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

BOARD MEETING AGENDA
June 14, 2012
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 14, 2012, 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 General Discussion and Public Comment.

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

   A. Approval of Minutes of the Meeting of May 24, 2012.* Board requested to authorize.

   B. Fiscal Year 2013 Proposition 4 Appropriations Limit.* Board requested to adopt.

   C. Award of Invitation for Bid No. 8900, Flatbed Utility Vehicle.* Board requested to authorize.

   D. BART Accessibility Task Force Members.* Board requested to appoint.

3. ADMINISTRATION ITEMS
   Director Sweet, Chairperson

   A. (CONTINUED from May 10, 2012, Board Meeting)
   Approval of a Memorandum of Understanding between San Francisco Bay Area Rapid Transit District, City of Oakland, and Alameda County Transportation Commission for Maintenance of a Portion of the East Bay Greenway.* Board requested to authorize.

   B. Fiscal Year 2013 Budget.* Board requested to adopt.

   C. Condemnation of Real Property for the Warm Springs Extension (WSX) Project: BART Parcel Numbers: J-2033-1A, -1B, -2A and -3A.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

   D. Environmental Justice Policy.* Board requested to adopt.

4. ENGINEERING AND OPERATIONS ITEMS
   Director Fang, Chairperson

   A. Award of Contract No. 04SF-120, Construction of East Contra Costa BART Extension (eBART) Project Parking Lot and Maintenance Facility.* Board requested to authorize.

* Attachment available

B. Sole Source Procurement with Group Alpha, Inc., for Gate Driver Printed Circuit Boards.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

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

A. BART Bicycle Access Plan.* For information.

B. Amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Titan Outdoor LLC, for Conversion of 48 Poster Advertising Frames to 24 Digital Screens.* Board requested to authorize.

6. GENERAL MANAGER'S REPORT

A. Review of the Agenda for the Capitol Corridor Joint Powers Board Meeting of June 20, 2012.* For information.

7. BOARD MATTERS

A. Report of the BART Police Department Review Special Committee. For information.

B. Board Member Reports. For information.

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.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. THREAT TO PUBLIC SERVICES OR FACILITIES:
Consultation with: Acting Manager, Rail Security Programs; and Assistant General Manager, Operations
Government Code Section:

B. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Agency Negotiators: Directors McPartland, Radulovich, and Sweet
Titles: General Manager, General Counsel, Controller-Treasurer, District Secretary, and Independent Police Auditor
Government Code Section: 54957(a)

10. OPEN SESSION

* Attachment available

DRAFT

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

Board of Directors
Minutes of the 1,655th Meeting
May 24, 2012

A regular meeting of the Board of Directors was held May 24, 2012, convening at 9:13 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Raburn, Radulovich, Sweet, and McPartland.

Absent: Director Murray.

President McPartland introduced Vice Mayor Gina Papan of the City of Millbrae who addressed the Board on Millbrae Economic Development.

President McPartland 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 2013 Budget, that staff would give a brief presentation, and that the meeting would then be opened for comments from the public.

Mr. Robert Umbreit, Department Manager of Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

The following individuals addressed the Board.

Mr. Robert S. Allen
Ms. Rebecca Saltzman
Mr. Jerry Grace

The public hearing was closed at 9:47 a.m.

Director Sweet, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2013 Capital and Operating Budgets before the Board. Mr. Carter Mau, Executive Manager, Planning and Budget; Mr. Robert Umbreit, Department Manager of Operating Budget and Analysis; and Mr. Gregg Marrama, Department Manager of Capital Development presented the item. The item was discussed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 10, 2012.

2. Award of Contract No. 17AG-120, Refurbish Breakrooms at Richmond, El Cerrito Plaza, 12th Street, 19th Street and Lake Merritt Station.

3. Award of Contract No. 15NY-120, El Cerrito Plaza Station Sidewalk and Wayfinding Improvements.

Director Sweet requested that Items 2-B Award of Contract No. 17AG-130, Refurbish Breakrooms at Richmond, El Cerrito Plaza, 12th Street, 19th Street and Lake Merritt Stations and 2-C Award of Contract No. 15NY-120, El Cerrito Plaza Station Sidewalk and Wayfinding Improvements, be removed from the Consent Calendar.

Director Fang moved that the Minutes of the Meeting of May 10, 2012 (Regular), be approved. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – Director Murray.

Director Sweet brought Items 2-B Award of Contract No. 17AG-130, Refurbish Breakrooms at Richmond, El Cerrito Plaza, 12th Street, 19th Street and Lake Merritt Stations and 2-C Award of Contract No. 15NY-120, El Cerrito Plaza Station Sidewalk and Wayfinding Improvements before the Board. Paul Oversier, Assistant General Manager of Operations presented the items. The items were discussed.

Director Sweet made the motion to move Item 2-B, as amended, and 2-C of the Consent Calendar as a unit. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – Murray.

1. That the General Manager is authorized to award Contract No. 17AG-130, Refurbish Breakrooms at Richmond, El Cerrito Plaza, 12th Street, and Lake Merritt Stations, to DAR Construction for the Bid price of $139,500, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Sweet amended the motion to include (The Board is to be notified of any Change Order to Contract 17AG-130 with justification for such Change Order.)

2. That the General Manager is authorized to award Contract No. 15NY-120, El Cerrito Plaza Station Sidewalk and Wayfinding Improvements, to Golden Bay Construction, Inc., for the Bid price of $466,945, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 15PT-110, with R & L Brosamer, for the Earthquake Safety Program, R Line South Aerials – Increase in Allowance for Handling Hazardous Material (C.O. No. 14). before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Keller exited the Meeting.

Director Raburn moved that the General Manager be authorized to execute Change Order No. 14, Increase in Allowance for Handling and Disposal of Unknown Hazardous Materials in an amount not to exceed $1,000,000, to Contract No. 15PT-110, BART Earthquake Safety Program Aerial Structures –R Line South, with R & L Brosamer, Inc . Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Franklin, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 2: Directors, Keller and Murray.

Director Keller entered the Meeting.

Director Fang brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2012 – Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, presented the item, The item was discussed.

The following individuals addressed the Board.
Mr. Jerry Grace
Ms. Antonette Bryant
Mr. Michael Healy

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed Naming of the Warm Springs/South Fremont Station, before the Board. Ms. Molly McArthur, Acting Department Manager, Communications, and Ms. Chris Quinn, Acting Assistant General Manager, Transit System Development, presented the item. The item was discussed.

The following individuals addressed the Board.

Ms. Cheryl Golden
Mr. Jerry Grace

Director Blalock moved that the Board finds that Warm Springs/South Fremont captures and memorializes the historical reference to the Warm Springs district of Fremont, and provides riders with the geographical distinction of South Fremont to identify it as a different station from the existing Fremont Station. The new Warm Springs Extension Station in the City of Fremont shall be called Warm Springs/South Fremont Station. Director Fang seconded the motion which carried by unanimous voice vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 1: Director Murray.

Director Blalock exited the Meeting.

Director Radulovich, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of the Metropolitan Transportation Commission Sustainability Project – Inner East Bay Comprehensive Operational Analysis, before the Board. Ms. Pam Herhold, Manager, Financial Planning and Mr. Robert Mitroff, Manager, Fleet Capacity presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Jerry Grace

Ms. Dollŏne Jones
Mr. Jeff Hobson

Vice Chairperson Radulovich brought the matter of Introduction of BART Metro Strategy, before the Board. Mr. Val Menotti, Department Manager, Planning and Mr. Malcolm Quint, Manager of Travel Demand Planning presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Jeff Hobson
Mr. Robert S. Allen

President McPartland called for the General Manager's report. General Manager Grace Crunican had no report.

President McPartland called for Board Matters. Citizen Review Board: Appointment of BART Police Manager's Association and BART Police Officers' Association Representative. Directors Radulovich and Sweet recommended the item be over to a future meeting. President McPartland concurred.

President McPartland called for Board Matters. Amendment to Consent Calendar Guidelines as requested by Director Sweet. The item was discussed.

Director Raburn moved to approve the revised Resolution No. 4748, existing consent calendar guidelines to specify that contracts and agreements that contain either availability percentages or DBE goals will only qualify for the consent calendar if those availability percentages or DBE goals have been met. Director Mc Partland seconded the motion which carried by unanimous voice vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Blalock and Murray.

President McPartland called for Board Member Reports.

Vice President Radulovich announced that he attended the Daly City Council Meeting.

Director Franklin announced that the Lafayette Farmers Market in the BART parking lot will begin June 10, 2012, and the annual Fight Hunger Food Drive will be June 1-15, 2012 at all the Capital Corridor Train Stations.

Director Raburn announced that he attended the Citizens Review Board Meeting, Business Advisory Council Meeting, Oakland Airport Connector meeting, California Transit Association meeting, Coliseum Line Creek Transit Oriented Development meeting and the Fremont Line Environmental Impact Report meeting. He also met with Cal State East Bay Geography and Environmental Students.

President McPartland brought Roll Call for Introductions before the Board.

Director Raburn requested the District evaluate potential solutions for reopening restrooms in underground stations, including potential alternatives already vetted and acceptable to the Police Department and District Architect.

Director Raburn requested the District develop with AC Transit cooperative solutions to the citation of customers in bus zones at stations, including signage solutions.

Director Sweet exited the meeting.

President McPartland requested that the District work with Caltrans on correcting obsolete directional signage for accessing Castro Valley Station from I580.

Director Keller requested that the District consider/evaluate a 'fast pass' solution for application in Contra Costa County.

President McPartland called for General Discussion and Public Comment.

The following individuals addressed the Board.
Mr. Richard OBA
Mr. Robert S. Allen

Director Fang exited the meeting.

President McPartland called for Public Comment on Items 10-A and 10-B Only.

President McPartland announced that the Board would enter into closed session under Item 10-A (Threat to Public Services or Facilities) and Item 10-B (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 2:09 p.m.

The Board Meeting reconvened in closed session at 2:16 p.m.

Directors present: Directors Fang, Franklin, Keller, Raburn, Radulovich, Sweet and McPartland.

Absent: Directors Blalock and Murray

The Board Meeting recessed at 3:54 p.m.

The Board reconvened in open session at 3:56 p.m.

Director present: President McPartland

Absent: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, and Sweet.

President McPartland announced that the Board had met in closed session under Items 10-A and 10-B, and that there was no announcement to be made.

Board Meeting was adjourned at 3:57 p.m.

Kenneth A. Duron
District Secretary

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/6/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept: Signature/Date:	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]

Status: Routed	Date Created: 05/01/2012

TITLE:

FY13 Proposition 4 Appropriations Limit

NARRATIVE:

Purpose: To approve the District's fiscal year 2013 appropriations limit, which is required by state law as a result of the Gann Initiative (Proposition 4, passed by the voters in 1979).

Discussion: The Gann Initiative (Proposition 4) provides for limitations on appropriations by state and local government entities. California Government Code Section 7910 requires local jurisdictions to annually adopt an appropriations limit by resolution and establishes a 45-day statute of limitations for commencement of any judicial action to challenge the appropriations limit.

Section 7910 requires the Board of Directors to establish by resolution BART's annual appropriations limit "at a regularly scheduled meeting or noticed special meeting." Further, it requires that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be made available to the public. On May 14, 2012, the documentation was made available to the public.

Documentation of the FY13 appropriations limit calculation is summarized in Attachment 1. The attached documentation of the FY13 appropriations limit is consistent with the Uniform Guidelines for Implementation of the Gann Initiative prepared by the League of California Cities and the information furnished by the State Department of Finance.

Attachment 2 is the calculation for the margin as it relates to the Proposition 4 limit. The margin is the difference between the appropriations limit and the expenditures subject to the limit. Based on the calculations, the District will be below the limit of $489,231,864.

Fiscal Impact: There is no fiscal impact. The FY13 appropriations limit is $489,231,864, while Operating and Capital expenditures subject to the limit are $387,017,319. Therefore, the District is well below the limit with a margin of $102,214,545.

Alternatives: None

Recommendation: Approval of the following motion.

Motion: That the Board adopt the attached resolution which sets the District's FY13 appropriations limit at $489,231,864.

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

In the Matter of the Establishment
Of the Fiscal Year 2013
Appropriations Limit _____/ Resolution No._____

WHEREAS, Article XIIIB of the California Constitution limits the District's appropriations for Fiscal Year 1981, and subsequent years; and

WHEREAS, Government Code Section 7910 requires the District to establish, by resolution, its appropriations limit pursuant to Article XIIIB; and

WHEREAS, documentation used in the determination of the Fiscal Year 2013 appropriations limit has been available to the public for at least fifteen days prior to the date of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the District's appropriations limit for Fiscal Year 2013 shall be $489,231,864.

Attachment 1
Fiscal Year 2013 Appropriations Limit: Calculation

Based on the provisions in Article XIIIB of the California Constitution as approved by the voters in November 1979, the appropriations limit for each succeeding year through 1987 is determined by the District's 1979 appropriations base times a cumulative composite factor. The base year was later revised to 1987. The cumulative composite factor consists of the product of:

a.) The lesser of the relative year change in the all urban consumer price index (SF/Oakland/SJ CPI-U) or the California per capita personal income, and

b.) At the District's discretion, the relative year-to-year change in District wide population, or the population for the District's county that has the highest assessed valuation. Election of the higher of the two growth factors results in a higher appropriations limit.

The District's appropriations limit for fiscal year 2013 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and Alameda County population gains. Steps in the calculations are as follows:

Relevant data, percent change:
CPI-U SF/Oakland/SJ, 2.9998% (applies this year per "a." above)
Population Change, Alameda County, 0.9475% (applies this year per "b." above)

District Population

	As of 1/1/11	As of 1/1/12	% Change
Alameda	1,517,756	1,532,137	0.9475%
Contra Costa	1,056,306	1,065,117	0.8341%
San Francisco	808,768	812,538	0.4661%
Total	3,382,830	3,409,792	0.7970%

2) FY13 Cumulative Adjustment Factor:
(CPI-U SF/Oakland/SJ) x (Population Factor) = Current Adjustment Factor
(Current Adjustment Factor) x (Prior Year Adjustment) = Cumulative Adjustment Factor

(1 +2.9998%) x (1 + 0.9475%) = 1.0398

1.03976 x 2.5915 = 2.6945

3) FY13 Appropriations Limit:
(FY 87 Appropriations Base) x (FY 13 Cumulative Adjustment Factor)
181,568,000 x 2.6945 =

489,231,864

ATTACHMENT 2
FY13 PROPOSITION 4 APPROPRIATIONS LIMIT

Whole Dollars, as of 6/04/12

		NOTES & COMMENTS
LIMIT		
CPI-U	2.9998%	CPI-U for SF/OAK 2/12 vs 2/11
Per Capita Personal Income	3.7700%	State DOF data, John Malson (916-323-4086)
District Population Growth	0.9475%	Districtwide growth < The county(Ala) with the highest assessed valuation
Annual Adjustment Factor	1.0398	[1+(CPI -U)*[1+(Alameda population growth)]
Cumulative Adjustment Factor	2.6945	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	$489,231,864	(FY 87 base appropriations) x (cumulative factor)
APPROPRIATIONS		
Operating Budget	$532,674,941	Per FY13 Preliminary Operating Budget
Allocation to SOG/Rail Car Phase I	$45,581,652	Per FY13 Preliminary Operating Budget
Other Capital Allocations:		
Miscellaneous	$2,088,557	Per FY13 Preliminary Operating Budget
Capital Allocations	$27,120,292	Per FY13 Preliminary Operating Budget
Subtotal	$74,790,501	
Capital Allocation To Operating		
Capital Expense:		
Funded	$869,236,442	FY13 Proposed Capital Budget
Unfunded	$0	FY13 Proposed Capital Budget
Subtotal	$869,236,442	FY13 Proposed Capital Budget
Less Funded Pass Through	($327,476,507)	FY13 Proposed Capital Budget
Less Unfunded Pass Through	$0	FY13 Proposed Capital Budget
Subtotal	($327,476,507)	FY13 Proposed Capital Budget
Net Capital Expense	$541,759,935	FY13 Proposed Capital Budget
Debt Service:		
Bond Debt Service	$51,079,001	Per FY13 Preliminary Operating Budget
Other Debt Service	$6,000,000	
Loan from MTC	$8,390,000	Per FY13 Preliminary Operating Budget
GO Seismic Bonds	$21,916,623	Per Treasury, Rose Poblete, GO Debt schedule
Subtotal	$87,385,624	
Total Appropriations	$1,236,611,001	
EXCLUSIONS		
Allocation from Reserves	$0	Per FY13 Preliminary Operating Budget
ADA Mandated Service Expense	$13,100,761	Per FY13 Preliminary Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	$379,217,596	Per FY13 Preliminary Operating Budget
Other Operating Revenue	$35,890,158	Per FY13 Preliminary Operating Budget
Subtotal	$415,107,754	Per FY13 Preliminary Operating Budget
Other Allocations	$50,000	Per FY13 Preliminary Operating Budget
Federal Capital Funds:		
Funded	$216,096,456	FY13 Proposed Capital Budget
Unfunded	$0	FY13 Proposed Capital Budget
Subtotal	$216,096,456	FY13 Proposed Capital Budget
Debt Service (GO Seismic Bonds)	$21,916,623	Per retirement schedule
GO Bond Capital Funds	$102,582,688	FY13 Proposed Capital Budget
BART Capital Funds	$80,739,400	FY13 Proposed Capital Budget
Total Exclusions	$849,593,682	
MARGIN		
Appropriations Limit	$489,231,864	Per above
Expenditures Subject to Limit	$387,017,319	Appropriations less exclusions, per above
Margin	**$102,214,545**	**Appropriations less expenditures subject to limit**
RESIDENT POPULATION**	As of 1/1/12	Population is less exclusions for military and other non-residents
Alameda		
Population	1,532,137	Data received from the Department of Finance 5/2/2012
Percent Change	0.9475%	
Contra Costa		
Population	1,065,117	Data received from the Department of Finance 5/2/2012
Percent Change	0.8341%	
San Francisco		
Population	812,538	Data received from the Department of Finance 5/2/2012
Percent Change	0.4661%	
District Total		
Population	3,409,792	Sum of population for three counties
Percent Change	0.7970%	Percent increase
REVISED PRIOR YEAR POPULATION	As of 1/1/11	
Alameda		
Population	1,517,756	Data received from the Department of Finance 5/2/2012
Contra Costa		
Population	1,056,306	Data received from the Department of Finance 5/2/2012
San Francisco		
Population	808,768	Data received from the Department of Finance 5/2/2012
District Total		
Population	3,382,830	Sum of three counties

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive
Oakland, CA 94612

Appropriations Limit for Fiscal Year 2013
Notice of Documentation for Review
and Time of Meeting

Notice is Hereby Given That:

A. Documentation used in determining the District's appropriations limit for the fiscal year July 1, 2012 to June 30, 2013 will be available for public review on and after May 21, 2012 at the Office of the District Secretary, Twenty-third Floor, 300 Lakeside Drive, Oakland, California.

B. At its regularly scheduled meeting on Thursday, June 14, 2012 at 9:00 a.m. in the Board Room, 344-20th Street, Third floor, Oakland, CA 94612, the Board of Directors will address the District's appropriations limit for fiscal year 2012. Any person may appear thereat and be heard regarding this matter.

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

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Award IFB No. 8900		
DATE: 6/6/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher Dept: Maintenance and Engineering Signature/Date: 6/6/2012	General Counsel 6/6/12	Controller/Treasurer [ ]	District Secretary [ ]	BARC [6/6/12]
Status: **Routed**		Date Created: **05/22/2012**		

TITLE:

Procurement of Flat Bed Utility Vehicles

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid No. 8900 to Golden Gate Truck Center, Oakland, CA in the amount of $227,600.70, which includes all applicable taxes, for the purchase of two Flat Bed Utility Vehicles.

DISSCUSSION:

The Logistics Division of the Procurement Department uses Flat Bed Utility Vehicles to move revenue vehicle repair parts to and from the District's Hayward, Concord, Richmond and Daly City Shops. There are currently four such vehicles within the system. These two new Flat Bed vehicles will replace two seven year old vehicles with 311,242 and 335,373 miles. The replaced vehicles will be removed from the District fleet and sold at auction.

A notice requesting bids was published on March 16, 2012 and bid requests were mailed to nine (9) prospective bidders. Bids were opened on April 10, 2012 and one (1) bid was received. Procurement department followed up with the other likely bidders for this IFB and discovered that due to business decisions and current economic strategies the number of prospective bidders for this type of vehicle have diminished to the point that the one bid is all that can be expected from local suppliers.

Bidder	**Unit Price**	**Grand Total** 2 Units plus Taxes
Golden Gate Truck Center	$ 113,800.35	$227,600.70

The independent cost estimate by BART Staff was $250,866.00

Staff has determined that the apparent low bidder, Golden Gate Truck Center submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on previous procurements of similar vehicles. Golden Gate Truck Center has provided this type of vehicle in the past for the District and at that time was substantially lower than the other two bidders.

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

FISCAL IMPACT: Funding of $227,600.70 for purchase of Flat Bed Utility Vehicles is included in the total project budget for the FMS #79BJ000 - Replace Non Revenue Vehicles. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of May 31,2012, $23,818,157 is avaliable for this project from the following sources:

F/G 659E - ALAMEDA CCMA/BAAQMD	$	24,750.84
F/G 8202 - SLS TX REVN BOND FND	$	542,782.00
F/G 8205 - 1995 SALES TAX REV BON	$	2,651,723.00
F/G 8301 - 98 BOND INTEREST(06E-5	$	1,000,000.00
F/G 850N - CAPITAL IMPRVMT AL	$	3,622,381.00
F/G 850W - FY00-06 CAPITAL ALLOCA	$	8,211,220.16
F/G 850Z - CAPITAL MAINTEN. ALLOC	$	2,733,000.00
F/G 851W - FY07-11 CAPITAL ALLOCA	$	3,632,300.00
F/G 8524W - FY12 CAPITAL ALLOCA	$	1,400,000.00
Total	$	23,818,157.00

BART has expended $ 21,314,632.06 committed $576,971.64 to date and reserved $1,290,676.42 to date for other actions. This action will commit an additional $227,600.70 leaving an uncommitted balance of $408,276.18 in these fund sources.

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

ALTERNATIVE:
Reject this bid and continue to use the existing trucks and spend additional funds in labor and materials maintaining these aging vehicles. This will, in all probability, affect their reliability and service availability. Another alternative would be to reject this bid and rebid this IFB and search for likely suppliers outside of the local area. This will delay the receipt of these needed vehicles and will probably not result in a lower bid.

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

MOTION:

The General Manager is authorized to award IFB No. 8900 for Flat Bed Utility Vehicles to Golden Gate Truck Center for the bid price of $227,600.70 (which includes all applicable taxes), pursuant to notification to be issued by the General Manager.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D:	
DATE:				BOARD INITIATED ITEM: No	
Originator/Prepared by: Ike Nnaji Dept: Signature/Date: 5/30/12	General Counsel 5/31/12 [ ]		Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]
Status: Approved				Date Created: 05/14/2012	

TITLE:

BART ACCESSIBILITY TASK FORCE MEMBERSHIP APPOINTMENTS

NARRATIVE:

Purpose:
For the Board to appoint nominated members to the BART Accessibility Task Force (BATF).

Discussion:
BATF has been in existence since 1975 to advise staff and the Board regarding accessibility issues at BART. In 1998 the Board voted to restructure the BATF to be an advisory body appointed by the Board, and in 2001 approved by-laws developed by staff and the BATF.

The BATF by-laws adopted in 2001 provided for the BATF to be composed of up to eighteen members and five alternates who live or work in the BART service area selected by a committee of Board and BATF members.

In 2009, the by-laws were amended to allow more flexibility in recruiting and appointing members. These changes included the elimination of alternates. The changes were approved by the General Manager as authorized by the Board.

List of Candidates for BATF Membership:

The candidates listed on Attachment A were nominated by majority vote of sitting and present members of the BATF. The by-laws require BATF members to be appointed by the Board. Prospective candidates, if approved by the Board for BATF membership, will be officially seated as members of BATF on June 14, 2012 to serve until December 31, 2012 or until the Board makes new appointments, whichever occurs later.

If approved, BATF will include sixteen (16) incumbents and two (2) new members.

Fiscal Impact:
No impact on the FY12 Operating Budget. Costs for staffing and supporting BATF work are accommodated within the existing budget.

Recommendation:

Adopt the following motion.

Motion:

The Board appoints the nominated candidates, listed in Attachment A, for membership on the BART Accessibility Task Force for a term effective June 14, 2012 to December 31, 2012 or until the Board makes new appointments whichever occurs later.

ATTACHMENT A

CANDIDATES FOR MEMBERSHIP
BART ACCESSIBILITY TASK FORCE
TERM THROUGH DECEMBER 2012

Incumbent Members

Janet Abelson
Peter Crockwell
Linda Drattell
Mary Fowler
Randall L. Glock
Jim Gonsalves
Herb Hastings
Gerald Newell
Donald Queen
Hale Zukas
Janice Armigo Brown
Carmen Rivera-Hendrickson
David Jackson
Jane Lewis
Katrina McCurdy
Roland Wong

New Members

Alan Smith
Larry Bun

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: c 6/6/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Shaffer Dept: Real Estate & Property Development x6936 Signature/Date: 6/4/12	General Counsel 6/4/12 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 6-4-12 [ ]

TITLE:

East Bay Greenway Memorandum of Understanding

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager or her designee to execute a Memorandum of Understanding ("MOU") among the Alameda County Transportation Commission ("Alameda CTC"), the City of Oakland ("City") and the San Francisco Bay Area Rapid Transit District ("BART") in Connection with the Construction, Operation and Maintenance of the Initial Phase of the East Bay Greenway.

DISCUSSION: The East Bay Greenway is a conceptually planned pedestrian and bike path that begins in the City of Oakland, passes through the City of San Leandro and terminates in the City of Hayward for a distance of over twelve miles. For much of its length, the East Bay Greenway will extend along and beneath the elevated tracks of the BART Fremont line. It will connect with other green spaces, residential areas and businesses along its length in varying degrees. Upon completion, the East Bay Greenway will be able to be accessed from the Fruitvale, Coliseum, San Leandro, Bay Fair and Hayward BART Stations. BART staff has been involved with the project for over four years.

Alameda CTC is the entity planning and implementing the East Bay Greenway. Alameda CTC has determined that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15304 of the Guidelines for CEQA – Minor Alterations to Land. The California Department of Transportation ("Caltrans") has determined that the project is subject to a categorical exclusion under 23 CFR 771.117(c) for purposes of the National Environmental Protection Act ("NEPA"). Funding for the first phase, which will be located between 75th and 85th Avenues in Oakland along San Leandro Street just south of the Coliseum BART Station, has been secured. This first phase, known as Segment 7A, has been prioritized because it was awarded $1.16 million of TIGER II federal stimulus funding as part of an East Bay Regional Park District ("EBRPD") grant. EBRPD has passed this funding to Alameda CTC for the planning and implementation of Segment 7A. The funding must be obligated to Segment 7A by June 30, 2012. This MOU is one of the documents required to obtain right of way certification for Segment 7A, which is necessary for the final obligation of the funding.

BART owns or has easement rights to portions of the property on which Segment 7A is proposed to be constructed. BART and the City have existing agreements that delineate their respective responsibilities regarding the properties on which Segment 7A will be located as follows:

- On June 21, 1966, BART and the City entered into the Oakland East Agreement related to the widening, modification, relocation and abandonment of City streets, relocation or reconstruction of utility and sewer facilities owned by City or others, the use of certain City streets for BART purposes, landscaping along the route and maintenance thereof, and other relevant matters. The City became responsible for maintenance of the facilities, roadways, and City structures from and after that time.

- On June 11, 1970, BART and the City entered into the Oakland Landscaping Agreement in which it was agreed that the City would assume all responsibility for maintenance of landscaping, including sidewalks and pathways, along BART's train line at no cost to BART.

In that BART and the City have these existing relationships, all of the parties determined that a new agreement would be the most effective way to delineate the changing responsibilities and obligations of the parties, including Alameda CTC. Alameda CTC is preparing the construction documents and will retain a private construction contractor to construct Segment 7A. Because the City is under budgetary constraints at this time, Alameda CTC will also retain a private maintenance contractor to maintain Segment 7A, including the portions of Segment 7A on BART property.

Alameda CTC has agreed to have the maintenance contractor indemnify all of the parties to the MOU for any damage or liability arising from the maintenance contractor's work on Segment 7A. The City will continue to maintain those portions of Segment 7A on the City's roadway network, such as traffic signals and pavement markings, and will continue to maintain the unimproved area adjacent to Segment 7A. The City will accept, own and be responsible for the improvements within Segment 7A at the end of construction. The City also agrees to indemnify BART and Alameda CTC from any damage or liability arising from the City's ownership and/or operation of the Greenway. BART's liability is limited to indemnifying the City and Alameda CTC from any damage or liability arising from BART's operations, alteration, repair or maintenance activities on its aerial structures, foundations, columns, and trackway within the boundaries of or in the vicinity of the Greenway. Future segments of the East Bay Greenway within the City will not be constructed unless and until funding for maintenance has been identified and secured.

The MOU memorializes BART's, Alameda CTC's and City's desire to cooperate in the development and construction of Segment 7A, as well as to provide for its future maintenance and liability. As a condition of use of BART property, the MOU requires that any portion of Segment 7A within BART right of way may only be used as a bicycle and pedestrian transit corridor, allows BART to reserve its right of way for mass transit purposes, and allows BART to maintain all rights of entry to Segment 7A in order to alter, repair, maintain and operate BART's rail facilities. The MOU also provides that Alameda CTC must obtain a Permit to Enter to Construct from BART prior to entering upon BART property to construct Segment 7A. Prior to completion of construction of Segment 7A, the MOU also provides that BART will issue a Permit to Enter, allowing Segment 7A to be maintained and operated on BART property. These Permits to Enter contain terms, conditions and revocable rights by BART.

The MOU will be for a period of twenty (20) years, terminating in 2032, because Alameda CTC has only secured funding to cover maintenance for this 20-year period. At the end of the term of the MOU a new agreement will need to be in place. BART may or may not participate in any such future agreement, depending on whether the additional agreement affects real property or facilities in which BART holds an interest.

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

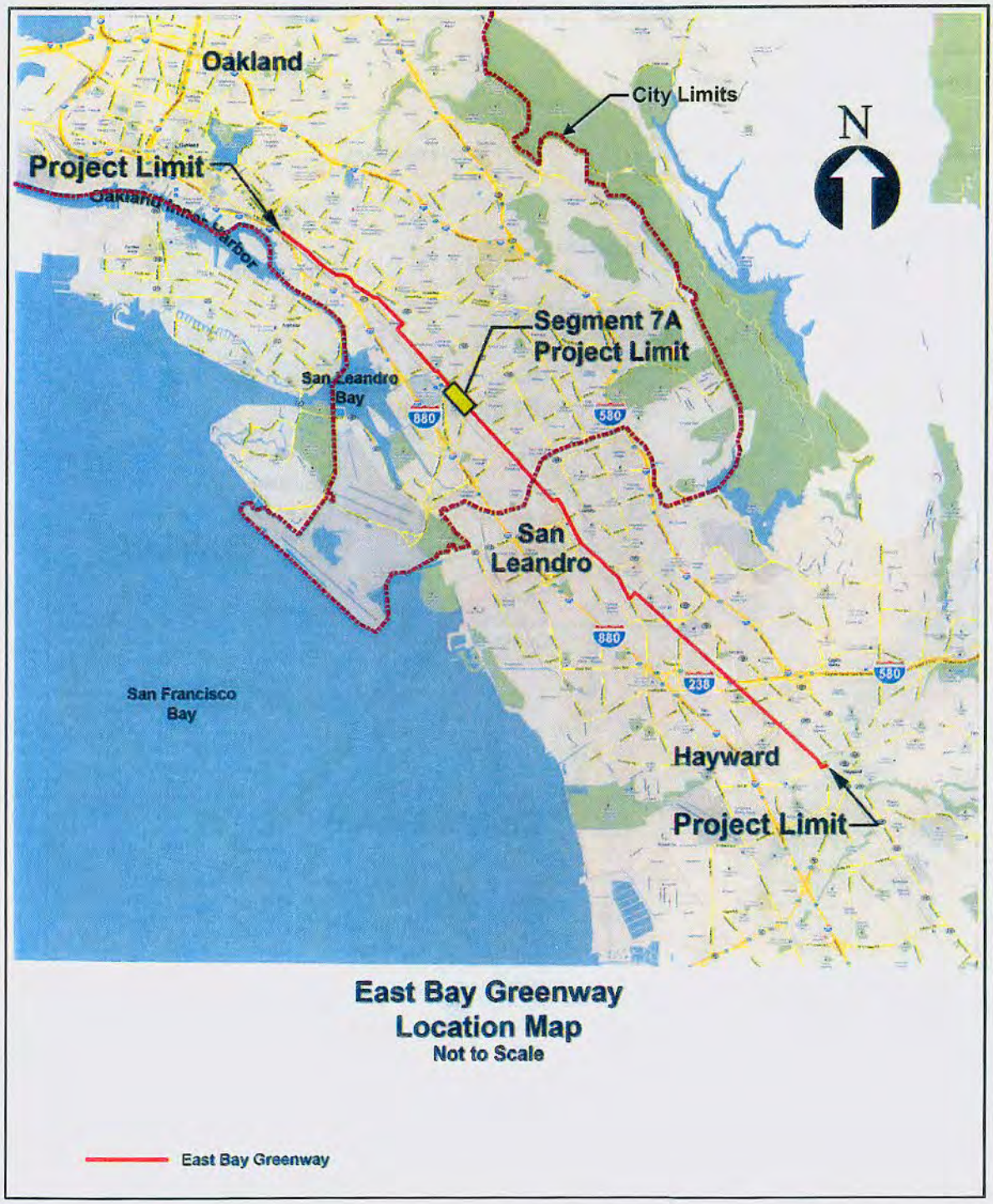
FISCAL IMPACT: There is no new fiscal impact from the proposed action except for minor District staff labor costs to support the project.

ALTERNATIVES: Keep the current agreements between BART and the City of Oakland in place and require the City to maintain Segment 7A. At this time, the City does not have sufficient resources to maintain Segment 7A of the East Bay Greenway. Without the introduction of an Alameda CTC-funded maintenance contract through the MOU, it is likely that the $1.16 million grant would have to be returned.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager, or her designee, is authorized to execute the Memorandum of Understanding Among the Alameda County Transportation Commission, the City of Oakland and The San Francisco Bay Area Rapid Transit District in Connection with the Construction, Operation and Maintenance of the Initial Phase of the East Bay Greenway.

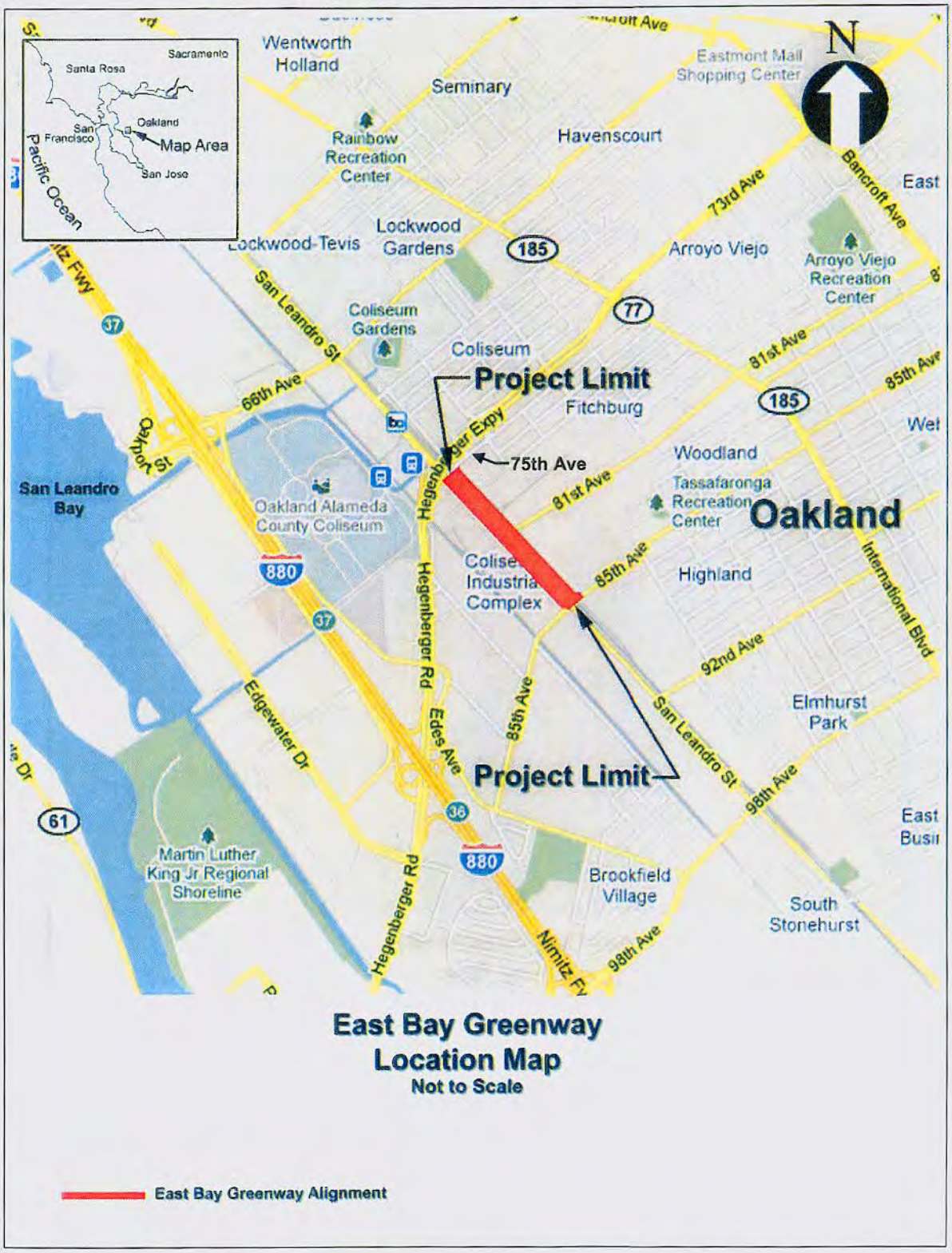
Exhibit A (page 1): East Bay Greenway Project Location Map



East Bay Greenway
Location Map
Not to Scale

East Bay Greenway

Exhibit A (page 2): Segment 7A Project Location Map



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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Place on the June 14, 2012 Board of Directors Agenda		
DATE: c 6/7/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept: Operating Budgets Signature/Date: RUmbreit 6-7-12	General Counsel	Controller/Treasurer [ ]	District Secretary 06/07/12 [ ]	BARC 6-7-12 [ ]

TITLE:

ANNUAL BUDGET RESOLUTION FOR FISCAL YEAR 2013

NARRATIVE:

PURPOSE

Adopt the Annual Budget Resolution for Fiscal Year 2013 (FY13)

DISCUSSION

Approval by the Board of Directors is requested for the FY13 operating and capital budgets. The total proposed FY13 budget (operating and capital) is $1.54 billion. The FY13 operating budget is balanced, with $672.1 million (M) in sources and $672.9M in uses, less an adjustment for the Other Post Employment Benefits (OPEB) unfunded liability of $0.8M. The FY13 capital budget totals $869.2M.

The District has seen growth in ridership and sales tax over the past two years as the Bay Area recovered from the recession. Because of the revenue growth, combined with control of cost increases, BART has an opportunity to invest in the future to fund core system capital infrastructure needs. The proposed budget also includes a limited number of operating initiatives to address staffing levels and other issues that were impacted by past budget reductions, along with other projects. Although the operating outlook has improved, the capital funding picture continues to be constrained, with capital needs far exceeding funding sources. Without the self investment from the District, funding for these critical needs would not be sufficient, and system reliability and performance would deteriorate. As it is, a considerable challenge remains to fund the District's capital program.

FY13 Operating Budget

The FY13 operating budget includes a total of $45.6M directed to the Rail Car Sinking Fund, which will make up a part of the District's initial $298M commitment for its share of the Phase 1 purchase of 410 rail cars. This funding, combined with previously "banked" funding and future funding commitments, enabled BART to execute the contract for the transit vehicle procurement in May 2012, and will allow for the District to secure new rail vehicles, which are sorely needed to maintain reliability and carry the growing ridership.

The budget also funds an allocation of $23.9M in other State of Good Repair needs, including continuing the program to replace seats and floors in the current fleet, computer security hardware, 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 $57.1M debt service payment, which primarily consists of payments on bond issues for prior year

capital rehabilitation programs. Revenue from the last in a series of Board-approved CPI-based fare increases will help fund these allocations. The 1.4% fare increase will be implemented on July 1, 2012 and is estimated to generate $4.8M in FY13.

In addition to the Rail Car Sinking Fund and seat and floor replacement budget initiatives, the FY13 operating budget also includes $9.6M and 57 positions in operating initiatives to address a number of essential operating needs, including staffing additions in Transportation, technology improvements, compliance efforts, and other smaller needs. Also included is a proposal to increase service by extending the Richmond/Daly City line by 1 hour during the weekday evening peak period. See Attachment 3 for a summary of these proposals. Many of these initiatives are driven by the cumulative impacts of many years of budget and staffing reductions, while others are recommended to keep the District functioning effectively and smoothly. Along with the 57 positions proposed in the budget initiatives, 5 elevator escalator maintenance positions were also added after the beginning of the current year to address escalator and elevator reliability issues.

There are a number of minor changes between the proposed FY13 Budget and the FY13 Preliminary Budget. The largest change is the addition of $2.7M in Federal 5307 grant funds allocated to the District by the Metropolitan Transportation Commission (MTC). $1.8M of the funding will be used to fund the development of a Strategic Maintenance Program (SMP) in the Maintenance and Engineering Department (M&E), and $0.9M for transition structure maintenance. The M&E program includes 2 positions converted from capital to operating, and is to develop a SMP in the District's core system maintenance area, similar to what was effectively implemented in the Rolling Stock and Shops SMP. The SMP will result in better and more cost effective maintenance practices.

Other changes to the operating expenses are the addition of a position for Access and Shuttle Coordination ($148K). A number of administrative budget adjustments reduce the budget impact of adding the position to $125K. To keep the budget balanced, the net increase of $125K is deducted from the Rail Car Sinking Fund allocation. Finally, $200K is reduced from the Operating Expense and added to Capital Allocations, because one of the initiatives has now been classified as a capital, rather than an operating expense.

FY13 Capital Budget

The capital budget proposes FY13 expenditures of $869.2M and funds 468 positions. While the capital budget is largely funded through Federal and other capital grants, District-allocated funds are 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. The largest program areas for capital expenditure next year will be system expansion and system renovation, the latter of which comprises a program of essential reinvestment, including the Rail Car replacement program, station modernization, train control, traction power, trackway renovation and other critical projects. System expansion projects include the eBART, Oakland Airport Connector, Warm Springs and the Silicon Valley extension programs, and continuing studies and analysis on options for the Livermore/I-580 corridor. Work will also continue on essential security upgrades, life safety improvements, and ADA/system accessibility improvements. Additionally, there are several capital initiatives in the FY13 budget made possible through previously discussed operating to capital allocations.

FY13 BUDGET RESOLUTION

Staff recommends approval of the attached Resolution to adopt the FY13 Annual Budget. As in previous years, the FY13 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 FY13 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 FY13. The budget 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. There are no changes to the authorizations for FY13.

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 FY13 Annual Budget is balanced.

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 FY13.

RECOMMENDATION

Adoption of the following motion:

MOTION

Adoption of the attached Resolution 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, 2012 to June 30, 2013.

Attachment 1
Fiscal Year 2013 District Operating Budget
Sources and Uses Detail

SOURCES	FY13 PRELIMINARY	Changes	FY13 ADOPTED
Rail Passenger Revenue	$ 379,217,596	$ -	$ 379,217,596
ADA Passenger Revenue	995,782	-	995,782
Parking Revenue	15,622,856	-	15,622,856
Other Operating Revenue	19,271,520	-	19,271,520
Sub-Total Operating Revenue	**415,107,754**	-	**415,107,754**
Sales Tax Proceeds	204,247,916	-	204,247,916
Property Tax Proceeds	30,287,515	-	30,287,515
Measure B	1,575,000	-	1,575,000
State Transit Assistance	17,305,464	-	17,305,464
Federal 5307 Preventive Maintenance	-	2,705,863	2,705,863
Millbrae Use, Operating & Maint. Agreement	778,680	-	778,680
Allocation from Access Fund	50,000	-	50,000
Sub-Total Financial Assistance & Allocations	**254,244,575**	**2,705,863**	**256,950,438**
TOTAL SOURCES	**669,352,329**	**2,705,863**	**672,058,192**
USES			
Labor	380,569,217	635,265	381,204,482
OPEB Unfunded Liability	876,251	-	876,251
ADA Paratransit	13,100,761	-	13,100,761
Purchased Transportation	2,940,184	-	2,940,184
Power	38,095,000	-	38,095,000
Other Non-Labor	94,462,628	1,995,635	96,458,263
Sub-Total Operating Expense	**530,044,041**	**2,630,900**	**532,674,941**
Debt Service	57,079,001	-	57,079,001
MTC Loan Debt Service	8,390,000	-	8,390,000
Allocation - Capital Rehabilitation	23,690,947	200,000	23,890,947
Allocation - Rail Car Sinking Fund	45,706,689	(125,037)	45,581,652
Allocations - Other	2,088,557	-	2,088,557
Allocation - To SFO Reserve / Warm Springs Project	3,229,345	-	3,229,345
Sub-Total Allocations	**140,184,539**	**74,963**	**140,259,502**
TOTAL USES	**670,228,580**	**2,705,863**	**672,934,443**
OPEB Unfunded Liability	**(876,251)**	-	**(876,251)**
NET RESULT	**$ -**	**$ -**	**$ -**
Average Weekday Trips	376,475		376,475
Operating Ratio	78.3%		77.9%
Rail Farebox Recovery Ratio	73.8%		73.4%
Farebox Recovery Ratio	71.7%		71.4%

ATTACHMENT 2

FY13 Capital Budget
Headcount and Planned Expenditures

Program Summary

Program Category	Capital Headcount*	Planned Expenditures
System Reinvestment		
Rolling Stock	33	$94,906,039
Mainline	119	$72,188,417
Stations	19	$27,306,641
Controls & Communications	56	$43,138,113
Facilities	12	$25,471,375
Work Equipment	0	$2,525,200
Subtotals	239	$265,535,785
Safety & Security	9	$22,381,726
Earthquake Safety	46	$154,087,587
Service & Capacity Enhancement	30	$26,556,130
System Expansion	58	$395,651,342
Capitol Corridor**	24	$3,345,285
Reimbursable***	14	$1,678,587
Cost Allocation Plan	48	CAP costs are included in the line items above.
TOTALS	468	$869,236,442

* Total authorized permanent positions ("FTE").

** 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
Transportation Department Structural Issue	41.9	4,070,089
Information Technology Department Post Production Support*		800,000
Civil Rights Department DBE / Small Business Development	2.0	694,973
Human Capital Management System Update*		648,000
Service Increase - Richmond/Daly City (Red Line)	2.9	607,742
Small Business Bonding Program		500,000
Title VI & Environmental Justice Compliance (FTE in Civil Rights Dept.)	1.5	412,768
Real Estate & Property Development Department Reorganization	2.5	401,958
Human Resources Department Recruitment Positions	2.0	270,853
Police Department Special Enforcement Team (SET)		250,000
Information Systems Security Program (operating portion)		200,000
Finance Department Accounts Payable Positions	2.0	189,269
Communications Officer Position	1.0	176,248
Geographical Information System (GIS) Enterprise License		150,000
Office of District Secretary Temporary Help		70,000
Human Resources Performance & Learning Position (funded by non-labor cut)	0.5	(3,522)
Shuttle & Accessible Services Coordinator	1.0	148,245
Total	**57.3**	**$ 9,586,623**

* One-time

Capital	
Rail Car Sinking Fund - In Addition to $25M Annual SGR Rail Car Contribution	20,581,652
Rail Car Interiors - Car Floors (30 cars) and Vinyl Seat Replacement (100 cars)	2,350,000
Information Systems Security Program (capital portion)	700,000
Project Performance Assessment – Capacity, Infill, Expansion	200,000
Total	**$23,831,652**

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, 2012, to June 30, 2013

Resolution No.

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 1, 2012 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, 2012, to June 30, 2013; 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, 2012, to June 30, 2013; 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 2013 was presented to the Board of Directors on May 10, 2012, in a presentation entitled Fiscal Year 2013 Preliminary Budget Operating Sources, Uses and Service Plan; and

WHEREAS, the California Emergency Management Agency (CalEMA) makes funds available from the FY 2012-2013 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. 5163, adopted June 9, 2011, is repealed effective August 31, 2012, 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 FY13; 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 2012-2013 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 10, 2012, presentation entitled Fiscal Year 2013 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 FY13, 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 FY13 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2012:

(1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of June 30, 2013, budgeted for the District shall be 3,352.5 (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") in accordance with applicable provisions of the AFSCME Agreement and the Compensation Manual, which reflect 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 2013

FUND SOURCES		**TOTAL**
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS		
Operating Revenue		415,107,754
Property Tax		30,287,515
1/2 ¢ Sales Tax		204,247,916
Measure B Paratransit Assistance		1,575,000
Caltrain - Millbrae Station Joint Use		778,680
5307 Preventive Maintenance Grant		2,705,863
State Transit Assistance		17,305,464
Allocations from Access Fund		50,000
Total Operating Sources	**$**	**672,058,192**
FUND SOURCE FOR CAPITAL BUDGET		
Capital Funds - Cash Flow FY13	**$**	**869,236,442**
TOTAL ESTIMATED FUND SOURCES	**$**	**1,541,294,634**
FUND USES		
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS		
Net Labor Expense[1]	$	382,080,733
Non-Labor Expense		150,594,208
Total Net Operating Expense	**$**	**532,674,941**
Revenue Bond Debt Service		57,079,001
MTC Loan Debt Service		8,390,000
Allocations to Capital - Rehabilitation		23,890,947
Allocations to Capital - Rail Car Sinking Fund		45,581,652
Allocations to Capital - Other		2,088,557
Allocations to SFO Reserve / Warm Springs Project		3,229,345
Total Operating Uses	**$**	**672,934,443**
Other Post Employment Benefits Unfunded Liability	**$**	**(876,251)**
FUND USES FOR CAPITAL BUDGET		
Capital Funds - Cash Flow FY13	**$**	**869,236,442**
TOTAL ESTIMATED FUND USES	**$**	**1,541,294,634**
NET FINANCIAL RESULT (DEFICIT)	**$**	**-**

[1] Total Authorized Permanent Positions (FTE) as of 7/01/12 = 3,352.5

EXHIBIT B

CHARACTER, BASE SALARIES, PAY BANDS AND HOURLY WAGE RATES 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	$24.9602	$26.0637	$27.0866	$28.1359	$29.2126	$29.6259
ADMINISTRATIVE SECRETARY	24.0274	25.0885	26.0712	27.0803	28.1157	28.5096
SENIOR SECRETARY	22.3711	23.1996	24.0536	25.0885	26.0976	26.4912
SENIOR CLERK	23.8128	24.8636	25.8374	26.8371	27.8623	28.2561
INTERMEDIATE CLERK	21.3010	22.1719	22.9923	23.8398	24.8636	25.2573
P/T SURVEY TAKER (SINGLE RATE)	28.6701					

Note: The clerical rates were effective June 30, 2009

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

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

INDEPENDENT POLICE AUDITOR	$161,500
DISTRICT SECRETARY	168,839
CONTROLLER-TREASURER	214,455
GENERAL COUNSEL	243,500
GENERAL MANAGER	320,000

Note: The base salaries provided for the General Manager, District Secretary, Controller-Treasurer, Independent Police Auditor and General Counsel were effective 3/5/12

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/7/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate and Property Development Signature/Date: 6/4/12	General Counsel 6/5/12 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 6-4-12 [ ]

Status: Routed	Date Created: 05/24/2012

TITLE:

Condemnation of Real Property for the Warm Springs Extension Project (WSX) BART Parcel J-2033-1A, -1B, -2A & -3A

NARRATIVE:

PURPOSE:

To adopt by a two-thirds vote of the entire Board the attached Resolution of Necessity to Condemn fee simple, slope and drainage easement and temporary construction easement interest in real property located at the southeast corner of Osgood Road and South Grimmer Boulevard and adjacent to Warm Springs Blvd, Fremont, California 94539. This property is required for the Warm Springs Extension Project.

DISCUSSION:

The San Francisco Bay Area Rapid Transit District ("BART") proposes to purchase certain real property interests for the purpose of constructing a rail extension from the existing Fremont Station site south to the Warm Springs District in Fremont ("WSX" or the "Project"). The Project requires the acquisition of approximately 60,927 square feet in fee, approximately 5,751 square feet in slope and drainage easement and approximately 8,441 square feet in temporary easement of a 36.1 ± acre property owned by Warm Springs Station LLC. It is located at the southeast corner of Osgood Road and South Grimmer Boulevard, Fremont, California 94539 (BART Parcel J-2033-1A, -1B, -2A & -3A or the "Subject Parcel").

The Board certified a California Environmental Quality Act ("CEQA") Final Environmental Impact Report ("FEIR") on September 15, 1992, and a Supplemental Environmental Impact Report ("SEIR") on June 26, 2003, adopting the Project on those respective dates. Thereafter, the Federal Transit Administration ("FTA"), as lead federal agency, and BART released a Final Environmental Impact Statement ("FEIS") for the Warm Springs Extension Project in July 2006. The FTA issued a Record of Decision on October 24, 2006.

The proposed use of the Subject Parcel is for street widening and improvements to Warm Springs Blvd for the development of the Warm Springs Station. Project features proposed on and near this parcel have been specifically planned and located in an attempt to meet Project needs in the most beneficial and least environmentally harmful way possible.

The uses to be located on the Subject Parcel, particularly the street improvements, are necessary

for the successful construction of the Project and the safe and efficient operation of the BART system. The Subject Parcel is uniquely suited to support these Project purposes.

The offer required by Section 7267.2 of the Government Code has been made to the owners of record of the Subject Parcel on April 25, 2012. The estimated market value of the Subject Parcel is $388,000.00.

To date, negotiations appear to be at an impasse. The property owners have been notified of the Board hearing on June 14, 2012.

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

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
3. The proposed property acquisition is necessary for said project.
4. Whether the offer required by Government Code section 7267.2 has been made to all owners of record or the offer has not been made because the owner cannot be located with reasonable diligence.

FISCAL IMPACT:

Funding of $388,000 for the procurement of Real Property for the Warm Springs Extension Project (WSX) will come from project budget 02EC000 ROW Acquisition WSX D/B. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 5/29/12, $83,131,543 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
555N	State	CTC TCRP - WSX	$44,389,516
555V	State	CTC TCRP – WSX SUPL #04A0076-03	$742,027
659M	State/Local	ACTIA – Warm Springs Extension	$38,000,000
		Total	$83,131,543

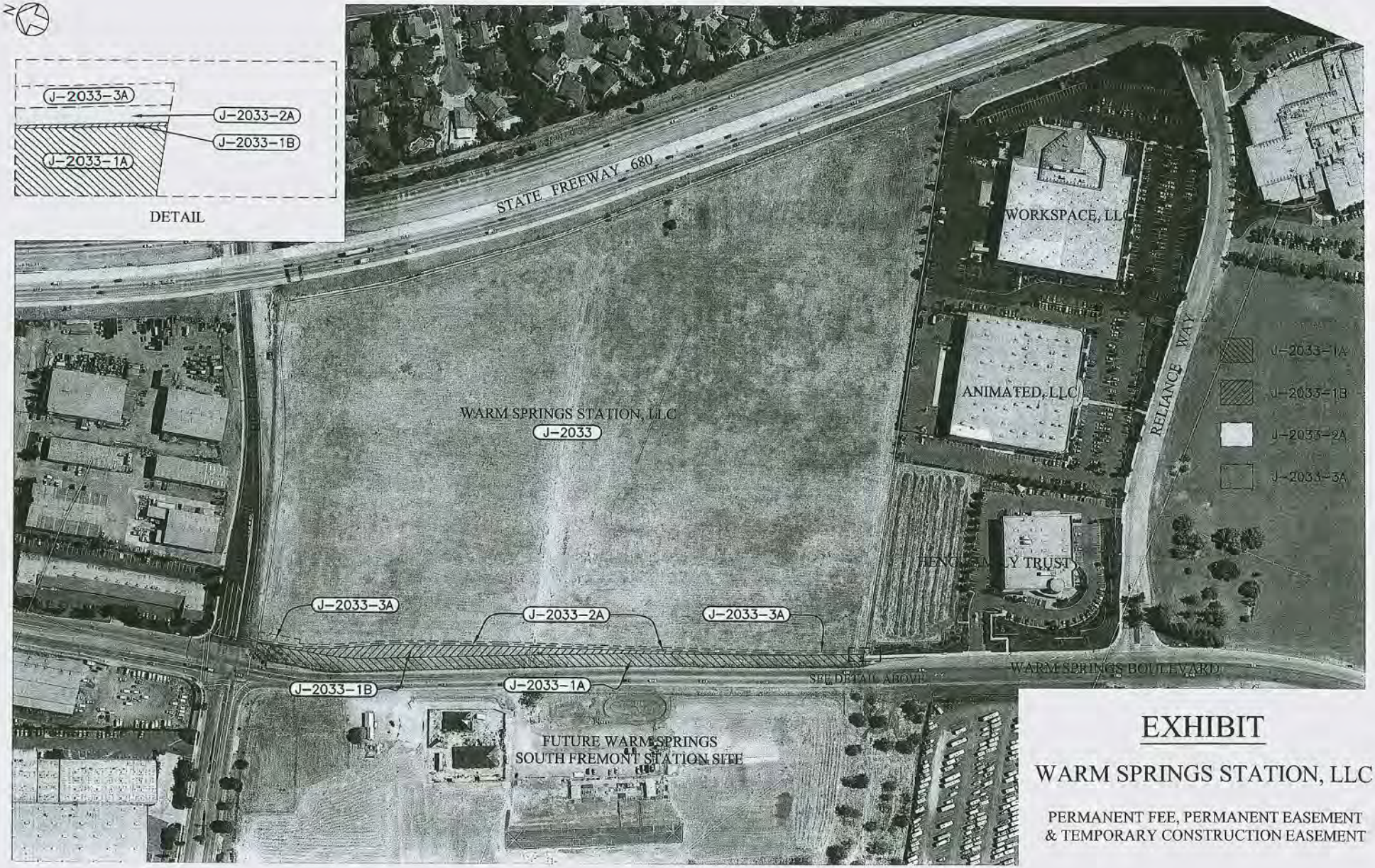
BART has expended $61,203,198, committed $5,472,007, and reserved $0 to date. This action will commit $388,000 leaving an available fund balance of $16,068,338.

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

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

RECOMMENDATIONS:
Adoption of the attached Resolution of Necessity to condemn the Real Property.

MOTION:
Adoption of the attached resolution, RESOLUTION OF NECESSITY TO CONDEMN REAL PROPERTY; MAKE FINDINGS AND DETERMINATIONS; AUTHORIZE EMINENT DOMAIN PROCEEDINGS AND APPLICATION FOR POSSESSION PRIOR TO JUDGMENT FOR BART PARCELS J-2033-1A, -1B, -2A & -3A; DRAW AND DEPOSIT WARRANT. (Two-thirds vote required.)



EXHIBIT

WARM SPRINGS STATION, LLC

PERMANENT FEE, PERMANENT EASEMENT
& TEMPORARY CONSTRUCTION EASEMENT

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

RESOLUTION OF NECESSITY TO CONDEMN REAL PROPERTY; MAKE FINDINGS AND DETERMINATIONS; AUTHORIZE EMINENT DOMAIN PROCEEDINGS AND APPLICATION FOR POSSESSION PRIOR TO JUDGMENT FOR BART PARCELS J-2033-1A, -1B, -2A & -3A; DRAW AND DEPOSIT WARRANT /)	Resolution No.

Recitals

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

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

3. The Project requires the acquisition of certain property owned by Warm Springs Station, LLC ("WSS") that is defined in paragraph 5 of these Recitals as the Subject Property.

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

5. The District desires to acquire for public use, by exercise of the power of eminent domain, property interests, to wit, fee title, slope and drainage easement and temporary construction easement, together with all improvements situated thereon and together with all rights appurtenant thereto, to certain real property owned in fee simple by WSS, as its interests appear of record, which real property, or interests in property, is located at the South East corner of South Grimmer Blvd and Warm Springs Blvd, Fremont, California, 94539, and is identified as BART Parcel Numbers J-2033-1A, -1B, -2A & -3A (Assessor's Parcel Number 519-1310-034-11), and is more particularly described and shown in Exhibits A and B, attached hereto and incorporated herein by this reference (the "Subject Property"). Parcels J-2033-1A and J-2033-1B are to be acquired in fee, together with any improvements thereon. Parcel J-2033-2A is to be acquired as a slope and drainage easement. Parcel J-2033-3A is to be acquired as a temporary construction easement.

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

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

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

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

1. The public interest and necessity require the proposed Project;
2. The proposed Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The Subject Property is necessary for the proposed Project;
4. The offer required by Section 7267.2 of the California Government Code has been made to all owners of record;
5. The District has complied with all conditions and statutory requirements, including those prescribed by CEQA, that are necessary to exercise the power of eminent domain to acquire the Subject Property;
6. The Subject Property is being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the District's use of the Subject Property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future;
7. The Subject Property is being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the District's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

San Francisco Bay Area Rapid Transit District, Office of the General Counsel, is hereby AUTHORIZED AND EMPOWERED:

To acquire in the name of the San Francisco Bay Area Rapid Transit District, by

condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California.

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

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

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

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

# # #

LEGAL DESCRIPTION
WARM SPRINGS STATION, LLC
PORTION OF APN 519-1310-034-11
ALAMEDA COUNTY
CITY OF FREMONT, CALIFORNIA

May 02, 2012

Being a portion of that certain real property as described in that certain Grant Deed to Warm Springs Station, LLC recorded August 22, 2003 as Document No. 2003498051 Official Records in the Office of the Recorder of Alameda County, State of California being more particularly described as follows:

BEGINNING at the southwesterly corner of said document (2003498051) being a point on the easterly right of way line of Warm Springs Boulevard; thence along the westerly line of said document (2003498051) being the easterly right of way line of said Warm Springs Boulevard the following six (6) courses: North 23° 09' 23" West 25.03 feet to a point of curvature of a curve concave northeasterly having a radius of 7,975.01 feet; along said curve concave northeasterly through a central angle of 2° 33' 45" an arc length of 356.67 feet to a point of reverse curvature of a curve concave southwesterly having a radius of 8,024.01 feet; along said curve concave southwesterly through a central angle of 2° 33' 45" an arc length of 358.87 feet; North 23° 09' 23" West 522.48 feet; North 12° 15' 08" West 150.39 feet to a point of curvature of a curve concave southeasterly having a radius of 38.00 feet; along said curve concave southeasterly through a central angle of 43° 12' 17" an arc length of 28.65 feet to the northwesterly corner of said document (2003498051) being a point on the southerly right of way line of Grimmer Boulevard; thence along the northerly line of said document (2003498015) being the southerly right of way line of said Grimmer Boulevard North 77° 26' 08" East 26.64 feet; thence through the interior of said document (2003498051) the following six (6) courses: South 12° 15' 08" East 165.41 feet to a point of curvature of a curve concave easterly having a radius of 547.00 feet; along said curve concave easterly through a central angle of 10° 54' 15" an arc length of 104.10 feet; South 23° 09' 23" East 422.96 feet to a point of curvature of a curve concave southwesterly having a radius of 8,052.51 feet; along said curve concave southwesterly through a central angle of 2° 33' 45" an arc length of 360.14 feet to a point of reverse curvature of a curve concave northeasterly having a radius of 7,946.51 feet; along said curve concave northeasterly through a central angle of 2° 33' 45" an arc length of 355.40 feet; South 23° 09' 23" East 30.35 feet to a point on the southerly line of said document (2003498051); thence along the southerly line of said document (2003498051) South 77° 24' 37" West 28.99 feet to the **POINT OF BEGINNING**.

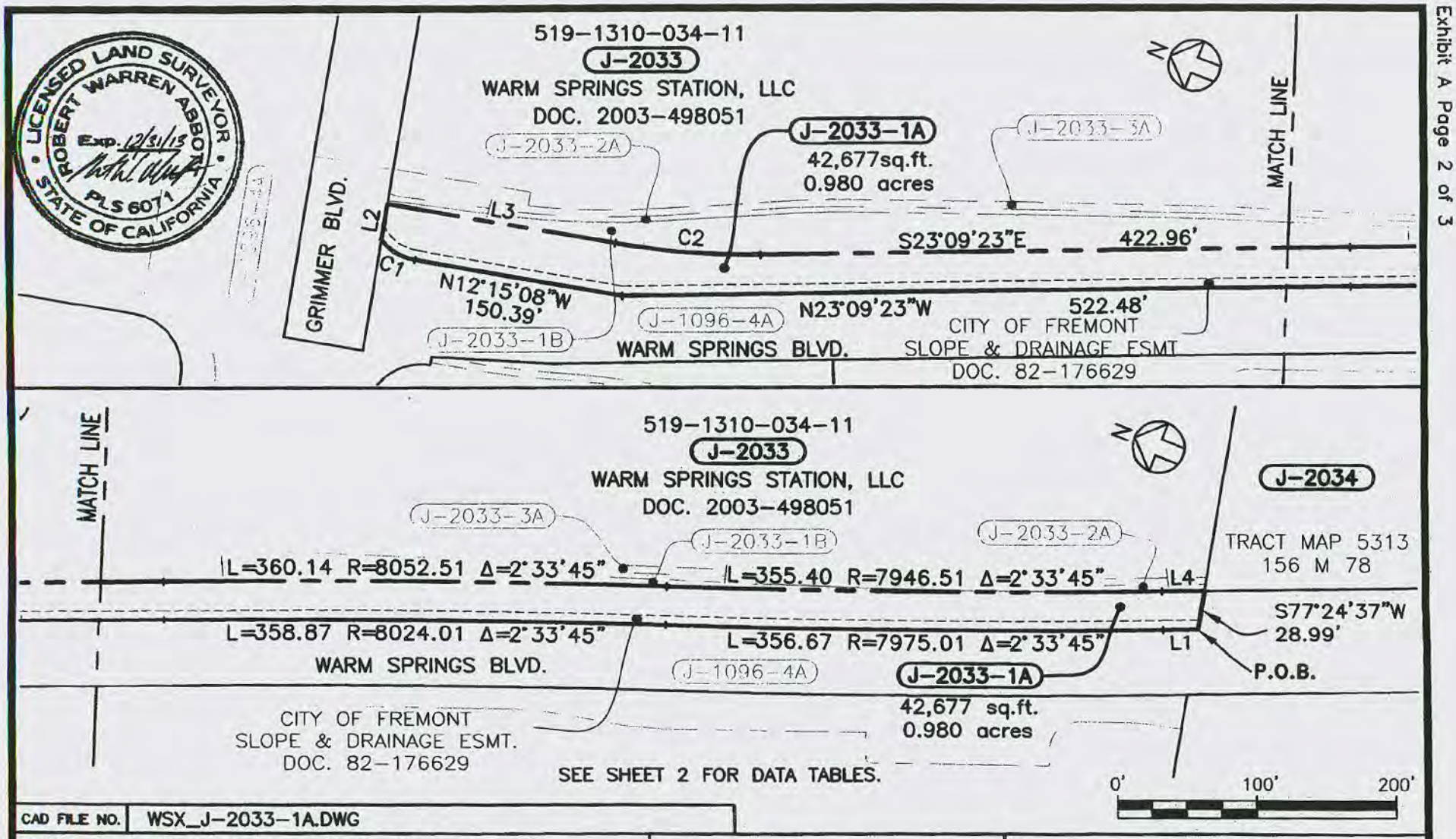
Containing 42,677 square feet of land (0.980 acre) more or less.

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

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

Date of signature and seal: MAY 02, 2012

LICENSED LAND SURVEYOR
ROBERT WARREN ABBOTT
EXP. 12/31/13
PLS 6071
STATE OF CALIFORNIA



CAD FILE NO.	WSX_J-2033-1A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051),
FEE TAKE AREA

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

BART

SCALE: 1"=100' | DATE: 05-02-12

PLAT MAP

CO. ALA.	RTE. WSX	Sheet 1 of 2

DR. NO. WSX_J-2033-1A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°09'23"W	25.03'
L2	N77°26'08"E	26.64'
L3	S12°15'08"E	165.41'
L4	S23°09'23"E	30.35'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	28.65'	38.00'	43°12'17"
C2	104.10'	547.00'	10°54'15"

CAD FILE NO. WSX_J-2033-1A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051),
FEE TAKE AREA

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

BART

SCALE: NONE | DATE: 05-02-12

PLAT MAP

CO. ALA. | RTE. WSX | Sheet 2 of 2

DR. NO. WSX_J-2033-1A

LEGAL DESCRIPTION
WARM SPRINGS STATION, LLC
PORTION OF APN 519-1310-034-11
ALAMEDA COUNTY
CITY OF FREMONT, CALIFORNIA

May 02, 2012

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COMMENCING at the southwesterly corner of said document (2003498051) being a point on the easterly right of way line of Warm Springs Boulevard; thence along the southerly line of said document (2003498051) North 77° 24' 37" East 28.99 feet to the **POINT OF BEGINNING**; thence through the interior of said document (2003498051) the following six (6) courses: North 23° 09' 23" West 30.35 feet to a point of curvature of a curve concave northeasterly having a radius of 7,946.51 feet; along said curve concave northeasterly through a central angle of 2° 33' 45" an arc length of 355.40 feet to a point of reverse curvature of a curve concave southwesterly having a radius of 8,052.51 feet; along said curve concave southwesterly through a central angle of 2° 33' 45" an arc length of 360.14 feet; North 23° 09' 23" West 422.96 feet to a point of curvature of a curve concave easterly having a radius of 547.00 feet; along said curve concave easterly through a central angle of 10° 54' 15" an arc length of 104.10 feet; North 12° 15' 08" West 165.41 feet to a point on the southerly right of way line of Grimmer Boulevard being the northerly line of said document (2003498015); thence along the northerly line of said document (2003498015) being the southerly right of way line of said Grimmer Boulevard North 77° 26' 08" East 2.64 feet; thence through the interior of said document (2003498051) the following nine (9) courses: South 14° 37' 42" East 81.76 feet to a point of curvature of a curve concave northeasterly having a radius of 592.00 feet; along said curve concave northeasterly through a central angle of 11° 13' 05" an arc length of 115.91 feet; South 25° 50' 47" East 90.07 feet to a point of curvature of a curve concave southwesterly having a radius of 528.00 feet; along said curve concave southwesterly through a central angle of 4° 21' 33" an arc length of 40.17 feet; South 21° 29' 14" East 126.34 feet; South 21° 11' 06" East 118.46 feet; South 20° 03' 53" East 621.43 feet to a point of curvature of a curve concave northeasterly having a radius of 2,989.00 feet; along said curve concave northeasterly through a central angle of 3° 08' 45" an arc length of 164.11 feet; thence South 23° 12' 38" East 78.35 feet to a point on the southerly line of said document (2003498015); thence along the southerly line of said document (2003498015) South 77° 24' 37" West 0.79 feet to the **POINT OF BEGINNING**.

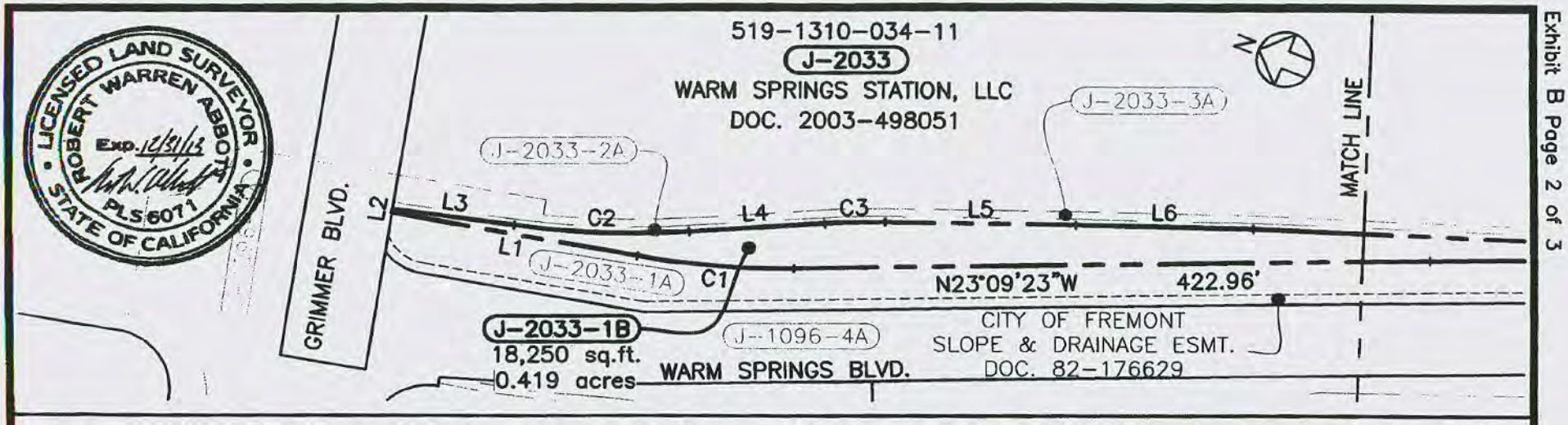
Containing 18,250 square feet of land (0.419 acre), more or less.

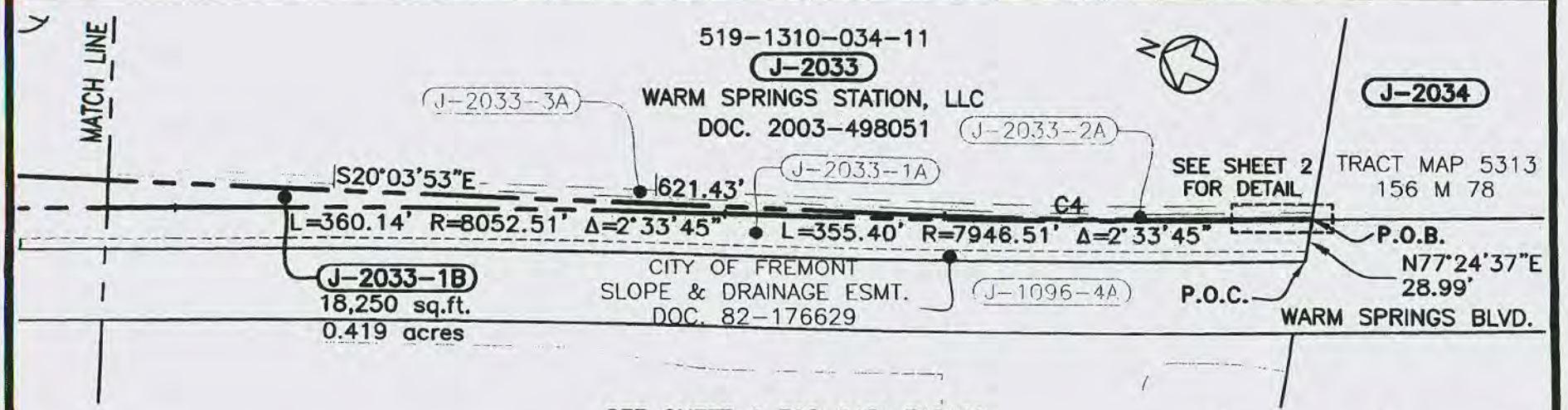
A Plat Map is attached hereto and made a part hereof.

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

LICENSED LAND SURVEYOR
ROBERT WARREN ABBOTT
Exp 12/31/13
PLS 8071
STATE OF CALIFORNIA

Date of signature and seal: MAY 02, 2012





SEE SHEET 2 FOR DATA TABLES.

0' 100' 200'

CAD FILE NO.	WSX_J-2033-1B.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051),
FEE TAKE AREA

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

BART

SCALE: 1"=100' | DATE: 05-02-12

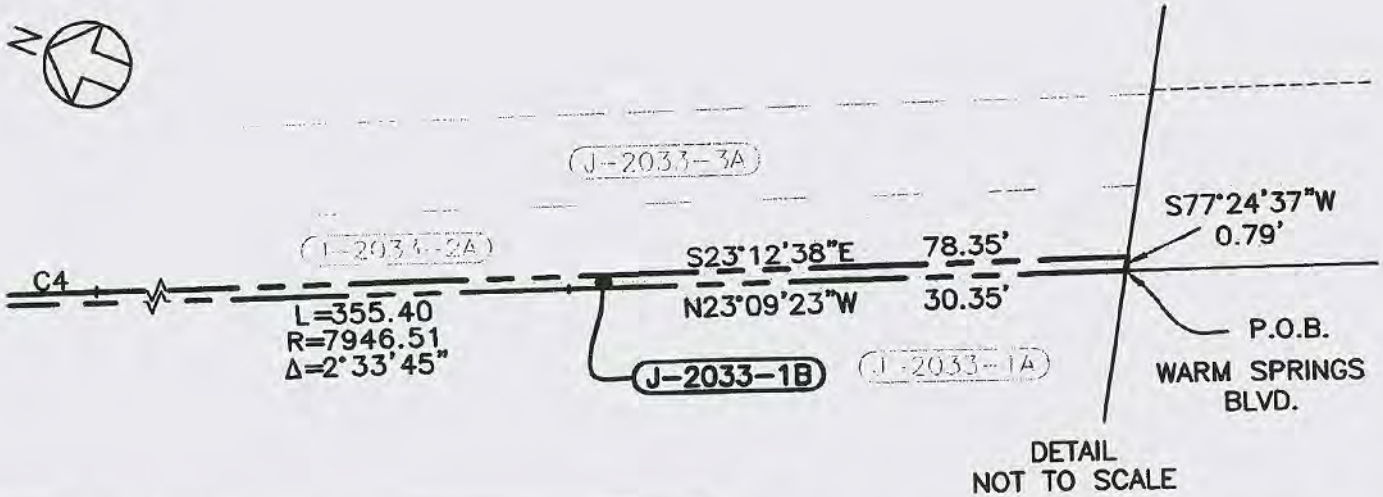
PLAT MAP

CO. ALA.	RTE. WSX	Sheet 1 of 2

DR. NO. WSX_J-2033-1B

LINE TABLE		
LINE	BEARING	LENGTH
L1	N12°15'08"W	165.41'
L2	N77°26'08"E	2.64'
L3	S14°37'42"E	81.76'
L4	S25°50'47"E	90.07'
L5	S21°29'14"E	126.34'
L6	S21°11'06"E	118.46'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	104.10'	547.00'	10°54'15"
C2	115.91'	592.00'	11°13'05"
C3	40.17'	528.00'	4°21'33"
C4	164.11'	2989.00'	3°08'45"



CAD FILE NO. WSX_J-2033-1B.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051),
FEE TAKE AREA

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

BART

SCALE: NONE | DATE: 05-02-12

PLAT MAP

CO. ALA.	RTE. WSX	Sheet 2 of 2

DR. NO. WSX_J-2033-1B

LEGAL DESCRIPTION
WARM SPRINGS STATION, LLC
PORTION OF APN 519-1310-034-11
ALAMEDA COUNTY
CITY OF FREMONT, CALIFORNIA

May 02, 2012

Being a portion of that certain real property as described in that certain Grant Deed to Warm Springs Station, LLC recorded August 22, 2003 as Document No. 2003498051 Official Records in the Office of the Recorder of Alameda County, State of California being more particularly described as follows:

COMMENCING at the southwesterly corner of said document (2003498051) being a point on the easterly right of way line of Warm Springs Boulevard; thence along the southerly line of said document (2003498051) North 77° 24' 37" East 29.78 feet to the **POINT OF BEGINNING**; thence through the interior of said document (2003498051) the following nine (9) courses: North 23° 12' 38" West 78.35 feet to a point of curvature of a curve concave northeasterly having a radius of 2,989.00 feet; along said curve concave northeasterly through a central angle of 3° 08' 45" an arc length of 164.11 feet; North 20° 03' 53" West 621.43 feet; North 21° 11' 06" West 118.46 feet; North 21° 29' 14" West 126.34 feet to a point of curvature of a curve concave southwesterly having a radius of 528.00 feet; along said curve concave southwesterly through a central angle of 4° 21' 33" an arc length of 40.17 feet; North 25° 50' 47" West 90.07 feet to a point of curvature of a curve concave northeasterly having a radius of 592.00 feet; along said curve concave northeasterly through a central angle of 11° 13' 05" an arc length of 115.91 feet; North 14° 37' 42" West 81.76 feet to a point on the southerly right of way line of Grimmer Boulevard being the northerly line of said document (2003498015); thence along the northerly line of said document (2003498015) being the southerly right of way line of said Grimmer Boulevard North 77° 26' 08" East 5.33 feet to a point of a non-tangent curve concave easterly to which a radial line bears North 85° 54' 05" West; thence through the interior of said document (2003498051) the following ten (10) courses: along said non-tangent curve concave easterly having a radius of 25.00 feet through a central angle of 18° 43' 37" an arc length of 8.17 feet; South 14° 37' 42" East 73.54 feet to a point of curvature of a curve concave northeasterly having a radius of 588.00 feet; along said curve concave northeasterly through a central angle of 11° 13' 05" an arc length of 115.13 feet; South 25° 50' 47" East 90.07 feet to a point of curvature of a curve concave southwesterly having a radius of 532.00 feet; along said curve concave southwesterly through a central angle of 4° 21' 33" an arc length of 40.48 feet; South 21° 29' 14" East 126.36 feet; South 21° 11' 06" East 118.62 feet; South 20° 03' 53" East 621.36 feet to a point of curvature of a curve concave northeasterly having a radius of 2,985.00 feet; along said curve concave northeasterly through a central angle of 3° 08' 45" an arc length of 163.89 feet; South 23° 12' 38" East 79.10 feet to a point on the southerly line of said document (2003498015); thence along the southerly line of said document (2003498015) South 77° 24' 37" West 4.07 feet to the **POINT OF BEGINNING**.

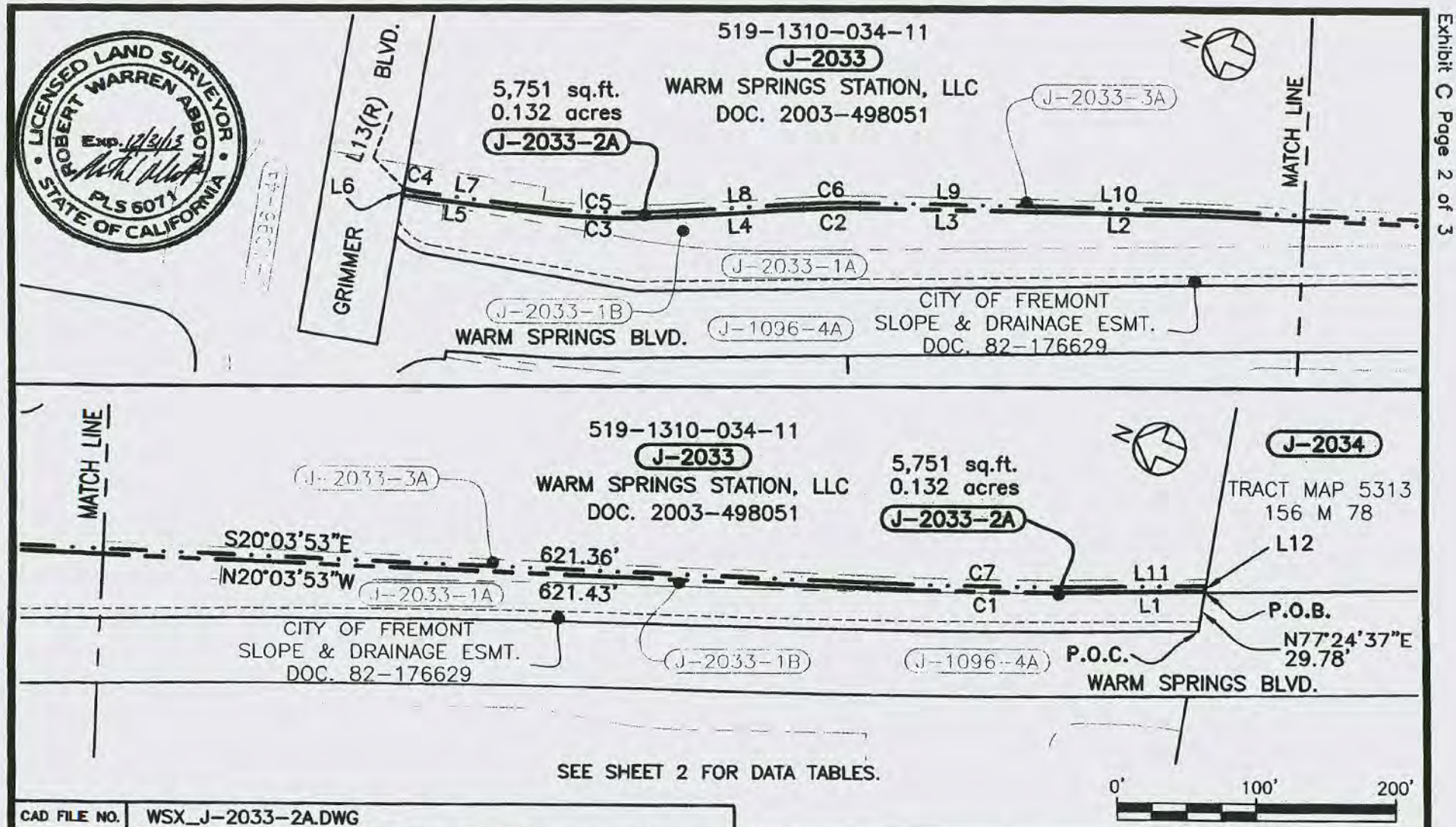
Containing 5,751 square feet of land (0.132 acre), more or less.

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

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

LICENSED LAND SURVEYOR
ROBERT WARREN ABBOTT
Exp. 12/31/13
PLS 6071
STATE OF CALIFORNIA

Date of signature and seal: MAY 02, 2012



CAD FILE NO.	WSX_J-2033-2A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051), PERMANENT EASEMENT

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

BART

SCALE: 1"=100' | DATE: 05-02-12

PLAT MAP

CO. ALA.	RTE. WSX	Sheet 1 of 2

DR. NO. WSX_J-2033-2A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°12'38"W	78.35'
L2	N21°11'06"W	118.46'
L3	N21°29'14"W	126.34'
L4	N25°50'47"W	90.07'
L5	N14°37'42"W	81.76'
L6	N77°26'08"E	5.33'
L7	S14°37'42"E	73.54'
L8	S25°50'47"E	90.07'
L9	S21°29'14"E	126.36'
L10	S21°11'06"E	118.62'
L11	S23°12'38"E	79.10'
L12	S77°24'37"W	4.07'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	164.11'	2989.00'	3°08'45"
C2	40.17'	528.00'	4°21'33"
C3	115.91'	592.00'	11°13'05"
C4	8.17'	25.00'	18°43'37"
C5	115.13'	588.00'	11°13'05"
C6	40.48'	532.00'	4°21'33"
C7	163.89'	2985.00'	3°08'45"

RADIAL LINE TABLE	
LINE	BEARING
L13	S85°54'05"E

CAD FILE NO. WSX_J-2033-2A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051), PERMANENT EASEMENT

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

BART

SCALE: NONE | DATE: 05-02-12

PLAT MAP

CO. ALA. | RTE. WSX | Sheet 2 of 2

DR. NO. WSX_J-2033-2A

LEGAL DESCRIPTION
WARM SPRINGS STATION, LLC
PORTION OF APN 519-1310-034-11
ALAMEDA COUNTY
CITY OF FREMONT, CALIFORNIA

May 02, 2012

Being a portion of that certain real property as described in that certain Grant Deed to Warm Springs Station, LLC recorded August 22, 2003 as Document No. 2003498051 Official Records in the Office of the Recorder of Alameda County, State of California being more particularly described as follows:

COMMENCING at the southwesterly corner of said document (2003498051) being a point on the easterly right of way line of Warm Springs Boulevard; thence along the southerly line of said document (2003498051) North 77° 24' 37" East 33.85 feet to the **POINT OF BEGINNING**; thence through the interior of said document (2003498051) the following ten (10) courses: North 23° 12' 38" West 79.10 feet to a point of curvature of a curve concave northeasterly having a radius of 2,985.00 feet; along said curve concave northeasterly through a central angle of 3° 08' 45" an arc length of 163.89 feet; North 20° 03' 53" West 621.36 feet; North 21° 11' 06" West 118.62 feet; North 21° 29' 14" West 126.36 feet to a point of curvature of a curve concave southwesterly having a radius of 532.00 feet; along said curve concave southwesterly through a central angle of 4° 21' 33" an arc length of 40.48 feet; North 25° 50' 47" West 90.07 feet to a point of curvature of a curve concave northeasterly having a radius of 588.00 feet; along said curve concave northeasterly through a central angle of 11° 13' 05" an arc length of 115.13 feet; North 14° 37' 42" West 73.54 feet to a point of curvature of a curve concave easterly having a radius of 25.00 feet; along said curve concave easterly through a central angle of 18° 43' 37" an arc length of 8.17 feet to a point on the southerly right of way line of Grimmer Boulevard being the northerly line of said document (2003498015); thence along the northerly line of said document (2003498015) being the southerly right of way line of said Grimmer Boulevard North 77° 26' 08" East 18.11 feet; thence through the interior of said document (2003498051) the following ten (10) courses: South 12° 33' 52" East 100.00 feet; South 77° 26' 08" West 10.53 feet to a point of a non-tangent curve concave northeasterly to which a radial line bears South 73° 32' 22" West; along said non-tangent curve concave northeasterly having a radius of 583.00 feet through a central angle of 9° 23' 09" an arc length of 95.50 feet; South 25° 50' 47" East 90.07 feet to a point of curvature of a curve concave southwesterly having a radius of 537.00 feet; along said curve concave southwesterly through a central angle of 4° 21' 33" an arc length of 40.86 feet; South 21° 29' 14" East 126.37 feet; South 21° 11' 06" East 118.68 feet; South 20° 03' 53" East 621.41 feet to a point of curvature of a curve concave northeasterly having a radius of 2,980.00 feet; along said curve concave northeasterly through a central angle of 3° 08' 45" an arc length of 163.62 feet; South 23° 12' 38" East 80.04 feet to a point on the southerly line of said document (2003498015); thence along the southerly line of said document (2003498015) South 77° 24' 37" West 5.09 feet to the **POINT OF BEGINNING**.

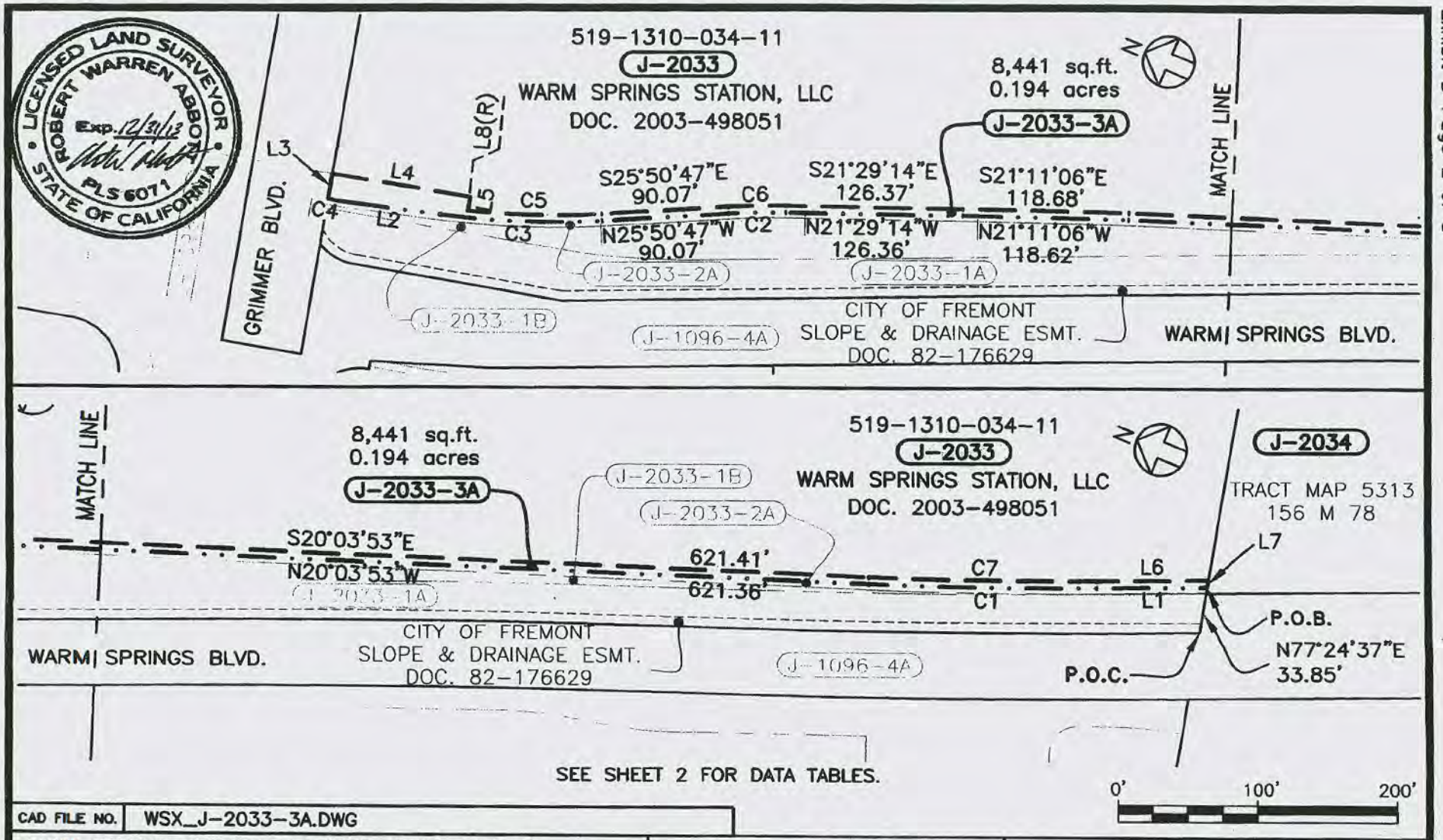
Containing 8,441 square feet of land (0.194 acre), more or less.

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

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

LICENSED LAND SURVEYOR
ROBERT WARREN ABBOTT
Exp. 12/31/13
PLS 6071
STATE OF CALIFORNIA

Date of signature and seal: MAY 02, 2012



CAD FILE NO.	WSX_J-2033-3A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051), TEMPORARY CONSTRUCTION AREA.

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

BART

SCALE: 1"=100' | DATE: 05-02-12

PLAT MAP

CO. ALA.	RTE. WSX	Sheet 1 of 2

DR. NO. WSX_J-2033-3A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°12'38"W	79.10'
L2	N14°37'42"W	73.54'
L3	N77°26'08"E	18.11'
L4	S12°33'52"E	100.00'
L5	S77°26'08"W	10.53'
L6	S23°12'38"E	80.04'
L7	S77°24'37"W	5.09'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	2985.00'	3°08'45"	163.89'
C2	532.00'	4°21'33"	40.48'
C3	588.00'	11°13'05"	115.13'
C4	25.00'	18°43'37"	8.17'
C5	583.00'	9°23'09"	95.50'
C6	537.00'	4°21'33"	40.86'
C7	2980.00'	3°08'45"	163.62'

RADIAL LINE TABLE	
LINE	BEARING
L8	N73°32'22"E

CAD FILE NO. WSX_J-2033-3A.DWG

WARM SPRINGS STATION, LLC (DOC. 2003-498051), TEMPORARY CONSTRUCTION AREA.

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

BART

SCALE: NONE | DATE: 05-02-12

PLAT MAP

CO. ALA. | RTE. WSX | Sheet 2 of 2

DR. NO. WSX_J-2033-3A

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization
DATE: 6/7/12	BOARD INITIATED ITEM: No

Originator/Prepared by: Sharon Moore Dept: Office of Civil Rights Signature/Date: 6/7/12	General Counsel	Controller/Treasurer [ ]	District Secretary 06/08/12 [ ]	BARC 6-7-12 [ ]

Status: **Routed**	Date Created: **05/29/2012**

TITLE:

Adoption of Environmental Justice Policy

NARRATIVE:

Purpose:

To request Board approval of a new Environmental Justice (EJ) Policy.

Discussion:

In early 2010, the Board requested that staff develop an Environmental Justice Policy for the District. In July, 2010, staff presented a draft Environmental Justice Policy to the Board. The Board requested that staff solicit public input on the draft EJ Policy prior to finalizing the Policy. Additionally, the Board requested that staff develop benchmarks, metrics and measures, to evaluate the District's performance in incorporating Environmental Justice principles into its transportation decision-making process.

In developing this Policy, staff conducted extensive public participation including ten (10) community meetings in March 2012, throughout the BART service area. Staff also conducted focus group meetings with local community-based organizations that represent minority, low-income, and limited English proficient populations, such as Public Advocates, Urban Habitat, Catholic Charities, Lao Family, La Raza de la Clinica, Spanish Speaking Unity Council, Chinese for Affirmative Action, and Chinatown Community Development Center. Additionally, staff held numerous meetings with key internal stakeholders from various departments including: Planning, Financial Planning, Operations Planning, Grants, Government & Community Relations, and Transit System Development. Input from these internal and external stakeholders were taken into consideration in the development of this Policy.

Environmental justice principles are incorporated into the Federal Transit Administration's (FTA) Title VI Circular 4702.1A and the Department of Transportation's Order on Environmental Justice 5610.2.

The District's Environmental Justice Policy expressly refers to many of the principles identified in these regulations and is developed with the intent of full compliance with these environmental

justice regulations.

While the District has been practicing principles of environmental justice, the Board has not previously adopted a formal District commitment to furthering environmental justice principles.

Fiscal Impact:

There is no immediate fiscal impact associated with adoption of the Environmental Justice Policy. While the Environmental Justice Policy will not impose a fiscal impact, implementation and support of the Policy will require a financial commitment from the District. The fiscal impact will depend on the nature of the proposed program, plan or policy.

Alternative:

Do not adopt an Environmental Justice Policy, or defer adoption of a Policy to a later date.

Recommendation:

It is recommended that the Board adopt the following motion.

Motion:

The Board adopts the attached Environmental Justice Policy.

ENVIRONMENTAL JUSTICE POLICY

The San Francisco Bay Area Rapid Transit District (District) is committed to taking reasonable steps in order to ensure equitable public transportation service and to provide full and fair participation by minority and low-income populations in transportation decision-making.

Statement of Policy:

It is the policy of the District that no segment of the population shall, because of race, ethnicity, national origin, or socioeconomic characteristics, bear a disproportionate share of adverse effects, nor be denied equal access to benefits resulting from changes to District's services, capital programs, plans or policies.

Environmental Justice Guiding Principles

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In support of these guiding principles, the District will take reasonable steps to incorporate the following objectives into the District's transportation decision-making process:

- Ensure that the level and quality of transportation service is provided without regard to race, ethnicity, national origin, or socioeconomic characteristics.
- Ensure that decisions related to vehicle replacement and new investments, or changes in transit facilities, deliver equitable levels of service and benefits to minority and low-income populations.
- Provide early, continuous, and meaningful public access to the transportation decision-making processes for all interested parties, including minority and low-income populations.
- Seek out and consider the input of minority and low-income populations in the transportation planning and decision-making process.
- Propose mitigation measures or consider alternative approaches for public consideration when disproportionately high and adverse impacts on minority or low-income populations are identified.

The District's Environmental Justice Policy applies to transportation decisions including station upgrades and modernization, station amenities, and/or service level improvements. To the extent permitted by law and relevant federal and state regulations, the District's Environmental Justice Policy is not applicable to any of the following activities that the District may undertake:

- In-kind replacements of existing system operating infrastructure.
- Regular maintenance of existing system operating infrastructure.
- Planning and implementation of projects resulting from homeland security measures.
- Implementation of revenue security measures that deter fare evasion.
- Minor adjustments to service schedules, which do not significantly impact the number of stops at any station or the hours in which service is operated.
- Post-disaster responses to force majeure events such as an earthquake or wildfire.
- Changes resulting from failures or closures of competing infrastructure including, but not limited to, bridges, tunnels or highways.
- Discontinuance of a temporary or demonstration service change that has been in effect for less than 180 days.
- Policies approved by the Board prior to the date of the adoption of this Policy.

Advisory Committee:

In order to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process, the Office of Civil Rights will create an Advisory Committee (Committee). The Committee's main charge is to:

- Ensure that the District is taking reasonable steps to incorporate Environmental Justice Policy principles in its transportation decisions,
- Provide input on the most effective methods to engage with and respond to Environmental Justice populations, and
- Provide input on transportation decisions.

The Committee will be diverse and representative of the low-income, minority, and limited English proficient populations within the District's service area.

The District's Environmental Justice Policy may be revised periodically by the Board of Directors.

Office of Civil Rights
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 874-7333
(510) 464-7587 (fax)
officeofcivilrights@bart.gov

bd

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: c 6/8/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olga Perez Dept: TSD Signature/Date: 6/8/2012	General Counsel 6/8/12	Controller/Treasurer [ ]	District Secretary [ ]	BARC 6/7/12 [ ]

TITLE:

Award of Contract No. 04SF-120 for Construction of East Contra Costa BART Extension Project Parking Lot and Maintenance Facility

NARRATIVE:

PURPOSE

To obtain Board authorization for the General Manager to Award Contract No. 04SF-120, Construction of East Contra Costa BART Extension Project Parking Lot and Maintenance Facility.

DISCUSSION

Contract No. 04SF-120 provides for the construction of a parking lot and maintenance facility for the eBART Project.

The eBART Project consists of an approximately ten-mile extension of the BART system, using Diesel Multiple Unit ("DMU") technology, from the existing BART Pittsburg/Bay Point BART Station to a station in the median of State Route 4 ("SR4") in the vicinity of Hillcrest Avenue in the City of Antioch. The Project adopted by the BART Board on April 23, 2009 included a transfer platform at the existing BART Pittsburg/Bay Point Station, ten miles of track in the SR4 median, a new station at Railroad Avenue, a new station at Hillcrest Avenue, tail tracks in the median east of Hillcrest Avenue and a maintenance facility and parking lot on the northeast side of the SR4 interchange with Hillcrest Avenue. The Project is in construction now with work underway for the transfer platform since January 2011. The transfer platform located at the BART Pittsburg/Bay Point Station will allow the transfer of passengers from the BART train to the eBART train.

On April 28, 2011, the BART Board of Directors approved an Addendum to the FEIR, authorizing the revision of several aspects of the Project (the "Revised Project"). The Revised Project takes a phased approach, with all elements of the Project, excluding the Railroad Avenue Station, to be constructed as the first phase. The Railroad Avenue Station would be constructed at a later time when funding becomes available.

An Advance Notice to Bidders for Contract No. 04SF-120 was mailed on March 5, 2012 to 305 firms that included relevant construction disciplines. Bid Documents were sent to 23 plan rooms. The Contract was advertised on March 7, 2012 in various publications and newspapers.

A total of 43 firms purchased copies of the Contract Documents. The pre-Bid meeting was held on April 12, 2012 with a total of 23 interested Bidders in attendance. In addition, the Office of Civil Rights conducted Pre-Bid Matchmaking Sessions on March 28, 2012 and April 9, 2012.

Review of the Bids by District staff revealed that the apparent low Bidder is Lathrop Construction Associates, Inc. Furthermore, the Bids submitted by Zovich & Sons, Inc. and Proven Management, Inc. contained arithmetical errors in the Bid Item totals and/or in the Total Bid Price. Paragraph 14.B Evaluation, of the Instructions to Bidders in the Contract provides that item totals are provided by the Bidder for the convenience of the District, and that the District will calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. Tabulation of the corrected Bids is included below, including the Engineer's Estimate. A total of seven (7) Bids were received on May 8, 2012, as follows:

BIDDER	LOCATION	BID PRICE
1. Lathrop Construction Associates, Inc.	Benicia, CA	$23,606,745
2. Arntz Builders, Inc.	Novato, CA	$24,074,489
3. Flintco Pacific, Inc.	Roseville, CA	$24,700,000
4. Roebbelen Contracting, Inc.	El Dorado Hills, CA	$25,346,613
5. F&H Construction, Inc.	Lodi, CA	$26,117,000
6. Zovich & Sons, Inc.	Hayward, CA	$27,103,650
7. Proven Management, Inc.	San Francisco, CA	$31,671,000

Engineer's Estimate **$31,215,411**

The apparent low Bid submitted by Lathrop Construction Associates, Inc. (Lathrop) is 24% below the Engineer's Estimate. Bids were evaluated, as stated in the Contract Documents and Staff determined that the Bid Price of $23,606,745 submitted by Lathrop Construction Associates, Inc., is fair and reasonable based upon adequate price competition and is responsive to the solicitation. A review of the business experience and financial capabilities resulted in a determination that Lathrop Construction Associates, Inc. is responsible.

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 committed to 1.9% for MBEs and 14.7% for WBEs. The Bidder did not meet the MBE percentage, therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Small Business (SB) Program, the Small Business Participation goal for the Contract is 15% of the Total Bid Price. The Bidder committed to 20.4% Small Business participation. Since Lathrop is the lowest responsive Bidder, and it exceeds the SB participation goal, the application of the SB Program will not alter the award to Lathrop.

This is the first Contract to be considered for Award under the eBART Project subject to the Project Stabilization Agreement (PSA).

The PSA contains several key components:

1. BART Service Area Hiring Goals. The PSA includes a goal that not less than fifty percent (50%) of all hours worked by journeymen on the eBART Project, on a craft by craft basis, be worked by residents of the BART Service Area, defined as the communities of Alameda, Contra Costa, San Francisco and San Mateo counties.

2. Local Area Hiring Goals. The PSA also includes a goal that not less than twenty-five (25%) of all hours worked by journeymen on the eBART Project, on a craft by craft basis, be worked by residents of the Local Area, defined as the communities of eastern Contra Costa County.

3. Apprentices. The PSA includes a provision that only BART Service Area residents shall be utilized as apprentices and includes a goal that not less than fifty percent (50%) of the hours worked by apprentices on the eBART Project be worked by residents of the Local Area.

4. Helmets to Hardhats. The PSA includes a program that facilitates the entry of veterans into the building and construction trades.

5. PSA Administration. The District will appoint a Coordinator who will be responsible for the administration of the PSA. Compliance with the terms of the PSA shall be monitored on a monthly basis by the Office of Civil Rights. Additionally, quarterly meetings are required to be held between the Coordinator, eBART Project staff, Office of Civil Rights, the contractors and the signatory unions to review the status of compliance with the PSA.

FISCAL IMPACT

Funding of $23,606,745 for the award of Contract No. 04SF-120 is included in the total project budget for FMS #04SF120 – eBART - Hillcrest Station. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of May 31, 2012, $595,328 available for this project from the FY09/10 PTMISEA Prop 1B funds. State PTMISEA Prop 1B funds are received on a cash basis, not a reimbursable basis. Receipt of the FY10/11 PTMISEA Prop 1B cash is anticipated before the end of June 2012:

Fund No.	Source	Fund Description	Amount
535A	State	FY10/11 PTMISEA Prop 1B	27,661,806
535V	State	FY09/10 PTMISEA Prop 1B	595,328
		Total	28,257,134

BART has expended $0, committed $0, and reserved $0 to date for other actions. This action

will commit $23,606,745 leaving an available fund balance of $4,650,389 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to construct the eBART Project extension at this time.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

The General Manager is authorized to award Contract No. 04SF-120, for the Construction of East Contra Costa BART Extension Project Parking Lot and Maintenance Facility to Lathrop Construction Associates, Inc., for the Bid amount of $23,606,745, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: c 6/7/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: Signature/Date:	General Counsel [ ] 6/6/12	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ] 6/7/12

TITLE:

Sole Source Procurement of Gate Driver Printed Circuit Boards (Two-Thirds Vote Required)

NARRATIVE:

Purpose:

To obtain a Board finding that Group Alpha, Inc. is the single source of supply for gate driver printed circuit boards and that the purchase of this equipment is for the sole purpose of duplicating or replacing equipment or material in use at the District; and for the Board to authorize the General Manager to negotiate and enter into a sole source contract with Group Alpha, Inc. for the purchase of this equipment in accordance with Public Contract Code Section 20227.

Discussion:

There are eight gate driver printed circuit boards located inside the Auxiliary Power Supply Equipment (APSE) on each car. The gate driver board contains electronic components that turn on and off the high powered semi-conductors, which control and convert the incoming 1,000 volt third-rail power to supply power for lighting, air conditioning, control, communications, propulsion and braking systems. Failure of the gate driver board causes the APSE to stop generating both 208 v.a.c. and battery charging voltage required to keep the transit vehicle in service. When a gate driver board fails, the result is the train must be removed from service. As a result, APSE performance improvement is a high-priority for BART Vehicle Systems Engineering.

The original equipment manufacturer (OEM) of the gate driver board is Bombardier Transportation. Group Alpha Inc., assisted Bombardier Transportation, in the design of the software and hardware used in the original test equipment that was provided with the A2/B2 cars. By designing this test equipment, Group Alpha gained a detailed understanding of how the gate driver board functions within the APSE unit. This involvement allowed Group Alpha Inc. to develop an alternate design unique to BART that exceeds the OEM design performance. This development required re-engineering, as well as extensive testing and qualification by the District. No other supplier has access to the detailed functional characteristics of the gate driver board. Therefore, the only possible suppliers of these boards are Bombardier and Group Alpha.

Since the A2/B2 cars were placed in service, gate driver boards provided by Bombardier incurred a high rate of failures due to design factors inherent with the original Bombardier design. Group Alpha approached BART with an improved design. BART extensively tested and proved out

this new design in service, showing the performance to far exceed the OEM design. As such, Vehicle Systems Engineering has documented Group Alpha as the sole qualified source for the more reliable gate driver boards.

This is an estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the District will also have the authority to purchase up to 150 percent of the contract bid price, subject to availability of funding. Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use.

Vehicle Systems Engineering has estimated the replacement cost for the Gate Driver Printed Circuit Boards to be $582.76 each, based upon a quantity of 600 units, for a total of $380,251 based on a budgetary estimate by Group Alpha, Inc, including all applicable sales tax. District staff believes the Group Alpha estimate to be fair and reasonable based on previous procurements of the same component from Group Alpha and Bombardier.

Bidder	Quantity	Unit Price	Grand total including 8.75% tax
Group Alpha, Inc.	600 ea.	$582.76	$380,251

The Procurement Department will review the contract to confirm compliance with the District's procurement standards. The Office of the General Counsel will approve the contract as to form. The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts and Contracts under $50,000 or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights did not set availability percentages for this contract.

Alternatives: None. This component is required for railcar operation and is available from only one source. Thus supply of this component is essential.

Fiscal Impact: Funding for this contract in the not-to-exceed amount of $380,251, including applicable sales tax, will be provided from the RS&S Operating Budget, Non-Inventory Materials Account (680-030). The Office of the Contoller-Treasurer certifies that funds are available.

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.

Sole Source Procurement of Gate Driver Printed Circuit Boards (Two-Thirds Vote Required)

Motion: The Board finds pursuant to Public Contract Code Section 20227 that Group Alpha, Inc. is the sole source for procurement of the more reliable gate driver printed circuit boards and that the purchase is for the purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to execute an estimated quantities, sole source contract with Group Alpha, Inc. for the purchase of this equipment at a price of $380,251, including applicable sales tax.

(Two-thirds vote required)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 8, 2012

FROM: General Manager

SUBJECT: PPAAL Agenda Item #5A: BART Bicycle Access Plan

At the June 14, 2012 Board of Directors meeting, staff will make an informational presentation on the BART Bicycle Access Plan. The attached presentation provides an overview of work that was done over the past year to encourage higher bicycle access rates. The plan is funded by a Statewide Transit Planning Grant, and defines strategies that will improve bicycle access to BART and creates an investment tool that will allow staff to identify the most effective investments at a given station and system wide in real time as needs and opportunities are identified. The strategies defined in this plan will help guide improvements and policies over the next ten years.

Please feel free to contact Carter Mau at (510) 464-6194, if you have questions.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: c 6/7/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Catherine Westphall Dept: Marketing & Research Signature/Date: 6/5/2012	General Counsel 6/5/12 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 6-6-12 [ ]

TITLE:

Amendment to Advertising Franchise Agreement to Convert 48 Poster Ad Frames to 24 Digital Screens

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute an amendment to an agreement with Titan Outdoor LLC for conversion of 48 ad frames to 24 digital screens. The amendment would become part of Agreement No. 6M7066 – Poster Advertising Franchise Services which ends September 30, 2018.

DISCUSSION:

BART currently generates advertising revenue from sale of static poster ads in stations and on trains. Titan's proposed conversion of 48 of BART's current poster ad frames to 24 digital screens would increase BART's advertising revenue by $250,000 for the first partial year, ramping up to $1 million per year in the last two years. It would also help to modernize BART's station environment, and the digital ads would be mixed with other information such as news, weather, sports, and trivia, providing a new amenity for BART customers at no cost, as has been done at many other transit agencies across the country and around the world. The screens would be digital display only (no audio), and content could be changed easily.

Digital advertising was previously discussed with the Board on September 23, 2010 and August 25, 2011. Subsequently, staff continued to work with our advertising Franchisee, Titan Outdoor LLC (Titan), to negotiate better terms and refine details of their proposal. Titan's proposal currently includes the following details:

- Titan would convert 48 existing poster ad frames to 24 digital screens.
- The digital screens would be located in the four (4) downtown San Francisco stations: Embarcadero, Montgomery, Powell Street, and Civic Center, with six (6) screens per station.
- Three (3) of the digital screens would be located opposite each platform, on the cross-track walls where poster ads are currently displayed.
- Titan would install a digital network to feed content to the digital screens, which would consist of 50% advertising, 10% BART messaging (such as marketing or courtesy reminders), and 40% other information (news, weather, sports, trivia, etc.).

- Initially, advertising would be formatted as "limited motion" graphics, with full motion video capability as a future consideration.
- Initially, one (1) demonstration unit would be installed to test Titan's technical ability to deliver the project and allow BART to gauge customer acceptance of this new media through a survey.
- BART would have the option to negotiate conversion of a similar number of additional poster ad frames to digital screens at 12th St. Oakland City Center, 19th St. Oakland, and Downtown Berkeley stations.

FISCAL IMPACT:

Titan would pay BART the greater of the Minimum Annual Guarantee (MAG) or the revenue share percentage (Revenue Share), net of sales commissions and capital recovery costs, listed on the chart below. These financial terms will be contingent on adhering to a schedule for Titan submittals and BART approvals in time for 24 digital screens to be installed and running ads by February 1, 2013. MAG amounts would be pro-rated for any months after February 1, 2013 that all screens are not installed and running ads.

Contract Year	Revenue Share	MAG
Partial Year 1 (Feb. 2013 – Sept. 2013)	55%	$250,000
Year 2 (Oct. 2013 – Sept. 2014)	55%	$500,000
Year 3 (Oct. 2014 – Sept. 2015)	57%	$750,000
Year 4 (Oct. 2015 – Sept. 2016)	57%	$850,000
Year 5 (Oct. 2016 – Sept. 2017)	60%	$1,000,000
Year 6 (Oct. 2017 – Sept. 2018)	62.5%	$1,000,000
TOTAL		**$4,350,000**

Subsequent to the August 25, 2011 Board meeting, Titan increased the total amount of revenue to be paid to BART. The cost proposal was also recently pro-rated to account for a shorter period of time to generate revenue to recover Titan's capital investment, which is estimated to be more than $2,125,000. The net result is an increase of $175,000 over the amount presented to the Board in August of 2011. Titan's proposal is valid through June 29, 2012, after which the financial terms would be subject to change as the timeframe shortens for recovery of the capital investment before the franchise terminates.

To assess the financial merits of Titan's proposal, staff compared the terms to those of other transit properties in the United States that have digital advertising, including CTA in Chicago, SEPTA in Philadelphia, NJT in New Jersey, and MARTA in Atlanta. The terms negotiated by BART are superior to those of the other agencies. A primary difference is that BART would begin receiving revenue payments immediately, rather than after all capital expenditures are recouped. At most of those agencies, digital advertising is sold by the same company that sells static advertising. This is advantageous because it helps to maintain the overall value of the

advertising franchise – if separate companies were to sell adjacent ads, the prices for all ads would likely go down as a result of competition, and future bids for guaranteed revenue would also be lower.

ALTERNATIVES:

The District could reject the Titan proposal and either wait to include digital screens in the Request for Proposals for the new Franchise Agreement in 2018 or discontinue consideration of the proposed conversion to digital screens.

RECOMMENDATION:

It is recommended that the Board adopt the following motion. The amendment will be approved as to form by the Office of the General Counsel.

MOTION:

The General Manager is authorized to execute an amendment to Agreement No. 6M7066 – Poster Advertising Franchise Services with Titan Outdoor LLC, which is set to expire on September 30, 2018, to convert 48 poster ad frames to 24 digital screens in the four downtown San Francisco stations, with the option for a similar number of additional digital screens in three East Bay stations.

CAPITOL CORRIDOR JOINT POWERS AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

Wednesday June 20, 2012

10 a.m.

BART Boardroom
Kaiser Center 20th Street Mall
344–20th Street, 3rd Floor, Oakland, CA 94612
(see attached map)

DRAFT AGENDA

I. Call to Order

II. Roll Call and Pledge of Allegiance

III. Report of the Chair

IV. Minutes of the February 15, 2012 Meeting *Action*

V. Consent Calendar

1. Various Security/Safety Fence Projects
2. Proposition 1B – FY 11-12 Transit Safety/Security Intercity Passenger/Commuter Rail Projects

VI. Action and Discussion Items

1. Northern California HST Blended Service Integration Plan *Action*
2. Donner Pass Phase 2 Project Pre-Development: Surveys and Design *Action*
3. Legislative Matters/Governor's May Revise State FY 12-13 Budget *Action*
4. Vision Plan Status Report *Action*
5. Overview of Draft FY 12-13 CCJPA Budget [Operations, Administration, Marketing] *Info*
6. Managing Director's Report *Info*
7. Work Completed *Info*
   a. Business Plan Update (FY 2012-13 – FY 2013-14)
   b. Capitol Corridor Service to Caltrain Santa Clara Station
   c. Transportation for Law Enforcement Officers on Capitol Corridor Trains
   d. Launch of Initial e-Ticketing Program (April 16, 2012)
   e. Marketing Activities (February – May 2012)
8. Work in Progress *Info*
   a. Sacramento Railyards Relocation Project Update
   b. Yolo Causeway West Crossover Project
   c. Positive Train Control Update
   d. Sacramento-Roseville 3rd Track Environmental Review/Preliminary Engineering
   e. Proposition 1B Transit Safety/Security Improvement Projects
   f. Proposed Extension of Capitol Corridor Trains to Salinas
   g. Upcoming Marketing Activities

VII. Board Member Reports

VIII. Public Comments

IX. Adjournment. Next Meeting Date: 10:00 a.m., September 19, 2012, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:
Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.