software configuration and migration services. Hosting costs will vary based on site use, traffic and configuration requirements and may range between \$101,000 and \$125,800 in years two and three based on anticipated traffic growth. Any costs of the agreement occurring beyond FY14 will be subject to future budget adoption.

ALTERNATIVE:

The Board could choose not to authorize execution of Agreement No. 6M4299. However, given the short notice provided for the discontinuation of the current CMS, the District will lose website publishing, editing and maintenance capabilities in December 2013 if this Agreement is not in place.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The proposer will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

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

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

That the General Manager is authorized to execute Agreement No. 6M4299 with Acquia, Inc. for website Content Management Software provisioning, content migration and hosting services for an amount not to exceed \$509,800 in FY14, \$115,700 in FY 15 and \$125,800 in FY16.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Julie A Yim Dept: BART Accessibility Task Force	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 6-5-13	<i>[Signature]</i> 6/5/13 []	<i>[Signature]</i> []	<i>[Signature]</i> []	<i>[Signature]</i> for CM []
Status: Routed		Date Created: 05/21/2013		

TITLE:

Modification to Travel Reimbursement Policy for BART Advisory Committees

NARRATIVE:

PURPOSE:

To modify the Advisory Committee Travel Reimbursement Policy as follows: (1) Allow BART Advisory Committee (Committee) members to designate a non-District issued Clipper card or Regional Transit Connection (RTC) card for loading travel reimbursements, (2) Add the Limited English Proficiency Advisory Committee, Title VI/Environmental Justice Advisory Committee and, the Transit Security Advisory Committee to the Program and, (3) Authorize the General Manager to add additional advisory committees to the Travel Reimbursement Program (Program), as appropriate.

DISCUSSION:

Prior to 2011, two advisory committees received travel reimbursement: the BART Accessibility Task Force and Earthquake Safety Program Citizens' Oversight Committee. On January 13, 2011, the Board adopted a consistent travel reimbursement policy that added three additional Committees: the Bicycle Advisory Task Force, Citizen Review Board, and the Business Advisory Council. Since 2011, three new Committees have been created: the Title VI/Environmental Justice Advisory Committee, Limited English Proficiency Advisory Committee and the Transit Security Advisory Committee.

The Policy adopted in 2011 authorized the travel reimbursement payments for Committee members to offset the reasonable expense of travel on public transportation to attend meetings. The Customer Services Department loads travel reimbursement payments onto District-issued adult Clipper cards. Paratransit users are provided with tickets in an equivalent amount. Travel to meetings other than regularly scheduled Committee meetings is eligible for reimbursement, if the meeting and reimbursement is approved in advance. Clipper cards assigned to Committee members are reloaded once per quarter for each eligible meeting.

The travel reimbursement policy provides for reimbursement of \$15 "in transit value" for Committee members. Many Committee members have non-District issued smart cards, including senior Clipper and Regional Transit Connection (for persons with disabilities) cards and have requested that BART load travel reimbursement payments onto these cards. Travel reimbursement payments are not currently loaded onto personal cards; in some cases this would

generate a 62.5% discount for senior Clipper and RTC cards.

Staff recommends that the nominal value of \$15 for each eligible meeting be reimbursed onto any RTC or Clipper card that is designated by Committee members. This action will not change the overall cost of the Program; however, members with discounted RTC or Clipper cards will realize \$40 in BART value for each \$15 travel reimbursement because of the 62.5% discount afforded to seniors and the disabled. Staff also recommends providing the equivalent \$40 value in tickets to paratransit users for each eligible meeting. Alternatively, the Board could delegate authority to the General Manager to manage the Advisory Committee Travel Reimbursement Program, including responsibility for setting the travel reimbursement rate in an amount that the General Manager deems reasonable.

FISCAL IMPACT:

In 2011, staff estimated the cost of the program was \$7,800 annually, based on the projected number of eligible meetings and the total number of Committee members. The actual cost of the program was \$5,235 in 2011 and \$6,100 in 2012. With the addition of three new advisory committees, it is estimated that the annual cost of the Program will increase to approximately \$10,000 per year. Additional meetings may be eligible for travel reimbursement with prior approval. Funding will come from the Operating budgets of the sponsoring departments.

ALTERNATIVES:

1. Do not modify the existing Program.
2. Increase the number of advisory committees but do not authorize travel reimbursement to be loaded on personal RTC or Clipper cards.
3. Authorize the General Manager to set the Program procedures and the reimbursement rate for advisory committee member travel to meetings, in an amount deemed reasonable by the General Manager.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The General Manager is authorized to: 1) direct the Customer Services Department to load the nominal travel reimbursement value of \$15 on any Regional Transit Connection or Clipper card designated by advisory committee members, 2) add the Title VI/Environmental Justice Advisory Committee, the Limited English Proficiency Advisory Committee and, the Transit Security Advisory Committee to the Program, and 3) add additional advisory committees to the Program, when appropriate, and notify the Board of changes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>6/5/13</i>		BOARD INITIATED ITEM:- No		
Originator/Prepared by: Julie A Yim Dept: Customer Services Department	General Counsel <i>Andrew Rains</i> <i>6/5/13</i>	Controller/Treasurer	District Secretary	BARC <i>V Wood for CM</i>
Signature/Date: <i>[Signature]</i> <i>6-5-13</i>	[]	[]	[]	[]
Status: Routed		Date Created: 05/28/2013		

TITLE:

Travel Pass for Attendees of the 2013 APTA Sustainability and Public Transportation Workshop and Intermodal Workshop

NARRATIVE:

PURPOSE: To obtain Board approval to provide complimentary riding privileges to approximately 350 attendees of the APTA 2013 Sustainability and Public Transportation Workshop and, the APTA 2013 Intermodal Workshop both to be held in San Francisco on July 28 through July 31. (Two-thirds vote required)

DISCUSSION: BART and SFMTA are co-hosting the APTA 2013 Sustainability and Public Transportation Workshop to be held in San Francisco at the Westin St. Francis Hotel from July 28 to 31. This year’s workshop will feature a special focus on performance measurement and tools for sustainability. Presentations will include a focus on climate change adaptation/ resiliency, international perspectives, sustainable development and communities, and solving the “last mile” access to transit. Tours include BART transit-oriented development sites, SFMTA’s Greasecycle and Biodiesel Program, cable car barn, as well as several self-guided options. Coincidentally, APTA’s 2013 Intermodal Workshop will be held in San Francisco at the same time, and is being hosted by SFMTA, SamTrans, CalTrain and Golden Gate Transit.

A total of 350 attendees are expected to attend both workshops. BART would join the hosts of both workshops to provide complimentary transit access to workshop attendees from July 28 through July 31. BART will enhance their San Francisco Bay Area experience with our extensive inter-connectivity of the many transit systems in the area and also help our guests avoid expenses related to rental cars, parking fees and gas charges. Over the years we have cooperated with APTA by providing complimentary transit to attendees of workshops and conferences held locally. We have either provided set denomination tickets or flash passes. This year a joint flash pass will be created that will be accepted by SFMTA, Golden

Gate Transit, Sam Trans, Caltrain, and BART. The pass will only be valid from July 28 through 31. The flash pass is being designed by SamTrans and will display the logo of each participating transit agency.

FISCAL IMPACT: The workshop flash pass will allow riders to travel anywhere in the BART system making it difficult to estimate fiscal impact. However, in the past, BART has issued \$30 tickets for similar time periods; assuming the same allowance for the flash pass, the estimated cost to the District would be approximately \$10,500.

ALTERNATIVE:

Do not participate with the other host agencies and do not allow the attendees complimentary trips on BART.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The General Manager is authorized to participate in the Flash Pass Program with SFMTA, Golden Gate, SamTrans, and CalTrain, to provide complimentary rides for up to 350 attendees of the APTA 2013 Sustainability and Public Transportation Workshop and the APTA 2013 Intermodal Workshop to be held in San Francisco. (Two thirds Vote Required.)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marga Delauney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: <i>6/5/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley J Ng Dept: Planning and Development	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature] 5/31/13</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Status: Routed		Date Created: 04/23/2013		

TITLE:

Contract No. 15PB-110A, BART Earthquake Safety Program Aerial Structures - A Line North, Change Order No. 25

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 25 for the seismic retrofit of Pier P-238 to Contract No. 15PB-110A, Earthquake Safety Program (ESP), Aerial Structures A Line North, in an amount not to exceed \$1,300,000.

DISCUSSION:

The Board of Directors authorized award of Contract No. 15PB-110A to Atkinson Contractors, LP on March 8, 2012. The scope of the Contract consists of life safety retrofits for the foundation, pier caps and columns at various piers along the A Line North line. The Contract includes three Options for life safety retrofits at piers in three additional locations (Lake Merritt to Fruitvale, Fruitvale to Coliseum, and in the vicinity of Bayfair Station). Execution of these Options has been delayed while awaiting further information regarding retrofits of the Transbay Tube and possibly the Berkeley Hills Tunnel. Concurrently, BART Maintenance and Engineering has a program to upgrade the District's substation equipment. Pier P-238 is located at the ACO substation which is part of Option C (Fruitvale to Coliseum) of the Contract. BART Maintenance and Engineering is planning to upgrade the equipment at the ACO substation such that ESP will not be able to perform its retrofit once the equipment is installed. The equipment has been procured and installation scheduled for January 2014.

In order to complete the retrofit of Pier P-238 prior to the installation of the new equipment, BART staff is requesting authorization to negotiate and execute a Change Order to Contract No. 15PB-110A in an amount not to exceed \$1,300,000 for the retrofit of this pier. As there is a possibility that the piers near Pier P-238 will be upgraded to an Operability standard, this work will reflect an Operability retrofit with an enlarged footing. This work entails retrofit of the foundation, column jacketing and removal of the transformer and switchgear equipment and installation of a new grounding loop.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

FISCAL IMPACT:

Funding of \$1,300,000 for award of Change Order No. 25 is included in the total project budget for the FMS #15PB000, ESP-Aerial A Line North. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of May 8, 2013, \$43,968,818 is available for commitment for this project from the following sources:

F/G 801F - ESP GO Bond	\$ 251,692
F/G 801J - ESP GO Bond	\$ 40,361,314
F/G 3844 - FHWA	\$ 2,970,900
F/G 5351 - State Match (Prop 1B)	\$ 384,912
Total	\$ 43,968,818

BART has expended \$15,928,615 and committed \$11,669,330, and reserved \$9,400,122 to date for other actions. This action will commit \$1,300,000 leaving an available fund balance of \$5,670,751.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board can elect not to authorize the execution of this Change Order. The District may include this work in a future procurement; however this would entail removal of the substation from service and removal of newly installed equipment.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 25 to Contract No. 15PB-110A, BART Earthquake Safety Program, Aerial Structures - A Line North for the retrofit of Pier P-238 in an amount not to exceed \$1,300,000.

EXECUTIVE DECISION DOCUMENT

**ATTACHMENT #1
CONTRACT NO. 15PB-110A**

CO No: 025

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Atkinson Contractors, LP
Contract No./NTP: 15PB-110A / May 11, 2012
Contract Description: A Line North Aerial Structures Retrofit
Percent Complete as of 04/30/13 - Dollars 72%
Percent Complete as of 04/30/13 - Time 42%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$19,169,881.00
Change Orders:			
Other than Board Authorized C.O.s	2.62 %	\$ 501,845.00	
Board Authorized Change Orders	0%		
This Change Order	6.78 %	\$1,300,000.00	
Subtotal of all Change Orders	9.40 %	\$1,801,845.00	
<u>Revised Contract Amount:</u>			\$20,971,726.00

SCHEDULE

Original Contract Duration: 840 days
Time Extension to Date: 0 days
Time Extension Due to Approved Cos: 0 days
Est. Time Extension Due to these COs: 0 days
Revised Contract Duration 840 days

SUMMARY REASON FOR THIS CHANGE ORDER

Retrofit of P-238 to an Operability standard.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 5/23/13	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$257,500,000	
CM	\$61,498,000	\$75,100,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$334,798,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$11,000,000	
Stitching	\$82,962,000	\$0	
Additional TBT Retrofits	\$0	\$166,500,000	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$72,300,000	
Fremont	\$178,224,000	\$45,700,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
Stations (18)	\$126,961,000	\$78,700,000	
Other Structures			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,490,000	
Systems	\$7,066,000	\$17,500,000	
TOTAL CONSTRUCTION	\$909,469,000	\$554,668,832	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$220,800,000	
Add Auth to Execute Agrmt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$138,073,088	
TOTAL PROGRAM COSTS	\$191,998,204	\$363,873,088	
BASELINE FUNDING			
	\$1,350,486,000		
REVISED FUNDING			
		\$1,253,340,157	
		\$1,221,275,376	Funding Outside Adopted
		\$32,064,781	Funding
15PB-110A - A-Line North	Baseline	Base Contract	Base+Options
Total Hard Costs	\$94,230,000	\$28,484,711	\$38,817,994
Total Soft Costs	\$30,115,000	\$21,240,383	\$28,762,431
Soft Cost/Hard Cost Ratio	32%	75%	74%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deBurger</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Administration Committee	
DATE: <i>6/6/13</i>		BOARD INITIATED ITEM: NO	
Originator/Prepared by: Chris Quinn Dept: Planning and Development <i>OMO</i> Signature/Date: <i>6/5/13</i>	General Counsel <i>Andrew K... 6/5/13</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary BARC <i>[Signature]</i> []

Status: Routed	Date Created: 05/02/2013
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TITLE:

Reauthorization to Execute a Cost-Sharing Agreement between BART and Santa Clara Valley Transportation Authority for the Hayward Maintenance Complex Project

NARRATIVE:

PURPOSE

To authorize the General Manager to execute a Cost-Sharing Agreement between BART and Santa Clara Valley Transportation Authority (VTA) for funding real estate acquisition, design, and construction of the Hayward Maintenance Complex (HMC) Project.

DISCUSSION

The BART Silicon Valley Extension (SVRT) Project will extend the BART system south 16.1 miles from the existing terminus station at Fremont through Milpitas and San Jose to Santa Clara. The project is divided into two phases: 1) the 10-mile Silicon Valley Berryessa Extension (SVBX) from BART's Warm Springs/South Fremont Station in Fremont to Berryessa Road in San Jose, and 2) the remaining 6-mile extension from Berryessa through downtown San Jose, terminating in the City of Santa Clara. The SVBX project is currently under design and construction through contracts managed by VTA. Together, these two phases make up the total scope of the SVRT Project.

BART and VTA entered into a Comprehensive Agreement in November 2001 related to the SVRT Project. The Comprehensive Agreement provides, among other things, that VTA will have full responsibility for SVRT Project costs including direct costs and costs for modifications to the BART core system necessary for either the operation of the SVRT Project or mitigation of impacts resulting from the SVRT Project.

The HMC Project is a project to upgrade and expand the existing Hayward Shop and Hayward Maintenance Yard to accommodate the maintenance needs of the SVRT Project (including the SVBX phase) and BART's future railcar fleet and system maintenance demands. The scope of the HMC Project includes:

- Modifications to the existing primary shop and equipment therein;
- New component repair shop;

- New Maintenance & Engineering (M&E) shop;
- New material storage yard;
- New vehicle level overhaul shop; and
- Trackwork modifications and extensions to accommodate modified and new facilities.

The District has identified parcels adjacent to the existing Hayward Yard to be acquired for the HMC Project scope identified above, and real estate acquisition activities are currently underway.

Principles Approved in 2011

On April 13, 2011, staff of the two agencies reached an accord on Principles of Agreement (Principles) concerning funding and real estate acquisition for the HMC Project and, in October 2011, the BART Board of Directors authorized execution of an agreement consistent with the terms thereof. The Principles endorsed by the Board included the following:

1. VTA would pay BART \$125.3 million to be used towards the HMC Project design and construction. VTA would pay for all HMC property acquisition costs, and would share tenant relocation costs with BART.
2. BART would conduct property acquisition activities, and VTA would hold title to the HMC property during construction.
3. VTA would grant BART use of the land for HMC purposes.
4. BART would complete the Hayward Shop modifications in time to support the SVBX Project opening.
5. BART would apply the \$125.3 million exclusively to the Hayward Shop modifications and to design and construction of the HMC Project.
6. Upon completion of the HMC Project, VTA would transfer title to the property back to BART, at no additional cost to BART.

Present Transaction

The property ownership/transfer element of the Principles was intended to ensure BART's commitment to complete the HMC Project in time to support revenue service for the SVRT Project. During development of the agreement, however, staff from both agencies identified a different approach. Thus, the proposed Cost-Sharing Agreement provides that BART will guarantee completion of the HMC Project either 10 years after delivery of the 60th railcar to VTA or January 1, 2030, whichever is earlier. Should BART fail to complete the HMC by that time, BART shall reimburse VTA for that portion of construction of the HMC facilities that have not been constructed or are incomplete at that time. In addition, should the work on the vehicle level overhaul shop not be completed by the date specified above, BART will reimburse VTA for twenty percent (20%) of the purchase price for the real estate.

The key terms of the proposed Cost-Sharing Agreement are:

1. VTA will pay BART \$125.3 million to be used towards the HMC Project design and construction. BART will apply the \$125.3 million exclusively to design and construction of the HMC Project.
2. VTA will pay for all HMC property acquisition (including litigation) costs, and will share tenant relocation costs (including loss of business goodwill) with BART based on an agreed-upon formula. VTA will also reimburse BART for activities undertaken by BART in connection with the acquisition.
3. BART and VTA will share responsibility for completion of acquisition and relocation activities, and BART will hold title to the HMC properties acquired.
4. BART will complete the Hayward Shop modifications in time to support the SVBX Project opening.
5. BART will complete construction of the HMC Project no later than ten (10) years from the date BART delivers the sixtieth (60th) railcar to VTA or January 1, 2030, whichever is earlier.

Staff seeks Board authorization for the General Manager to enter a Cost-Sharing Agreement with VTA on terms consistent with the revised terms specified above. The Office of General Counsel will approve the Agreement as to form.

FISCAL IMPACT

With receipt of the \$125.3 million from VTA plus payment by VTA of ROW acquisition costs, the work necessary to construct the primary shop modifications and the new component repair shop will be fully funded, as well as portions of site work and trackwork modifications required for the remaining elements of the HMC Project. It is anticipated that the total cost for the planned HMC Project, including ROW, will be approximately \$412 million (in 2012 dollars), therefore BART will be required to furnish approximately \$237 million to complete the Project. A BART contribution of \$7 million for tenant relocation is already in place and staff is currently seeking commitment of \$40 million in California High Speed Rail funding, leaving \$190 million. This remainder will come from annual capital allocations, including the Board-approved February 2013 productivity-adjusted inflation-based fare increase program that calls for fare increases in 2014, 2016, 2018, and 2020 and is projected to grow to over \$70M annually by the eighth year of the program. Staff will continue to pursue other federal, state, or local funding sources should any become available.

BART's share of the tenant relocation costs is currently available from Capital Fund 8524 - FY 12 Allocations to Capital, Project 01RQ-000, in the amount of \$7,301,042.

The proposed Cost-Sharing Agreement between BART and VTA represents a financial

commitment on the part of the District to complete the HMC Project insofar as the Agreement specifies that, in the event BART fails to complete the HMC Project within a specified time period, BART would be obligated to return to VTA any funds that were provided by VTA to support incomplete elements of the Project. However, since the VTA funds supplied for the Project are planned to be used in the first phase of the Project as described above, and because the HMC Project is one of the highest priority capital projects to the District, it is extremely unlikely that this commitment will result in funds being repaid to VTA in year 2030.

ALTERNATIVES

Should the Board not authorize the General Manager to execute this cost-sharing agreement with VTA, delivery of the HMC Project would be adversely impacted and BART may be unable to support future railcar maintenance needs.

RECOMMENDATIONS

Adoption of the following motion:

MOTION

The General Manager is authorized to execute a Cost-Sharing Agreement between BART and Santa Clara Valley Transportation Authority for the Hayward Maintenance Complex Project on terms consistent with those described herein.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

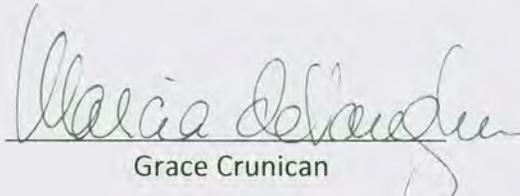
TO: Board of Directors

DATE: June 7, 2013

FROM: General Manager

SUBJECT: E&O Agenda Item #4.C: Oakland Airport Connector Quarterly Project Update – For Information

The attached presentation for the June 13, 2013 Board meeting provides the quarterly update for the Oakland Airport Connector Project. If you have any questions about this presentation, please contact Tom Dunscombe, Group Manager, Planning and Development at (510) 394-6173.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 7, 2013
FROM: General Manager
SUBJECT: E&O Agenda Item #4.D: Noise Generation and Abatement Report – For Information

At the Board meeting on June 13, 2013, staff will make an informational presentation about the types and sources of noise that are generated on the BART system. There will also be a discussion of mitigation efforts including rail grinding, sound mapping, damper testing, friction management as well as other mitigation strategies.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept: <i>Paul Fadelli</i>	<i>[Signature]</i> 6-4-13	<i>[Signature]</i>	[]	<i>Powers</i> 3 JUNE 2013
Signature/Date:	[]	[]	[]	[]
Status: Routed		Date Created: 05/21/2013		

TITLE:

2013 State and Federal Legislation

NARRATIVE:

PURPOSE: To review state and federal legislation that support BART Board goals.

DISCUSSION: In February 2013, the BART Board of Directors approved the following goals for state and federal legislative advocacy (Sections A and C, respectively, below). A number of state and federal bills are included here (Sections B and D) that staff has recommended for full Board discussion and for the District to possibly officially support.

A. 2013 State Advocacy Program for BART:

- (1) Respond to state budget proposals and actions
 - Secure dedicated transit funding
 - Work to appropriate dedicated transit funds from propositions
 - Be active in efforts to create new statewide dedicated transit revenue
- (2) Continue efforts to enhance local transit revenue opportunities
- (3) Remain active in greenhouse gas/land use/cap and trade issues; support mechanism for transit revenue
- (4) Support efforts to expedite the California Environmental Quality Act (CEQA) process for transit projects
- (5) Continue Infrastructure Finance District (IFD) efforts in post-redevelopment environment
- (6) Support efforts providing incentives for transit use
- (7) Participate in efforts to redraft cellular phone shutoff legislation
- (8) Protect/reinstate federal active transportation programs

B. State Legislation for Board Review

Recommended for *Support*

- Senate Bill (SB) 1 (Steinberg) Sustainable Communities Investment Authority

SB 1 seeks to address the post-redevelopment environment in the state by establishing a new process that would raise revenue for infrastructure projects while also assisting the implementation of SB 375, the "Sustainable Communities and Climate Protection Act." SB 1 would promote development around "transit priority projects" and provide other infrastructure benefits to communities

implementing a Sustainable Communities Strategy (SCS). The bill would authorize local governments to form “Sustainable Communities Investment Authorities” as long as they are in “Sustainable Communities Investment Areas” (which may include “transit priority project areas,” “small walkable communities,” or “sites that are restricted to clean energy manufacturing”).

SB 1 would require the new authority to adopt a Sustainable Communities Investment Plan that would include a provision for the receipt of tax increment funds (TIF) -- provided that certain economic development and planning requirements are met. The local Metropolitan Planning Organization (MPO) would have to agree that any project was consistent with the applicable policies of an SCS. Tax increment financing would also be authorized under SB 1 to support High Speed Rail stations and related infrastructure.

- SB 33 (Wolk) Infrastructure Finance Districts

SB 33 would revise the broad provisions establishing Infrastructure Financing Districts (IFD) in the state -- and could benefit the creation of IFDs for local transit projects. SB 33 would eliminate the requirement of voter approval for the creation of any IFD and for bond issuance (including for a transit infrastructure project) and, subject to approval by the local legislative body, would authorize that a newly created public financing authority establish the district and adopt the infrastructure financing plan. For an IFD to finance a transit project, this bill provides that the project would have to be consistent with a Sustainable Community Strategy (SCS) and assist SB 375 implementation toward its goal of helping to reduce Green House Gas (GHG) emissions. This bill would not allow an IFD to be established to help develop big box store (like Walmart) and car dealerships. Even though BART is sponsoring its own more narrow legislation (SB 628) to eliminate local votes for a transit-only related IFD, in the past, BART has supported legislation similar to SB 33 by this Chair of the Senate Governance Committee in order to provide the Governor with a variety of legislative options to expedite development of IFDs for transit projects.

- SB 142 (DeSauliner) Transit Benefit Assessment Districts (BART Sponsored)

Current state law allows that only two transit districts in the state may create benefit assessment districts -- where special assessments are levied on property within a special district with the proceeds used for specified transit improvements. SB 142 would establish similar authority for *all* transit systems in the state (including BART) to create benefit assessment districts upon a 2/3 vote of the governing body. The Board would have to establish an assessment that directly relates to the benefit that *each* impacted property owner would receive. Property owners in the proposed district would be able to appeal an assessment established by the Board, and the Board could decide to change it in ways outlined in the legislation. BART requested this legislation of the Senate Transportation Committee Chairman so it could have an additional local financing tool to possibly assist with specific station expenses. Revenue from a benefit assessment district would primarily be used for capital and maintenance expenses.

- SB 391 (DeSauliner) California Homes and Jobs Act of 2013

SB 391 would enact the “California Homes and Jobs Act of 2013” and impose a \$75 fee to be paid at the time of the recording of every real estate document or notice required by law to be recorded throughout the state. The state’s affordable housing funding level has dissipated over recent years. The Board has recently prioritized increasing affordable housing programs in the state to, in part,

implementing a Sustainable Communities Strategy (SCS). The bill would authorize local governments to form “Sustainable Communities Investment Authorities” as long as they are in “Sustainable Communities Investment Areas” (which may include “transit priority project areas,” “small walkable communities,” or “sites that are restricted to clean energy manufacturing”).

SB 1 would require the new authority to adopt a Sustainable Communities Investment Plan that would include a provision for the receipt of tax increment funds (TIF) -- provided that certain economic development and planning requirements are met. The local Metropolitan Planning Organization (MPO) would have to agree that any project was consistent with the applicable policies of an SCS. Tax increment financing would also be authorized under SB 1 to support High Speed Rail stations and related infrastructure.

- SB 33 (Wolk) Infrastructure Finance Districts

SB 33 would revise the broad provisions establishing Infrastructure Financing Districts (IFD) in the state -- and could benefit the creation of IFDs for local transit projects. SB 33 would eliminate the requirement of voter approval for the creation of any IFD and for bond issuance (including for a transit infrastructure project) and, subject to approval by the local legislative body, would authorize that a newly created public financing authority establish the district and adopt the infrastructure financing plan. For an IFD to finance a transit project, this bill provides that the project would have to be consistent with a Sustainable Community Strategy (SCS) and assist SB 375 implementation toward its goal of helping to reduce Green House Gas (GHG) emissions. This bill would not allow an IFD to be established to help develop big box store (like Walmart) and car dealerships. Even though BART is sponsoring its own more narrow legislation (SB 628) to eliminate local votes for a transit-only related IFD, in the past, BART has supported legislation similar to SB 33 by this Chair of the Senate Governance Committee in order to provide the Governor with a variety of legislative options to expedite development of IFDs for transit projects.

- SB 142 (DeSauliner) Transit Benefit Assessment Districts (BART Sponsored)

Current state law allows that only two transit districts in the state may create benefit assessment districts -- where special assessments are levied on property within a special district with the proceeds used for specified transit improvements. SB 142 would establish similar authority for *all* transit systems in the state (including BART) to create benefit assessment districts upon a 2/3 vote of the governing body. The Board would have to establish an assessment that directly relates to the benefit that *each* impacted property owner would receive. Property owners in the proposed district would be able to appeal an assessment established by the Board, and the Board could decide to change it in ways outlined in the legislation. BART requested this legislation of the Senate Transportation Committee Chairman so it could have an additional local financing tool to possibly assist with specific station expenses. Revenue from a benefit assessment district would primarily be used for capital and maintenance expenses.

- SB 391 (DeSauliner) California Homes and Jobs Act of 2013

SB 391 would enact the “California Homes and Jobs Act of 2013” and impose a \$75 fee to be paid at the time of the recording of every real estate document or notice required by law to be recorded throughout the state. The state’s affordable housing funding level has dissipated over recent years. The Board has recently prioritized increasing affordable housing programs in the state to, in part,

assist with its own Transit Oriented Development (TOD) development efforts.

This bill seeks to address the recent shortfall by requiring that revenues from this new fee be deposited in the California Homes and Jobs Trust Fund within the State Treasury. The revenue raised would support existing affordable housing programs, administer the housing programs, and pay for periodic audits. The California Homes and Jobs Act would help restore the State's past housing investment levels by creating an ongoing pay-as-you-go source of funding dedicated to affordable housing development. The revenues raised will be able to leverage an additional \$2.78 billion in federal and local funding and bank loans to build affordable homes in California communities through a successful private/public partnership model.

- SB 628 (Beall) Infrastructure financing: transit priority projects **(BART Sponsored)**

In order to expedite more transit oriented development and assist in the implementation of SB 375, SB 628 would eliminate the existing voter approval requirement for the creation of an Infrastructure Financing District (IFD) and the issuance of bonds specifically for a transit priority project. SB 628 would require approval by the local MPO that such a project complies with the local Sustainable Communities Strategy. A city or county that uses infrastructure financing district bonds to finance its transit priority project would also have to use at least 25% of the associated property tax increment revenues to increase, improve, and preserve the supply of lower and moderate-income housing available in the district. BART has worked on this issue for several years – and is presently working with Sen. Beall to pass SB 628 in order to attain another local financing tool that can help transit and local government more easily benefit from the value transit brings to communities. The author also expects this legislation to be used for specific High Speed Rail development projects.

- SCA 4 (Liu) and
- SCA 8 (Corbett) Transportation Projects: Special Taxes: Voter Approval

Both of these Senate Concurrent Resolutions would provide that any imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects would require the approval of 55% of its voters voting on the proposition -- instead of the existing 2/3 requirement. Indications from legislative leadership are that these measures will not move until the 2014 session.

- Assembly Bill (AB) 210 (Wieckowski) Transactions and Use Taxes: County of Alameda and the County of Contra Costa

AB 210 would extend the authority of Alameda County, and authorize Contra Costa County, to impose the transactions and use tax for countywide transportation programs until December 31, 2020. This bill would allow these two counties to place the ordinance proposing the transactions and use tax to the voters in an election outside the November general election. AB 210 makes the finding that this special law is necessary because of the unique fiscal issues in both counties with respect to providing essential transportation programs.

- AB 417 (Frazier) Bike CEQA Exemption

Existing law provides that, if a local agency determines a specific project is not subject to CEQA, it must file notice of that determination with its county clerk. AB 417 would exempt from CEQA, until January 1, 2018, any bicycle transportation plan for an urbanized area and require that the local agency file such a notice of the determination with the county clerk. This exemption would include those bicycle plans that include restriping of streets and highways, bicycle parking and storage, signal timing, and related signage. In determining that a plan is exempt, this bill would require that public hearings be conducted and that measures occur to mitigate potential bicycle and pedestrian safety impacts. In support of bicycle projects and greater access options to BART stations, the BART Board supported a previous version of this bill (SB 1380) in the last legislative session when it was authored by Sen. Rubio, who has since resigned from the legislature.

- AB 574 (Lowenthal) Cap and Trade: Gas Reduction Fund

One of the significant issues of this legislative session is how best to establish a priority system for allocating funds to implement AB 32 ("California Global Warming Solutions Act") to achieve the greatest long-term GHG reduction. AB 574, authored by the Chair of the Assembly Transportation Committee, Bonnie Lowenthal, is the legislative vehicle of the Transportation Coalition for Livable Communities consisting of local governments, MPOs, the California Alliance for Jobs, the California Transit Association (CTA), environmental organizations and others to establish a direct link between cap and trade revenues collected and allocations made to help transit systems facilitate the goals of AB 32. This coalition has not only worked in the legislature but also at the California Air Resources Board (CARB) and has succeeded in getting transit highly prioritized in proposals and plans aimed at transit getting back cap and trade revenues. Almost 40% of the state's GHG emissions are from the transportation sector and this bill would direct revenues specifically from the CARB transportation fuels pot of Cap and Trade money to those projects that would specifically decrease GHG emissions from transit and land use projects. Such a legal nexus will be important should anticipated litigation on Cap and Trade expenditures occur.

AB 574 would establish a regional approach through a competitive grant program, using Cap and Trade revenues to finance the most effective methods to reduce GHG. It would require CARB, in consultation with the California Transportation Commission (CTC) and the Strategic Growth Council (SGC), to establish standards for the use of moneys allocated from the Greenhouse Gas Reduction Fund for sustainable communities projects. CARB would be required to establish the criteria for the development and implementation of regional grant programs to achieve a *performance based* program (with funding distributed by the local MPOs) that will directly use auction revenue from fuels to reduce GHG emissions from transportation. As part of the coalition, BART worked to include affordable housing goals in the context of overall goals established by the bill and make it eligible for grants as part of transit projects that are SCS-friendly. Another legislative proposal (see AB 1051 below) highlights to a greater degree affordable housing needs, equity issues and disadvantage programs by proposing more direct subsidies to existing categorical programs in the state. Before the end of the year it is likely that a Cap and Trade bill such as AB 574 will be identified that will reflect political dynamics and include a variety of eligible programs, such as the affordable housing and livability programs contained in AB 1051.

Recommended for *Watch*

- SB 731 (Steinberg) Environment: California Environmental Quality Act and sustainable communities strategy

SB 731 is the much anticipated legislation by Senate Pro Tempore Steinberg to “modernize” the California Environmental Quality Act (CEQA) in ways that will allow greater development of projects that do not negatively impact the environment. As originally introduced, SB 731 primarily contained intent language very supportive of transit goals and benefits and prioritized the need to expedite projects which complied with SCS rules through SB 375. As amended, the bill now focuses primarily on mollifying the “aesthetic impacts” of residential, mixed-use residential, or employment center projects within a transit priority area. The bill would require the Office of Planning and Research (OPR) to propose revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise, and for the transportation and parking impacts of residential, mixed-use residential, or employment center projects within transit priority areas. Certain concerns still remain with this bill among transit providers -- specifically relating to its parking provisions and the fact that the bill does not exempt transit service changes from CEQA review.

While SB 731 does not yet make dramatic strides toward relieving possible litigation, most believe this to be an important “first step” in addressing CEQA issues and that the bill remains a work in progress for the rest of the session. Even the CEQA Working Group (headed by the Silicon Valley Leadership Group), which has worked closely with the California Transit Association (CTA) to minimize environmental litigation from transit project development, is seeking to work with the author on this legislation going forward. Although several other bills on CEQA reform have been introduced, it is generally believed that the Steinberg bill will be the primary vehicle for any substantial changes to CEQA in this legislative session. BART worked closely with the senator on his SB 375 and supporting this effort could assist in highlighting specific transit interests as the bill moves forward.

- SB 380 (Padilla) Statewide cellular service disruption policy

SB 380 would prohibit a governmental entity, like BART, from interrupting communications services for the purpose of protecting public safety or preventing the use of communications service for an illegal purpose, unless a court order is signed by a judicial officer. Under normal circumstances the bill would require the order to clearly describe the specific service interrupted -- with sufficient detail as to customer, cell sector, central office, or geographical area affected. It would also require that the order not interfere with more communication than is necessary to achieve the purposes of the order. An exception is included in SB 380 for specific emergency situations where a court order could be obtained within a two hour window after a cellular curtailment under certain circumstances.

Senator Padilla passed similar legislation last year and BART worked with the author then to get the bill amended to allow for attainment of a court order up to two hours *after* a cellular curtailment for an emergency. As the bill moved forward, however, other law enforcement agencies raised concerns with the Governor so the author amended the bill -- increasing that time period to six hours in hopes of getting the Governor’s signature. BART supported the amendments, but that version was still vetoed by Governor Brown who had additional concerns. As introduced this year, the bill reverted back to the two hour window within which agencies must respond when dealing with possible terrorist or safety concerns before seeking a court order. BART has expressed specific concerns to

the author this year through the BART Police Chief on changes to the bill from last year's version (such as the lower 2 hour period and amendments accepted by the author in the Senate Judiciary Committee that would sunset the important exemption clause for court orders in times of emergency). BART intends to continue to work with the author and his staff to support the bill if these and a few other specific concerns are addressed in the bill.

- AB 160 (Alejo) Transit employee exemptions to California Public Employees' Pension Reform Act of 2013

This bill exempts current and future transit represented employees in California from the Public Employees' Pension Reform Act (PEPRA) of 2013, if the U.S. Department of Labor (DOL) determines that PEPRA is in conflict with federal law involving collective bargaining. Recently several transit agencies in the state (including BART) have received letters from DOL notifying them that their federal grants from Department of Transportation (DOT) would be withheld because PEPRA violates Federal Transit Act Section 13(c) in ways that infringe on collective bargaining of transit employees. Governor Brown's administration disagrees with that contention and has said it would oppose making any exemptions to PEPRA. The author has said he does not intend to move the bill forward if the DOL and the Brown Administration are able to resolve this conflict.

- AB 179 (Bocanegra) Public transit electronic fare collection systems: disclosure of personal information

Current law involving auto tolls requires transportation agencies to discard personally identifiable payment information within 4 1/2 years. This bill, as originally introduced, would have required a discard policy for transit systems using an electronic fare collection system, such as the Clipper Card, after only 6 months. Concerns were raised at BART, MTC and elsewhere concerning the possible use of information from Clipper and the need to not be hasty in discarding consumer payment information that might be helpful for a variety of reasons. Working with CTA, BART and other transit agencies, the author was persuaded to amend the bill back to the 4 1/2 years discard date. As the accounting agency for Clipper, MTC is fine with this amendment. In the early stages of a two year session, however, this bill should remain on BART's WATCH list.

- AB 1002 (Bloom) Vehicles: registration fee: sustainable communities strategies

AB 1002 would raise the existing vehicle surcharge (created by AB 2766 Sher, 1990) from its current \$4 to \$10 (a \$6 increase) in those metropolitan planning organizations (MPOs) that are required to prepare a sustainable communities strategy (SCS). The funds would be collected by the Department of Motor Vehicles (DMV) and appropriated by the state legislature. The funds would be distributed in a variety of ways to assist SB 375 goals:

- 50% is proposed to be distributed to cities and counties on a per capita basis for planning and implementation of projects consistent with the purposes of SB 375 and an approved Sustainable Communities Plan.
- 40% is proposed to be distributed to transportation commissions and transit operators to support transit operations, and maintain and expand reduced fare programs, including transit passes for students, low income youth, seniors and persons with disabilities.
- 10% to MPO's and regional transportation planning agencies for implementation of

sustainable communities strategies, including competitive planning and implementation grants to cities and counties for planning and implementing livable communities and transit oriented development and urban infill projects, consistent with an approved sustainable community plan.

The BART Board in the past has supported the goal of seeking new revenue opportunities for transit needs and in particular to help finance efforts to implement SB 375 in the Bay Area. Because this transit-supportive legislator said he views his AB 1002 as a two year effort, BART should continue to monitor this bill.

- AB 1051 (Bocanegra) Cap and Trade funding for affordable Housing

AB 1051 is another significant bill which would focus revenues collected from Cap and Trade auctions to efforts aimed at reducing GHG emissions and implementing AB 32. Called the “Sustainable Communities for All Program,” this bill is supported by a coalition of land use, environmental, housing and transit interests – including Oakland-based TransForm. The proponents state their proposal aims to “achieve the vision of SB 375 equitably by providing transportation and housing choices that allow all Californians to drive less and reduce household costs, especially for low-income households.”

AB 1051 would fund transit related projects through competitive grants and loans – but instead of funding through the local MPO (as AB 547 would do) this bill would rely on legislative appropriation. AB 1051 would highlight the need to assist disadvantaged communities by emphasizing affordable housing development near public transit. The bill would require that eligible projects be ranked against each other based on specific criteria such as: “avoids or mitigates the disproportionate impacts of climate change on disadvantaged communities and households” and “improves transit access, accessibility, and frequency for populations that use transit at high rates.” Newly funded programs in the bill– similar to the investment principles established by CARB --would begin on January 1, 2015. But the bill would also seek unspecified appropriation amounts in budget year 2013-14 for a variety of existing state programs such as Safe Routes to School, the Weatherization Assistance Program, the Bicycle and Transportation Account and the Energy Savings Assistance Program. While the bill does prioritize implementation of SB 375, it does not require that the programs funded comply with SCS or result in greenhouse gas reduction in any accountable way.

With the Governor’s May Revised Budget seeking a loan to the General Fund and not specifying his priorities for expenditures of Cap and Trade revenues, legislation (or a combination of bills) will have to clearly spell out the most effective programs for curbing GHG. In this process AB 1051 has strong support among housing and land use advocates who want to focus on the state’s housing needs with respect to TOD development. Political decisions will probably shape the final legislation directing the new revenues and it is likely some of the themes inherent in AB 1051 will be in whatever bill moves forward.

C. 2013 Federal Advocacy Program for BART

- (1) Monitor implementation of MAP-21: especially new regulations associated with State of Good Repair and Core Capacity funding programs.
- (2) Participate in next reauthorization effort: BART will actively work to support a “full funding” reauthorization bill signed into law, and oppose proposals which would cut formula funding by a

significant percentage; BART will continue to support the Obama Administration's efforts to maintain "Livability" programs that enhance bicycle and pedestrian projects and evaluate effectiveness of shifting the enhancements program back to states.

- (3) Monitor new federal safety regulations
- (4) Continue to assist job creation and "Make It In America" goals
- (5) Seek additional funding for BART security needs
- (6) Support re-establishment of transit commuter benefits

D. Federal Legislation for Board Review

Recommended for Support

- HR 949 (Rayall) Invest in American Jobs Act of 2013

This legislation by the Ranking Member of the House Transportation and Infrastructure Committee, Rep. Nick Rayall of West Virginia, is similar to the Garamendi bill (HR 613 of 2011) from the last Congress and would amend the Buy America Act in ways that would impact transportation and infrastructure projects that receive federal funding. For public transit this would mean that rolling stock components and subcomponents would have to increasingly be produced in the United States (with domestic steel, iron and manufactured goods). The bill would require a 10% increase in valuation a year, from 60% in FY 2013 and eventually reaching 100% in FY 2017 and ensuing fiscal years. This legislation would not impact BART's existing new fleet procurement.

- HR 1210 (Speier) Mass Transit Intelligence Prioritization Act

Legislation similar to HR 1210 was introduced in the 112th Congress to enhance the security of public transit systems by promoting mass transit-related information sharing between the Department of Homeland Security (DHS) and state and local law enforcement agencies. The bill passed the House but was never taken up in the Senate. HR 1210 would again direct DHS to deploy intelligence specialists focusing on mass transit threats to state and urban area "fusion centers" for information sharing with law enforcement and emergency management agencies. Representative Speier introduced this legislation because of data found during the raid on Bin Laden's compound which focused on mass transit information.

- S. 387 (Rockefeller) American Infrastructure Investment Act

S. 387 would create an infrastructure fund (infrastructure bank) and authorize a multimodal National Infrastructure Investment Grant program within DOT at \$600 million for fiscal years 2014 and 2015 that would provide funds to build new or improve existing transportation infrastructure. The bill would prohibit the use of funds for a project unless all of the iron and steel used in the project is domestic, except in certain circumstances. The Secretary of Transportation would have to establish: (1) a competitive national infrastructure investment grant program, and (2) an oversight program to monitor the effective and efficient use of funds authorized under this Act.

FISCAL IMPACT:

N/A

ALTERNATIVE:

The Board could decline to support the specific state and federal goals and/or the legislation listed for review.

RECOMMENDATION:

That the Board approve the following motions.

MOTION:

The Board support the state legislation, as recommended by staff.

The Board support the federal legislation, as recommended by staff.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marga DeBurger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept. Customer Access <i>St. Bob</i> Signature/Date: 6-4-2013	General Counsel <i>[Signature]</i> 6-4-13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Powers</i> 4 Jul 2013 []
Status: Routed		Date Created: 05/21/2013		

TITLE:

Authority to Award Agreement No. 6M6063 Management Services to Operate BART's Bike Station Facilities

NARRATIVE:

PURPOSE

To request Board authorization to award Agreement No. 6M6063 Management Services to Operate BART's Bike Station Facilities for a five year term to Alameda Park Street Bicycles, Inc. ("Alameda Bike").

DISCUSSION

BART operates Bike Stations to encourage the use of bicycles as an access mode to transit. Home origin BART Bike Stations provide customers secure bicycle parking as an alternative to bringing bikes onboard. On the destination end of a BART trip, commuters are able to take BART and then use a bike stored during the week at Bike Stations to complete the "last mile" of their trip.

BART currently operates five Bike Station facilities. Two of the Bike Stations are staffed ("attended") and three are unstaffed but accessible via key card security locks ("self serve"):

<i>Attended Facilities</i>	<i>Capacity</i>	<i>History</i>
Downtown Berkeley	155	Opened 1996, Expanded 2010
Fruitvale	200	Opened 2004
<i>Self-serve Facilities</i>		
Ashby	128	Opened 2011
Downtown Berkeley	113	Opened 2010
Embarcadero	96	Opened 1992
Total Bike Parking Capacity	692	

In addition to the operation of the existing facilities, the Agreement includes options for the operation of planned facilities. Three planned facilities are likely to become operational starting in the second year of this Agreement. One is attended and two are self-serve.

<i>Attended Facilities</i>	<i>Capacity</i>	<i>History</i>
19 th Street Oakland	120	Likely to open 2014
<i>Self-serve Facilities</i>		
Civic Center	158	Likely to open 2014
MacArthur	175	Likely to open 2014
Total Bike Parking Capacity	453	

The total capacity for all eight Bike Stations is 1,145 bikes. The attended facilities operate for 13 hours a day on weekdays. The self-serve facilities are open seven days a week, 24 hours a day. The operational hours for the self-serve facilities at the Embarcadero and Civic Center Stations, because they are or will be located on the concourse levels of the Stations, are limited to the hours which those Stations are open.

In addition to staffing attended Bike Stations, the scope of management services under the Agreement includes customer support (e.g. for breakdowns, thefts, or security breaches), Bike Station marketing (e.g., website, multilingual brochures, facility signage), facility security, coordination with key card/electronic lock technical staff and customer service operations for self-serve facilities, and furnishing bicycle-friendly information/events.

A Request for Proposals was issued on March 11, 2013. A Notice to Proposers and a copy of the Request for Proposals (RFP) was sent to 150 companies. A pre-proposal meeting was held on March 27, 2013. Five firms attended the pre-proposal meeting. Two Addenda were issued following the pre-proposal meeting. The first Addendum extended the Proposal submission date from April 16, 2013 to May 7, 2013. The second Addendum clarified and provided additional operational details based on questions raised at the pre-proposal meeting. Three Proposals were received on May 7, 2013. Two of the three Proposals met the minimum qualifications set forth in the RFP and were deemed responsive. Alameda Bike submitted the lowest priced responsive Proposal.

Proposer	Proposal Price
Alameda Bike	\$1,325,537
eLock Technologies	\$1,333,768

Engineer's Estimate	\$1,506,586

Alameda Bike's Proposal price is approximately 12% below the Engineer's Estimate. The lower price is attributable primarily to price reduction strategies requested of Proposers. Proposers were asked to propose price reductions based on their ability to keep some of the revenue generated by bicycle accessory retail sales at certain Bike Stations. The Proposal price includes the options to operate the three planned Bike Station facilities for four years and accounts for up to \$439,404 of the total budget (see Fiscal Impact section for more detail).

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Agreement are 16% for MBEs and 20% for WBEs. The Proposer will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

ALTERNATIVES

The alternative is to not award the Agreement to Alameda Bike. If the Agreement is not awarded, operation of BART's Bike Station facilities could not continue.

FISCAL IMPACT

This EDD would authorize the BART to award Agreement No. 6M6063 Management Services to Operate BART's Bike Station Facilities to Alameda Park Street Bicycles, Inc. ("Alameda Bike") as follows:

	<u>Base Project Five Stations</u>	<u>Option 1 MacArthur</u>	<u>Option 2 Civic Center</u>	<u>Option 3 19th Street</u>	<u>TOTAL</u>
Year 1	\$164,993	--	--	--	\$164,993
Year 2	\$171,050	\$17,190	\$13,686	\$75,240	\$277,166
Year 3	\$177,244	\$17,506	\$13,918	\$77,152	\$285,820
Year 4	\$183,576	\$17,811	\$14,163	\$79,113	\$294,664
<u>Year 5</u>	<u>\$189,270</u>	<u>\$18,129</u>	<u>\$14,421</u>	<u>\$81,074</u>	<u>\$302,894</u>
<u>Total</u>	<u>\$886,133</u>	<u>\$70,636</u>	<u>\$56,188</u>	<u>\$312,580</u>	<u>\$1,325,537</u>

The funding for the first year of this Agreement in the amount of \$164,933 is included in the proposed FY14 Operating Budget for the Access department. Funding for subsequent years will be requested in future operating budget cycles.

RECOMMENDATION

It is recommended the Board adopt the following motion.

MOTION

The General Manager is authorized to award Agreement No. 6M6063 Management Services to Operate BART's Bike Station Facilities to Alameda Park Street Bicycles, Inc. for the Base Proposal Price not to exceed \$886,133, subject to the District's protest procedures, and is further authorized to exercise the three options for the proposal price not to exceed \$439,404.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: May 28, 2013

FROM: Independent Police Auditor

SUBJECT: Appointment of Citizen Review Board Members

In accordance with Chapter 2-02 of the BART Citizen Oversight Model (Model), those members of the Citizen Review Board (CRB) appointed by Directors from even numbered Districts, as well as the BART Police Associations' member, shall have their terms of service expire on June 30, 2013. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

According to Chapter 1-05(G) of the Model, the Office of the Independent Police Auditor (OIPA) will facilitate the application process for seats on the CRB and will coordinate the selection process with the Office of the District Secretary and the Board of Directors.

Each of the Directors whose CRB appointee has an expiring term this year has individually indicated his intention to reappoint his current CRB appointee, and each of those current CRB appointees has indicated his or her acceptance of such reappointment. The same is true with respect to the two BART Police Associations and the reappointment of their appointee.

Attached to this memorandum is a motion which, if adopted by the Board of Directors, will ratify these appointments.

Please contact me at (510) 874-7477 or oipa@bart.gov at your convenience if you have any questions about this matter.

Thank you,



Mark P. Smith

Attachment

cc: Board Appointed Officers
Deputy General Manager
President, BART Police Officers Association
President, BART Police Managers Association

RATIFICATION OF CITIZEN REVIEW BOARD APPOINTMENTS

MOTION:

That the Board of Directors ratifies the Citizen Review Board reappointment of the following members for the term of 2 years, beginning on July 1, 2013 and expiring on June 30, 2015:

Sukari Beshears – District 2

Peter Barnett – District 4

Les Mensinger – District 6

Ken Jones – District 8

Thomas Minshew – BPOA/BPMA