

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

BOARD MEETING AGENDA

June 14, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 14, 2018, in the BART Board Room, 2040 Webster Street, Oakland, California.

PLEASE NOTE: In the event of a Warriors victory parade on Thursday, June 14, 2018 the Board Meeting will be held at 2:00 p.m. Updates will be posted on Monday and/or Tuesday, June 11th and 12th.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

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.

Patricia K. Williams
Interim 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, 2018.* Board requested to authorize.

 - B. Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools.* Board requested to authorize.

 - C. Agreements with the California Department of Transportation (Caltrans) for the Sustainable Access Strategy for BART's Transit-Oriented Development Program.* Board requested to authorize.

 - D. 2018 Organization of Committees and Special Appointments Revision.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

 - A. Resolution Approving the Fiscal Year 2019 Annual Budget.* Board requested to adopt.

 - B. (CONTINUED from May 10, 2018 Board Meeting)
Pension Funding Strategies Update.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

 - A. Award of Contract No. 09AF-111A, TBT Cross Passage Doors Replacement.* Board requested to authorize.

- B. Award of Professional Services Agreements to Provide Construction Management Services for BART Projects.*
- a. Agreement No. 6M8132, with AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture
 - b. Agreement No. 6M8133, with Ghirardelli Associates, Inc.
 - c. Agreement No. 6M8134, with HDR Construction Control Corporation
 - d. Agreement No. 6M8135, with Jacobs Project Management Company
 - e. Agreement No. 6M8136, with Parsons Transportation Group, Inc.
 - f. Agreement No. 6M8137, with PGH Wong Engineering, Inc.
 - g. Agreement No. 6M8150, with PreScience Corporation
 - h. Agreement No. 6M8151, with Allen Group, LLC/Vali Cooper & Associates, Inc., a Joint Venture
- Board requested to authorize.

- C. Agreements for Temporary Bus Bridge Services.*
Board requested to authorize.

- D. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Extension of Time for Revised Cathodic Protection (C.O. No. 104).* Board requested to authorize.

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

- A. Scoop Carpool Matching Service Contract Amendment.*
Board requested to authorize.
- B. Resolution in Support of Advocating for BART's Transit-Oriented Development and Station Access Policies at Santa Clara County BART Stations.* Board requested to adopt.
- C. North Concord Transit-Oriented Development Update.* For information.
- D. Art Master Plan Update.* For information.

7. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 20, 2018.* For information.
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2018.* For information.

9. BOARD MATTERS

- A. (CONTINUED from May 10, 2018 Board Meeting)
Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights.*
Board requested to adopt. (Director Dufty's request.)
- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- 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.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

- Designated representatives: Grace Crunican, General Manager;
Michael Jones, Assistant General Manager,
Administration; and Martin Gran, Chief
Employee Relations Officer
- Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal
Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)
- Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT

Title: District Secretary
Government Code Section: 54957(b)(1)

C. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Keller, Raburn, and Simon
Title: District Secretary
Government Code Section: 54957.6

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: McClure v. BART and the City and County of San Francisco
Case No.: CGC-16-556766, San Francisco Superior Court
Government Code Section: 54956.9(a)

12. OPEN SESSION

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

Board of Directors
Minutes of the 1,814th Meeting
May 24, 2018

A regular meeting of the Board of Directors was held May 24, 2018, convening at 5:00 p.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn.

Absent: None. Director Blalock entered the Meeting later.

President Raburn announced that agenda Item 2, Closed Session, would be continued to a future meeting.

President Raburn called for Introduction of Special Guests. Director Dufty welcomed Lt. Colonels Cindy and Tim Foley of the San Francisco Salvation Army.

Lt. Col. Cindy Foley addressed the Board.

President Raburn announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on the Fiscal Year 2019 Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Ms. Pamela Herhold; Acting Assistant General Manager, Performance and Budgets and Mr. Dennis Markham, Department Manager, Operating Budgets, presented the item.

Clarence Fischer addressed the Board

There being no further public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 10, 2018.
2. Fiscal Year 2019 Proposition 4 Appropriations Limit.
3. Change Order to Agreement No. 6M4474 with Occupational Health Centers of California for Pre-Employment Medical, Drug & Alcohol Screening.
4. Award of Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement

5. Award of Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements.
6. Award of Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms.
7. Award of Invitation for Bid No. 9049, Fuse, Collector Shoe.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2018 Third Quarter Financial Report.

Director Saltzman made the following motions as a unit. Director Simon seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director Blalock.

1. That the Minutes of the Meeting of May 10, 2018, be approved.
2. Adoption of Resolution No. 5371, In the Matter of Establishment of the Fiscal Year 2019 Appropriations Limit.
3. That the General Manager be authorized to execute a change order to Agreement No. 6M4474, Pre-Employment Medical, Drug & Alcohol Screening and Hepatitis B Screening, with Occupational Health Centers of California, by \$75,000.00 and extend time frame to December 31, 2018.
4. That the General Manager be authorized to award Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement, to DMZ Builders, for the total bid price of \$949,850.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and Federal Transportation Administration's requirements related to protest procedures.
5. That the General Manager be authorized to award Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements, to Sustainable Group, Inc., for the bid price of \$445,285.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protests.
6. That the General Manager be authorized to award Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms, to Pioneer Contractors, Inc., for the bid price of \$1,280,400.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
7. That the General Manager be authorized to award Invitation for Bid No. 9049, for Fuse, Collector Shoe, to Alameda Electric Distributors for an

amount of \$655,339.20 including tax, pursuant to notification to be issued by the General Manager.

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

President Raburn called for Public Comment.

The following individuals addressed the Board.

Herb Hastings
Andrea Rogers
Charlotta Wallace
Kevin Burke
Bob Feinbaum

Director Blalock entered the meeting.

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

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Certify the BART to Livermore Extension Project Final Environmental Impact Report (FEIR) and Potential Next Steps before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development and Construction; Mr. Val Menotti, Chief Planning and Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item. The item was discussed.

The following individuals addressed the Board:

Alameda County Supervisor Scott Hagerty
Herb Hastings
Augie Beltran
Nancy Bankhead
John Collins
Ed DelBeccaro
Sal Parisi
Buck Koonce
Patricia Muro
Veronica Vargas
Susana Chau
Sally Marone
Gerald Cauther
Sherri Souza
Matthew Wardlaw
John Marchand
Bob Vinn
Lisa Tarnontch
Amir Law

Scott Miller
Arne Olsen
Robert S. Allen
Bob Allen
Dale Kase
Jeanie Haigh
Evan Branning
Dawn Argula
Cindy Chin
Vamsee Lakamsani
Sbend Sbelndorio
Kristine Kansa
Don Cose
Edward Alvarez
Dino Magaros
Joel Ramos
Zach Deutsch-Gross
Matt Chiado
Mike Godfrey
Patrisha Piras
Jonathan Bair
Cat Carter
Echa Schneider
Joshua Davis
Bob Feinbaum
David Stark
Jerry Grace
Chris Kinther
David Ying
Carlos Castellanos
Ian Monroe
Alex Merritt
David Schonbrum
David Best

The item was discussed.

Director Keller made the following motions as a unit.

1. That the Board certifies the BART to Livermore Extension Project FEIR has been completed in compliance with California Environmental Quality Act;
2. That the Board certifies the BART to Livermore Extension Project FEIR was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project FEIR; and
3. That the Board certifies the BART to Livermore Extension Project FEIR reflects BART's independent judgment and analysis.

Director Simon seconded the motion. Directors Keller and Simon rescinded their motions.

Director McPartland made the following motions as a unit, that the Board of Directors certify the BART to Livermore Extension Project Final Environmental Impact Report (FEIR):

1. That the Board certifies the BART to Livermore Extension Project FEIR has been completed in compliance with California Environmental Quality Act;
2. That the Board certifies the BART to Livermore Extension Project FEIR was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project FEIR; and
3. That the Board certifies the BART to Livermore Extension Project FEIR reflects BART's independent judgment and analysis.

Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn. Noes – 0.

Director McPartland moved that the General Manager be directed to bring conventional BART alternative to Livermore to the Board for future consideration. Director Allen seconded the motion, which failed by electronic vote. Ayes – 4: Directors Allen, Blalock, Keller, and McPartland. Noes – 5: Directors Dufty, Josefowitz, Saltzman, Simon and Raburn.

Discussion continued.

Director Saltzman moved that the General Manager be directed to bring a Bus Rapid Transit to Livermore alternative to the Board for future consideration. Director Raburn seconded the motion, which failed by electronic vote. Ayes – 3: Directors Josefowitz, Saltzman and Raburn. Noes – 5: Directors Allen, Blalock, Dufty, Keller and McPartland. Abstain – 1: Director Simon.

Discussion continued.

Director Dufty exited the meeting.

Director Josefowitz moved that the General Manager not be directed to bring any alternatives to the Board and to continue to collaborate with the District's regional partners. Director McPartland seconded the motion, which carried by electronic vote. Ayes -5: Directors Allen, Josefowitz, Keller, McPartland and Simon. Noes – 2: Directors Saltzman and Raburn. Abstain – 1 Director Blalock. Absent – 1: Director Dufty.

The Board meeting recessed at 8:45 p.m.

The Board meeting reconvened at 9:02 p.m.

Directors present: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn.

Absent: Director Dufty.

Director Allen, Chairperson of the Administration Committee, brought the matter of Award of Digital Railway Exclusive Negotiating Agreement, with Mobilitie Management, LLC., before the Board. Director Saltzman moved that the General Manager be authorized to execute an Exclusive Negotiating Agreement to negotiate exclusively for a six month period, with a staff option to extend for an additional six months, with Mobilitie Management, LLC, for development of the BART Digital Railway, and the San Francisco Municipal Transportation Agency (SFMTA) project including negotiations regarding designs, construction plans, and development of license agreements for 1) Underground Cellular Services for SFMTA, 2) Wayside and Fleet of the Future Wireless Services, 3) In-Station Wireless Services, and 4) Fiber Optic Telecommunication Services. Director Allen seconded the motion. The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0 Absent – 1: Director Dufty.

Director Allen brought the matter of Fiscal Year 2019 Annual Budget before the Board. General Manager Grace Crunican, Ms. Pamela Herhold; and Mr. Dennis Markham presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the following items before the Board.

1. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Additional Restraint at Tube Joints (C.O. No. 7.1, Part 1).
2. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Impacts from Rule Changes (C.O. No. 30.2, Part 1).
3. Award of Invitation for Bid No. 9048, Stainless Steel Capped Contact Rail.
4. Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) for Homeless Outreach Teams (HOT).

Tim Chan, Manager of Planning presented the San Francisco Homeless Outreach Team Agreement. The item was discussed.

President Saltzman made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director Dufty.

1. That the General Manager be authorized to execute Change Order No. 7.1 Part 1, Additional Restraint at Tube Joints, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, in an amount not to exceed \$2,000,000.00.
2. That the General Manager be authorized to execute Change Order No. 30.2 Part 1, Impacts from Rule Changes, in an amount not to exceed \$7,500,000.00, and extend the Contract completion date by 99 days, for Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture.
3. That the General Manager be authorized to award Invitation For Bid No. 9048, for Stainless Steel Capped Contact Rail, to Conductix, Inc., for an amount of \$2,676,923.40, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
4. That the Board approve the first Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) in the amount of \$125,00.00 for one homeless outreach team (HOT), and that the General Manager be authorized to enter into direct negotiations with HSH to execute annual agreements upon budget adoption by the Board that includes the HOTs. The total for the five-year program shall not exceed \$1,062,500.00

President Raburn called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

President Raburn noted that the matter of Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights would be continued to a future Board meeting.

President Raburn called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Simon acknowledged Directors Dufty, Saltzman, and Allen and General Manager Crunican's presentation and support at Equality California and BART's commitment to diversity.

Director Blalock reported he had attended the California Transportation Foundation award ceremony where BART received the Project of the Year award for its Warm Springs BART Station.

Director Simon exited the meeting.

Director Josefowitz requested staff to bring back a resolution for the adoption of the Metropolitan Transportation Commissions Regional Means Based Fare for adoption.

Director Allen echoed the sentiments of Director Simon.

Director Raburn reported he had attended the Pittsburg Center Station ribbon cutting and the Sacramento California Spring Legislative Conference.

President Raburn called for Public Comment. No comments were received.

The Meeting was adjourned at 9:19 p.m. in honor of Julius Turman.

Patricia K. Williams
Interim District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 June 2018</i> <i>Robert M. Poorman</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>JM 6/6/18</i>	<i>6/6/18</i> []	<i>6/6/18</i> []	[]	<i>6/6/18</i> []

Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools

PURPOSE:

To request the Board to approve the "Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools."

DISCUSSION:

To ensure compliance with federal and state civil rights regulations, BART performs an analysis of any fare change, in this case discontinuing the discounted Orange ticket, to determine if the change has a disparate impact on minority riders or a disproportionate burden on low-income riders.

The Orange ticket is sold to students at participating middle and high schools at a 50% discount; students pay \$16 and receive a ticket valued at \$32. The Orange Ticket Program was implemented in the late 1990s to provide students a discount on school-related trips taken on Monday through Friday only. Currently, 147 schools participate in the program.

Analysis Results

The Federal Transit Administration (FTA) requires a transit agency to use ridership survey data when evaluating whether a fare change has adverse effects on low-income and minority populations. Staff circulated a survey between February 20, 2018 through April 6, 2018 for parents of students that use the Orange ticket. The survey was offered in English, Spanish, and Chinese. Additional language support services were offered in Korean, Tagalog, and

Vietnamese and all surveys were completed online.

Fifty-nine parents of students who use the Orange ticket responded to the survey. The table below shows the demographic results from this survey compared to BART’s overall ridership (data from the 2016 Customer Satisfaction Survey). This analysis finds that the discontinuance of the Orange ticket could disproportionately impact minority and low-income riders, as Orange ticket users are disproportionately more minority and low-income compared to BART’s overall ridership, exceeding BART’s Disparate Impact/Disproportionate Burden Policy threshold of 10%.

	<i>Minority</i>	<i>Non-Minority</i>	<i>Total</i>	<i>Sample Size</i>	<i>Low Income</i>	<i>Non-Low Income</i>	<i>Total</i>	<i>Sample Size</i>
<i>All Riders</i>	63.3%	36.7%	100.0%	5,211	26.4%	73.6%	100.0%	4,880
<i>Orange Ticket Riders</i>	77.6%	22.4%	100.0%	58	38.0%	62.0%	100.0%	50
<i>Difference from All Riders</i>	14.3%				11.6%			

FTA Circular 4702.1B "Title VI Requirements and Guidelines for FTA Recipients" (Circular) requires transit providers to analyze measures to minimize or mitigate potential disparate impacts resulting from proposed fare changes and to provide meaningful opportunity for public comment on such measures. The report concludes that existing fare product alternatives--the discount Youth Clipper card and Red youth magnetic stripe ticket—serve to avoid, minimize, or mitigate any adverse effects of the Orange Ticket Program termination.

These fare products offer better or similar fares and enhanced benefits, particularly in the case of the free-of-charge youth discount Clipper card. The table below provides a comparison of the fare media:

Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools

<i>Youth Fare Medium Alternative</i>	<i>Discount</i>	<i>Surcharge per Trip</i>	<i>Use Limitations</i>	<i>How to Obtain</i>	<i>Additional Benefits</i>
<i>Youth Clipper Card</i>	50%	No	None--good any time or day and for any purpose	At 3 Clipper Customer Service Centers; at more than 20 locations through Clipper partner transit agencies; via mail, e-mail, or fax (proof of eligibility required)	Youth Clipper card is free of charge. If card lost or stolen, new card can be obtained and card balance of funds restored. Value can be loaded at any BART ticket vending machine using cash, credit, or debit card; autoload also available.
<i>Youth Red Mag-Stripe Ticket</i>	50%	Yes (25 cents)	None--good any time or day and for any purpose	Via mail or at BART Customer Services Center, Lake Merritt Station	--
<i>Orange Ticket</i>	50%	Yes (25 cents)	Only for school-related purposes, travel Monday through Friday	Sold only at participating schools	--

Public Outreach

As part of the Title VI assessment, BART undertook public outreach to receive input on the Orange ticket elimination from low-income, minority, and Limited English Proficient (LEP) populations, in accordance with BART's Public Participation Plan, completed in May 2010 and revised in July 2011, and the Circular.

The survey included a question on how elimination of the Orange ticket would impact the respondent's household. An analysis of the responses by protected populations shows that 46.7% of the 45 minority respondents either supported or did not comment on the elimination of the Orange ticket, while 53.3% did not support the proposal. Of the 19 low-income respondents, 47.4% either supported or had no comment, and 52.6% were not in support. Not commenting on a proposal can indicate neutrality or potentially some level of acceptance of it. Review of the comments shows that many people misunderstood how the youth discount Clipper card actually works, including that it automatically gives a 50% discount to youth on BART.

Members of BART's Title VI/Environmental Justice Advisory Committee and Limited English Proficiency Advisory Committee provided input at meetings in April and May 2018. Members were supportive of eliminating the Orange ticket fare media and program.

Equity Finding

An equity finding is made after considering both the fare change analysis results and public comment received. This report concludes that the termination of the Orange Ticket Program will not result in a disparate impact or disproportionate burden on minority riders or low-income riders, respectively, since the existing youth discount Clipper card and Red magnetic stripe youth ticket offer better or similar fares and enhanced benefits, particularly the youth discount Clipper card, compared to the Orange ticket.

FISCAL IMPACT:

Discontinuing the Orange Ticket Program will result in a one-time savings for the District of up to approximately \$10,000 in material and ticket stock costs.

ALTERNATIVES:

Do not approve or defer approval of the Title VI Fare Equity Analysis.

RECOMMENDATION:

Approval of the following Motion.

MOTION:

Approve the attached "Title VI Fare Equity Analysis for Discontinuing the BART

Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools

Discounted Orange Ticket Program for Students at Participating Middle and High Schools.”



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/29/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Nikki Foletta Dept: Grant Development	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>Nikki Foletta 6/5/18</i>	<i>6/5/18</i> []	<i>6/5/18</i> []	[]	<i>6/4/18</i> []
Status: Routed	Date Created: 5/29/2018			

Authorization to Receive Caltrans Planning Grant Funds for a Sustainable Access Strategy for Transit-Oriented Development, and Authorization to Execute a Pass-Through Agreement with TransForm as a Grant Sub-Recipient

PURPOSE:

Authorize the BART General Manager to enter into a contract with Caltrans and a pass-through agreement with TransForm for the Sustainable Access Strategy for BART's Transit-Oriented Development Program under the following Grant Program: Federal Transit Administration, Section 5304 - Sustainable Communities.

DISCUSSION:

On May 11, 2018 BART received a letter from the California Department of Transportation (Caltrans), Division of Transportation Planning, announcing the award of the above mentioned federal transportation planning grant for fiscal year 2018-2019. A condition of grant acceptance is a local resolution from the BART Board stating the grant project title and the title of the person authorized to enter into a contract with Caltrans.

The Sustainable Access Strategy for BART's Transit-Oriented Development (TOD) Program is a collaboration between BART and TransForm to implement multimodal station access for stations identified as "Urban with Parking" in the Station Access Typology. The grant supports BART's anticipated TOD projects at the Lake Merritt BART Station in Oakland and the El Cerrito Plaza BART Station. The project will address TOD policy strategies which "strive for no or limited parking replacement at 'Urban with Parking' stations," and "encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation." The intent is to explore ways to viably encourage

alternative modes of access and reduce parking while still accommodating riders' needs. The project scope includes engaging the communities and identifying solutions to parking overflow, station access, gentrification concerns, and sharing lessons learned with other agencies including BART's partner cities with "Urban with Parking" stations.

BART is the grant recipient and TransForm is a grant sub-recipient. The total grant award is \$500,117. The local match is \$64,795. The total project amount is \$564,912.

FISCAL IMPACT:

The subject EDD would result in a total project cost of \$564,912 from October 2018 through January 2021. BART would receive \$500,117 in funds to be placed in a new capital budget line item, and would expend \$64,795 in BART Staff time from the existing Real Estate and Property Development Department operating budget (1011275), estimated by fiscal year as follows (based on proposed schedule provided to Caltrans; subject to change across fiscal years):

Fiscal Year	Estimated Grant Funds Expended	Estimated Staff Time Match from Operating Budget
FY 2018/2019	\$245,936	\$31,864
FY 2019/2020	\$132,388	\$17,152
FY 2020/2021	\$121,793	\$15,780
TOTAL	\$500,117	\$64,795

Funding for staff time beginning in FY19 will be included in the Department's proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not authorize the BART General Manager, or her/his designee, to enter into a contract with Caltrans and forego the grant amount.

RECOMMENDATION:

Adoption of the following Motion.

MOTION:

BART Board approves adoption of the attached Resolution, authorizing the BART General Manager, or her/his designee, to enter into a contract with Caltrans to receive funds for the Sustainable Access Strategy for BART's Transit-Oriented Development Program, and authorizing the BART General Manager, or her/his designee, to enter into a pass-through agreement with TransForm.

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

**In the Matter of Authorizing the General
Manager to Execute Agreements with the
California Department of Transportation for
the Sustainable Access Strategy for BART's
Transit-Oriented Development Program**

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District ("BART" or "District") is eligible to receive Federal and/or State funding for certain transportation planning related activities, through the California Department of Transportation; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Program; and

WHEREAS, BART wishes to delegate authorization to execute these agreements and any amendments or ancillary documents related thereto; and

WHEREAS, it would be in the best interests of the District for the General Manager to have standing authorization to execute, on behalf of the District, Restricted Grant Agreements and any amendments or ancillary documents related thereto with the California Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the BART Board of Directors:

1. That the BART General Manager, or designee, is authorized to execute all Restricted Grant Agreements and any amendments or ancillary documents related thereto with the California Department of Transportation for the Sustainable Access Strategy for BART's Transit-Oriented Development Program.
2. That the BART General Manager, or designee, is authorized to enter into a pass-through agreement with TransForm for the Sustainable Access Strategy for BART's Transit-Oriented Development Program.

APPROVED AND PASSED on _____

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT


MEMORANDUM

TO: Board of Directors **DATE:** June 8, 2018
FROM: Interim District Secretary
SUBJECT: 2018 Organization of Committees and Special Appointments Revision

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Raburn is bringing a revision to the 2018 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on June 14, 2018. President Raburn proposes that he assume the appointment as alternate to the South Hayward BART Station Access Authority in place of Director Saltzman.

Should you have any questions about this change, please contact President Raburn or me at your convenience.


Patricia K. Williams

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MOTION:

That the Board of Directors ratifies the appointment of Director Robert Raburn as alternate to the South Hayward BART Station Access Authority.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

STANDING COMMITTEES

ADMINISTRATION**

Debra Allen, Chairperson
Bevan Dufty, Vice Chairperson
Nicholas Josefowitz

ENGINEERING AND OPERATIONS**

Lateefah Simon, Chairperson
John McPartland, Vice Chairperson
Joel Keller

PLANNING, PUBLIC AFFAIRS, ACCESS AND LEGISLATION**

Thomas M. Blalock, Chairperson
Robert Raburn, Vice Chairperson
Rebecca Saltzman

SPECIAL COMMITTEES

LABOR NEGOTIATIONS REVIEW SPECIAL COMMITTEE**

Bevan Dufty, Chair Joel Keller Rebecca Saltzman

PERSONNEL REVIEW SPECIAL COMMITTEE**

Robert Raburn, Chairperson Joel Keller, Vice Chairperson Lateefah Simon

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP SPECIAL COMMITTEE**

Thomas M. Blalock Nicholas Josefowitz Joel Keller Robert Raburn

SPECIAL APPOINTMENTS - LIAISON

CONTRA COSTA TRANSPORTATION AUTHORITY LIAISON**

Joel Keller, Primary Debra Allen, Alternate

PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEES LIAISON

Robert Raburn Lateefah Simon

SAN FRANCISCO TRANSPORTATION AUTHORITY LIAISON**

Nicholas Josefowitz, Primary Bevan Dufty, Alternate

** Brown Act Committee, subject to public meeting requirements.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

SPECIAL APPOINTMENTS – EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION **

Rebecca Saltzman, Primary Robert Raburn, Alternate

**ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BOARD OF DIRECTORS**

Rebecca Saltzman

BART AND AC TRANSIT COORDINATING COMMITTEE **

Robert Raburn (Co-Chair) Rebecca Saltzman Lateefah Simon

CAPITOL CORRIDOR JOINT POWERS BOARD***

Debora Allen, Contra Costa County Robert Raburn, Alameda County
Bevan Dufty, San Francisco County Rebecca Saltzman, Alameda County
Nicholas Josefowitz, San Francisco County John McPartland, Alternate Alameda County
Joel Keller, Contra Costa County

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)***

Thomas M. Blalock

OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY***

Bevan Dufty

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS***

Debora Allen Joel Keller

SOUTH HAYWARD BART STATION ACCESS AUTHORITY**

Thomas M. Blalock John McPartland Robert Raburn, Alternate

TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY***

John McPartland

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)**

Lateefah Simon, Primary Joel Keller, Alternate

** Brown Act Committee, subject to public meeting requirements.

*** Brown Act Board, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 June 2018</i> <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Dennis Markham Dept: Budget <i>[Signature]</i> Signature/Date: <i>06/05/2018</i>	General Counsel <i>[Signature]</i> <i>6/7/18</i>	Controller/Treasurer <i>[Signature]</i> <i>6/7/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>6/5/18</i> []

ANNUAL BUDGET RESOLUTION FOR FISCAL YEAR 2019

PURPOSE:

To authorize adoption of the Annual Budget Resolution for Fiscal Year 2019 (FY19).

DISCUSSION:

Approval by the Board of Directors is required for the FY19 operating and capital budgets. The total proposed FY19 operating and capital budget is \$2.28 billion (B). The FY19 operating budget is balanced, with \$922.2 million (M) in uses, and the FY19 capital budget totals \$1.35B.

The proposed FY19 annual budget is summarized in Attachments 1, 2, 3 and Exhibit A. The attachments summarize the budget including proposed initiatives and allocations that were reviewed in presentations to the Board of Directors at regular meetings from March through June. The capital budget has been updated for the finalized FY19 budgeted positions. Changes from the Preliminary Budget are discussed below.

FY19 Operating Budget

The operating budget proposes FY19 expenditures of \$922.2M and funds 3,385.25 positions. The FY19 operating budget includes funding for BART to Antioch, which opened in May 2018, but does not include funding for the Silicon Valley Berryessa Extension as an opening date has not been finalized. However, per agreement, the Santa Clara Valley Transportation Authority (VTA) will reimburse BART for any unbudgeted expenses incurred by BART to prepare for the opening of the extension. Despite continued challenges with declining ridership, the FY19 budget includes general funds for new initiatives (\$4.4M operating and \$1.1M capital). These initiatives include investments to address quality of life on BART, service reliability, fare evasion, police dispatchers, IT safety and security, and

process improvements. In addition, per Board policy established in 2013, a portion of parking revenue funds a variety of station and access related projects, including further efforts to improve quality of life on BART, more effective management of BART parking, art conservation support, and other stations/access initiatives (\$2.0M operating and \$3.7M capital). All initiatives for FY19 are listed in Attachment 3.

The FY19 operating budget includes the following changes from the Preliminary Budget:

- \$9.0M increase to advertising revenue (one-time signing bonus)
- \$0.4M increase to interest income
- \$6.4M increase to State Transit Assistance (May 2018 Governor budget revision)
- \$0.3M increase to labor
- \$0.07M increase to non-labor
- \$3.6M removal of Other Post-Employment Benefits liability and offset (no bottom line impact)
- \$15.3M allocation to an operating reserve for economic uncertainty

Senate Bill 1 was passed by the California Legislature in April 2017, increasing State Transit Assistance (STA) to \$38.0M for FY19. An initiative to repeal SB1 may be put to California voters in November 2018. Should the repeal be approved, BART stands to lose approximately \$18.8M in FY19. In preparation for this possibility, the FY19 budget proposes to allocate the \$9.0M of one-time advertising funds and the \$6.4M of increased STA revenue to an Operating Reserve for Economic Uncertainty to be used to help balance the budget, if needed.

The other changes from the Preliminary Budget include increasing interest revenue by \$0.4M to reflect higher earnings expectations and adding \$0.3M for four part-time train operators to support the February 2019 schedule change and other miscellaneous labor budget adjustments. Non-labor was increased by a net of \$0.07M, reflecting costs to support State Fire Marshal oversight and a slight increase to the AC Transit feeder payment offset by reductions to non-labor needs as department budgets were finalized. One final change reflects that BART has now implemented Statement No. 75 of the Governmental Accounting Standards Board (GASB75) where the full Other Post-Employment Benefits (OPEB) obligation is required to be reported on the balance sheet and the gain or loss from the change in unfunded obligation based on actuarial valuation is now recognized on the income statement. Contribution to the OPEB plan is now recorded as a reduction of the unfunded obligation. As a result, the specific contribution shown previously as operating expense (\$3.6M) and the offset amount (-\$3.6M) are not required to be budgeted.

FY19 Capital Budget

The capital budget proposes FY19 expenditures of \$1.35B and funds 1,292.0 positions. This \$63M decrease from the Preliminary Budget is due to ongoing refinement and sequencing of the multi-year funded capital projects. Compared to the adopted FY18 capital

budget of \$998M, the FY19 budget represents a 36% increase in capital expenditures.

The largest individual project expenditures are for railcar replacement (\$545M), Transbay Tube retrofit (\$93M), downtown San Francisco escalator replacement (\$35M), and the Hayward Maintenance Complex (\$35M).

The largest category of projects is System Reinvestment at \$995M (74% of overall capital budget, up from 67% in FY18), which includes mainline rail and power distribution (\$305M), station modernization and renovation (\$103M), and existing train control and fare collection (\$71M). System Expansion is the only project category experiencing an expenditure decrease (a 52% reduction from FY18 to \$35M) due mostly to the near completion of the BART to Antioch project.

In November 2016, the capital program was provided with a substantial source of support with the passage of Measure RR and its authorization to issue up to \$3.5B in general obligation bonds to fund certain capital improvements. Measure RR has become more prominent in the mix of federal, regional and local funds, which also includes a sizable commitment of BART operating allocations. Measure RR makes up \$418M (31%) of the FY19 capital sources, funding a variety of programs including traction power (\$151M), track (\$75M), and escalators in downtown San Francisco (\$35M).

The ongoing commitment of BART funds (\$147M, 11% of capital budget) is an essential component of the capital program, particularly in meeting the long-term commitments required to deliver major capital projects such as rail car replacement and the Hayward Maintenance Complex. Other capital activities dependent on operating allocations are providing local match for grants, and funding grant-ineligible projects and initiatives, routine but necessary capitalized maintenance projects, emergent safety and security projects, and equipment and inventory.

Operating allocations derived from parking revenues are dedicated, per board policy, to a variety of station and access improvements, including signage, pedestrian improvements, station heavy cleaning, information displays, bike improvements, limited studies, and the sustainability program. As mandated by regional programming requirements, federal funds are directed to train control and traction power, trackway renovation, general mainline repairs, rail cars, fare collection, and ADA/system accessibility improvements.

Other capital revenues are limited in their flexibility and many sources and grants are restricted to certain projects and/or activities as a condition of award. The FY19 capital budget contains modest but important contributions of state and local funds, including bridge toll allocations and county transportation sales tax funds, which are earmarked for station modernization and grant match. Proceeds from the Earthquake Safety general obligation bond are dedicated exclusively to the Earthquake Safety program. Additionally, there are smaller, defined purpose grants that are limited to specific projects.

FY19 Budget Resolution

Staff recommends approval of the attached Resolution to adopt the FY19 Annual Budget. As in previous years, the FY19 Resolution includes authorizations including the submittal of annual applications for Transportation Development Act (TDA), State Transit Assistance (STA) and Bridge Toll funds that are included in the FY19 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. The Resolution also incorporates provisions referring to the SFO Extension service plan and certain District system-wide operating policies.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. It includes modifications to the Preliminary Budget as outlined in the previous paragraphs. Exhibit B (attached) reflects current hourly pay rates or base pay ranges, as applicable, and management incentive pay, if any, for non-represented employees.

FISCAL IMPACT:

The proposed FY19 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. 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 FY19.

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, 2018 to June 30, 2019.

Attachment 1
Fiscal Year 2019 District Operating Budget
Sources and Uses Detail

SOURCES	FY19 PRELIMINARY	Changes	FY19 ADOPTED
Rail Passenger Revenue	\$ 484,953,095	\$ -	\$ 484,953,095
ADA Passenger Revenue	899,565	-	899,565
Parking Revenue	36,650,000	-	36,650,000
Other Operating Revenue	28,954,386	9,380,397	38,334,783
Sub-Total Operating Revenue	551,457,046	9,380,397	560,837,443
Sales Tax Proceeds	264,622,284	-	264,622,284
Property Tax Proceeds	46,762,737	-	46,762,737
Local & Other Assistance	5,444,012	-	5,444,012
State Transit Assistance	31,651,161	6,361,200	38,012,361
Low Carbon Fuel Standard Program	6,500,000	-	6,500,000
Sub-Total Financial Assistance	354,980,194	6,361,200	361,341,394
TOTAL SOURCES	906,437,240	15,741,597	922,178,837
USES			
Labor & Benefits	560,336,231	326,190	560,662,421
OPEB Unfunded Liability	3,624,000	(3,624,000)	-
ADA Paratransit	16,063,770	-	16,063,770
Purchased Transportation	14,096,994	5,484	14,102,478
Power	43,809,322	-	43,809,322
Other Non-Labor	133,069,730	64,380	133,134,110
Sub-Total Operating Expense	771,000,047	(3,227,946)	767,772,101
Debt Service	46,639,568	-	46,639,568
Allocation - Capital Rehabilitation	29,867,309	-	29,867,309
Allocation - Priority Capital Programs	42,862,759	-	42,862,759
Allocation - Stations & Access Projects	3,725,140	-	3,725,140
Allocation - Other	4,638,703	-	4,638,703
Allocation - Rail Car Project from SFO Net Result	4,827,714	-	4,827,714
Allocation - Operating Reserves from LCFS	3,250,000	-	3,250,000
Allocation - Sustainability from LCFS	3,250,000	-	3,250,000
Allocation - Operating Reserves for Economic Uncertainty	-	15,345,543	15,345,543
Sub-Total Allocations	139,061,193	15,345,543	154,406,736
TOTAL USES	910,061,240	12,117,597	922,178,837
OPEB Unfunded Liability	(3,624,000)	3,624,000	-
NET RESULT	\$ -	\$ -	\$ -
Average Weekday Trips	410,500		410,500
Operating Ratio	71.5%		73.0%
Farebox Recovery Ratio	63.0%		63.3%

Attachment 2

FY19 Capital Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	Capital Headcount*	Planned Expenditures
	FY19	FY19
System Renovation		
Rolling Stock	80.8	\$475,842,358
Mainline	515.0	\$304,804,848
Stations	27.0	\$103,274,648
Controls & Communications	125.2	\$70,559,887
Facilities	28.2	\$36,531,353
Work Equipment	0.4	\$4,353,181
Total System Renovation	776.5	995,366,275
Safety & Security	52.2	77,927,765
Earthquake Safety	70.3	103,819,979
Service & Capacity Enhancement	54.0	135,902,877
System Expansion	249.4	34,974,102
Capitol Corridor**	24.0	4,444,524
Reimbursable***	17.5	2,458,826
Cost Allocation Plan	48.0	
TOTALS	1,292.0	1,354,894,349

* Total authorized permanent positions.

** 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

FY19 Operating and Capital Budget Initiatives (General Fund)

OPERATING	Pos.	Labor	Non-Labor	Total
Quality of Life: Homelessness	-	-	1,000,000	1,000,000
Quality of Life: Fare Evasion	2.0	202,018	-	202,018
Transbay Tube Coverage	8.0	1,059,928	-	1,059,928
Best Practices and Process Improvement for Administrative Services	-	-	700,000	700,000
Information Systems Safety, Security, and Applications	3.0	604,293	-	604,293
Police Dispatchers	2.0	267,196	-	267,196
Uniform Tracking	1.0	181,296	-	181,296
Budget Staffing	1.0	173,000	-	173,000
System Safety Data Analysis	1.0	154,838	-	154,838
Title VI	0.3	42,634	-	42,634
OPERATING TOTAL	18.3	2,685,203	1,700,000	4,385,203
CAPITAL				Total
Quality of Life: Homelessness				600,000
Pigeon Abatement				500,000
CAPITAL TOTAL				1,100,000

FY19 Stations & Access Projects (from Parking Revenue)

OPERATING	Pos.	Labor	Non-Labor	Total
Parking Program Manager	1.0	230,000	-	230,000
Parking Enforcement & Management	3.0	357,000	-	357,000
Automated Parking System Feasibility Analysis	-	-	168,000	168,000
Satellite / Shared-Use Parking Pilot	-	-	450,000	450,000
Art Program Collection Conservation	-	-	200,000	200,000
Bike / Ped Gap Study, Ph. 2	-	-	250,000	250,000
Dynamic Bus Intermodal Feasibility Study	-	-	150,000	150,000
BART Ridership Model	-	-	150,000	150,000
Station Profile 2020 Preparation	-	-	40,000	40,000
OPERATING TOTAL	4.0	587,000	1,408,000	1,995,000
CAPITAL			Pos.	Total
Quality of Life: Fare Evasion (Station Hardening)			9.0	1,220,140
Quality of Life: Fare Evasion (Prevention in Station Modernization)			-	1,018,000
Parking Enforcement & Management			-	480,000
Satellite / Shared-Use Parking Pilot			-	50,000
Art Program Collection Conservation			-	25,000
Maintenance Fund to Reconfigure Access Facilities			-	250,000
Station Access Wayfinding and Signage Program			-	250,000
Regional Transit Information Displays			-	250,000
Station Experience Design Guidelines - BFS Specifications			-	200,000
CAPITAL TOTAL			9.0	3,743,140

**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, 2018, to June 30, 2019**

Resolution No. _____

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 5, May 8, and May 11, 2018 in newspapers of general circulation in the County of San Francisco, the County of Contra Costa, and the County of Alameda of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2018, to June 30, 2019; 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, 2018, to June 30, 2019; 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 2019 was presented to the Board of Directors on May 10, 2018, in a presentation entitled Fiscal Year 2019 Preliminary Budget Operating Sources, Uses, Service Plan and Capital; and

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 that the General Manager is authorized to waive minor irregularities in bid documents prior to recommending contract awards to the Board; and

BE IT FURTHER RESOLVED that Resolution No. 5345, adopted June 22, 2017, is repealed effective August 31, 2018, 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 FY19; 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, 2018, presentation entitled Fiscal Year 2019 Preliminary Budget Operating Sources, Uses, Service Plan and Capital, 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 FY19, 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 FY19 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2018:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2018, budgeted for the District shall be 4,677.25 (a part-time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 50 positions, of which not more than 25 positions may be charged to operating expense provided the budgeted Total Net Operating Expense is not thereby exceeded;
- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range adjustments. The General Manager is directed to initiate the annual review by October of each year.
- (4) The District Secretary shall insure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers'

employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.

- (5) The General Manager is authorized to pay non-represented employees on the merit plan who are eligible for a wage increase of up to 2.5% as of July 1, 2018, that portion of their merit increase which exceeds the top of the base salary range with no increase to the employee's "base wage" above the top of the salary range. The amount over the top of the salary range shall be paid over the following twelve month period in equal pay period installments and will be discontinued after the expiration of the twelve month period unless the pay range is adjusted in accordance with (3), above, to incorporate that portion that is over the top of the salary range. Employees must have been rated "effective" or higher overall in their most recent performance evaluation to be eligible for any merit increase.

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee shall post all grant applications online to the public as they are submitted, except those that if made public would compromise the security of the system.

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EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2019

<u>FUND SOURCES</u>	TOTAL
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 560,837,443
Property Tax	46,762,737
1/2 ¢ Sales Tax	264,622,284
Measure B, BB, & J Assistance	4,418,238
Other Financial Assistance	110,000
Caltrain - Millbrae Station Joint Use	915,774
State Transit Assistance	38,012,361
Low Carbon Fuel Standard Program (LCFS)	6,500,000
Total Operating Sources	922,178,837
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY19	1,354,894,349
TOTAL ESTIMATED FUND SOURCES	\$ 2,277,073,186
<u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense ⁽¹⁾	\$ 560,662,421
Non-Labor Expense	207,109,680
Total Net Operating Expense	\$ 767,772,101
Revenue Bond Debt Service	46,639,568
Allocations to Capital - Rehabilitation	29,867,309
Allocations to Capital - Priority Capital Programs	42,862,759
Allocations to Capital - Stations & Access Projects	3,725,140
Allocations to Capital - Other	4,638,703
Allocation to Rail Car Project from SFO Net Result	4,827,714
Allocation to Operating Reserves from LCFS	3,250,000
Allocation to Sustainability from LCFS	3,250,000
Allocation to Operating Reserves for Economic Uncertainty	15,345,543
Total Operating Uses	\$ 922,178,837
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY19	\$ 1,354,894,349
TOTAL ESTIMATED FUND USES	\$ 2,277,073,186
NET FINANCIAL RESULT (DEFICIT)	\$ -

⁽¹⁾ Total Authorized Permanent Positions as of 07/01/18 = 4,677.25

EXHIBIT B

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

CHARACTER OF POSITION/PAYROLL CLASSIFICATION TITLE	HOURLY WAGE RANGE					
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
CLERICAL & HOURLY						
ADMINISTRATIVE TECHNICIAN	\$30.9724	\$ 32.3347	\$ 33.5973	\$ 34.8927	\$ 36.2218	\$ 36.7320
ADMINISTRATIVE SECRETARY	29.7323	30.2850	31.4686	32.6840	33.9310	35.2653
SENIOR SECRETARY	27.6877	28.0102	29.0389	30.2850	31.5004	32.7738
SENIOR CLERK	29.5561	30.8531	32.0552	33.2893	34.5550	35.0411
INTERMEDIATE CLERK	26.4553	27.5303	28.5430	29.5892	30.8531	31.3391
INTERMEDIATE CLERK P/T	29.0658	30.2483	31.3623	32.5132	33.9034	34.4380
PARALEGAL	36.8680	38.4922	39.9964	41.5413	43.1263	43.7289
P/T SURVEY TAKER (SINGLE RATE)	35.5521					
ENGINEER INTERN	18.0000					

NOTE: The clerical rates are effective 7/1/2018

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
15	\$188,013	\$239,719	\$291,424
14	170,533	217,432	264,330
13	147,316	187,830	228,343
12	133,622	170,368	207,114
11	127,256	162,254	197,252
10	121,196	154,526	187,856
9	115,426	147,169	178,912
8	109,929	140,160	170,391
7	99,708	127,129	154,549
6	94,961	121,076	147,191
5	86,132	109,819	133,506
4	82,031	104,591	127,150
3	78,124	99,610	121,095
2	74,403	94,866	115,329
1	67,485	86,045	104,605

NOTE: The professional/ management pay bands were effective 7/1/2017

MANAGEMENT INCENTIVE PAY (ANNUAL)	Amount	Effective
Assistant General Manager - Operations	\$4,800	6/28/1999
Assistant General Manager- External Affairs	\$4,800	11/4/2013
Assistant General Manager- Administration	\$4,800	1/30/2017
Assistant General Manager- Technology/CIO	\$4,800	3/1/2013
Assistant General Manager- Planning & Development	\$4,800	12/29/2017
Chief of Police	\$4,800	5/22/2017
Deputy General Manager	\$4,800	2/13/2017
Managing Director - Capitol Corridor	\$4,800	11/21/2009

Due to the unique nature of these jobs as executive management employees reporting directly to the General Manager, these classifications are eligible to receive Management Incentive Pay of \$4,800 annually (26 equal pay period installments of \$184.61).

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

Base Salaries	1/1/2018
DISTRICT SECRETARY	\$203,339.85
CONTROLLER-TREASURER	\$258,278.39
GENERAL COUNSEL	\$285,563.95
GENERAL MANAGER	\$385,389.35
INDEPENDENT POLICE AUDITOR	\$194,501.19

Note: The Board approved the salary adjustments for the Board Appointed Officers on December 7, 2017.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 6, 2018

FROM: General Manager

SUBJECT: CalPERS Funding Strategy Options and Recommendations

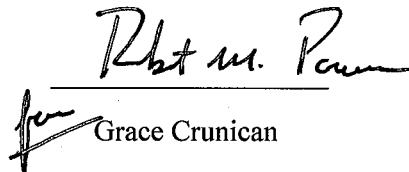
At the Board Meeting on May 10, 2018, the Board requested that staff have Bartel analyze two pension funding strategies:

Option #1: Make annual payments directly to CalPERS to pay down a liability base.

Option #2: Make annual contributions to an Irrevocable Supplemental Pension (\$115) Trust.

At the Board Meeting on June 14, 2018, Mary Beth Redding, Vice President of Bartel Associates, Inc will present the results of her analysis on the options and Michael D. Jones, Assistant General Manager, Administration will present staff recommendations. Attached is the presentation.

If you have any questions about this, please contact Michael D. Jones, Assistant General Manager, Administration, at 510-464-6231.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pann</i> 6 June 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the June 14, 2018 Board Meeting		
DATE: 5/22/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 6/1/18	General Counsel <i>[Signature]</i> 6/1/18 []	Controller/Treasurer <i>[Signature]</i> 6/1/18 []	District Secretary []	BARC <i>[Signature]</i> for P.O. 6/4/2018 []

Contract No. 09AF-111A TBT Cross Passage Doors Replacement

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, to DMZ Builders of Concord CA. for the Base Bid Price of \$6,388,000 and to authorize the General Manager to exercise Option A for the Bid Price of \$300,000 and Option B for the Bid Price of \$200,000.

DISCUSSION: The Work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing all the emergency egress doors in the Trans-Bay Tube (TBT) lower gallery and the two transition structures with new doors, frames and hardware. The Contract has two alternative Options for upgrades to the door monitoring system. The existing doors are nearing the end of their useful life. The new doors will meet BART and the National Fire Protection Association (NFPA) criteria. Door replacement is endorsed by BART's Chief Safety Officer and has been recommended by the San Francisco Fire Department during multiple inspections for Fire/Life Safety Compliance.

This is a Security Sensitive Information Contract. On November 1, 2017, the Invitation to Bid was emailed to 48 prospective Bidders. The Contract was advertised on November 3, 2017 in local publications. A total of 9 firms received security clearance and a total of 4 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on January 30, 2018 with 4 prospective Bidders attending. This Contract has five Addenda and two Options. Two Bids were received and publicly opened on May 1, 2018 as follows:

Bidder	Location	Base Bid	Option A	Option B	Total Bid
DMZ Builders	Concord, CA	\$6,388,000.00	\$300,000.00	\$200,000.00	\$6,888,000.00
SilMan	San Leandro, CA	\$7,401,840.89	\$727,475.36	\$306,689.97	\$8,436,006.22
Engineer's Estimate		\$5,538,946.00	\$415,520.00	\$200,000.00	\$6,154,466.00

After review by District staff, DMZ Builders' (DMZ) Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of DMZ' license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's total Bid of \$6,888,000.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). DMZ Builders did not include any MBE or WBE participation, therefore, it did not meet either the MBE or WBE Availability Percentages. Accordingly, DMZ Builders was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by the DMZ Builders, the Office of Civil Rights found no evidence of discrimination.

The construction cost of this Contract is funded with Measure RR bond funds. Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 14% Local Small Business (LSB) Participation Goal for this Contract. Bidders who meet the LSB Participation Goal are eligible for a Local Small Business Preference of 5% of the lowest responsive Bidder's Bid. The Office of Civil Rights determined that the apparent low bidder, DMZ Builders, committed to subcontracting 18.3% to LSBs. DMZ Builders met the LSB Participation Goal and, therefore, is eligible for the Local Small Business Preference and remains the lowest responsive Bidder.

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

FISCAL IMPACT:

Funding of \$6,888,000 for Contract No. 09AF-111A will come from project budget 09AF002, TBT Cross Passage Doors Replacement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts

funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of May 22, 2018, \$10,953,758 is available for this project from the following fund sources:

Fund	Description	Amount
802A	2017 Measure RR GOB	\$10,949,858
Total		\$10,949,858

BART has expended \$78,910 and committed \$77,139 to date for other actions. This action will commit an additional \$6,888,000 leaving an uncommitted balance of \$3,905,810 in this project.

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

ALTERNATIVES: The Board may elect to reject all Bids and authorize Staff to re-advertise the Contract. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay this safety sensitive project.

RECOMMENDATION: Adoption of the following motion

MOTION: The General Manager is authorized to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement for the Base Bid Price of \$6,388,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise either Option A for the Bid Price of \$300,000.00 or Option B for the Bid Price of \$200,000.00 for upgrades to the door monitoring system.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>6 June 2018</i> <i>Robert M. Perna</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/29/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Mitroff Dept: Extensions <i>Robert Mitroff</i> Signature/Date: <i>6/4/2018</i>	General Counsel <i>[Signature]</i> <i>6/5/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>6/4/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>for R.D.</i> <i>6/4/2018</i> []

PROFESSIONAL SERVICES AGREEMENTS NO. 6M8132, 6M8133, 6M8134, 6M8135, 6M8136, 6M8137, 6M8150, AND 6M8151 CONSTRUCTION MANAGEMENT SERVICES FOR BART PROJECTS

PURPOSE: Request the Board to Authorize the General Manager to award Agreement No. 6M8132 to ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture; Agreement No. 6M8133 to Ghirardelli Associates, Inc; Agreement No. 6M8134 to HDR Construction Control Corporation, Agreement No. 6M8135 to Jacobs Project Management Company; Agreement No. 6M8136 to Parsons Transportation Group, Inc.; Agreement No. 6M8137 to PGH Wong Engineering, Inc.; Agreement No. 6M8150 to PreScience Corporation; and Agreement No. 6M8151 to The Allen Group, LLC/Vali Cooper & Associates, Inc., a Joint Venture; to provide Construction Management Services for BART Projects

DISCUSSION: The six \$15,000,000 Construction Management Services agreements that the District awarded in 2015 are reaching the limits of the commitment authority allowed in their scope. New agreements are needed to provide the District with the essential Construction Management Services needed to implement the District's Capital Improvement Program. As a result, the District issued Request for Proposals (RFP) No. 6M8132 on January 31, 2018 to engage up to eight consulting firms or joint ventures to provide Construction Management services in an amount not to exceed \$25,000,000 per agreement, each with a five-year term.

On January 25, 2018, an Advance Notice to Proposers was sent out to 524 prospective proposers as well as to 23 plan rooms. The RFP was advertised on January 31, 2018 in local publications. The Request for Proposal documents were posted to the District's Procurement Portal and available to Proposers electronically on January 31, 2018 and also in

hardcopy form. A total of one hundred forty (140) firms downloaded the Request for Proposal documents from the Procurement Portal. A pre-proposal meeting was held on February 22, 2018 with one hundred-fifty nine (159) prospective Proposers in attendance. On March 27, 2018 proposals were received from the following 11 firms (in alphabetical order):

1. ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA
2. C²PM, San Ramon, CA
3. F.E. Jordan Associates, Inc./ABA Global, Inc., a Joint Venture, Oakland, CA
4. Ghirardelli Associates, Inc., Oakland, CA
5. HDR Construction Control Corporation, Walnut Creek, CA
6. Jacobs Project Management Co., Oakland, CA
7. Parsons Transportation Group, Inc., Oakland, CA
8. PGH Wong Engineering, Inc., San Francisco, CA
9. PreScience Corporation, Oakland, CA
10. S&C Engineers, Inc., Oakland CA
11. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

The proposals were reviewed by a Selection Committee (“Committee”) consisting of BART staff from Planning, Development & Construction, Maintenance and Engineering, the Office of Civil Rights, and Contract Administration. Proposals were first reviewed to determine if the proposals were responsive to the requirements of the RFP. One of the proposals, from F.E. Jordan Associates, Inc./ABA Global, Inc., a Joint Venture, was determined to be non-responsive to the requirements of the RFP due to major omissions in the proposal.

Subsequently, the remaining 10 proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the proposing firms and the qualifications of the project teams. As a result, the following nine firms (in alphabetical order) were shortlisted and selected for oral interviews which were conducted by the Committee between April 24, 2018 and April 27, 2018:

1. ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA

2. Ghirardelli Associates, Inc., Oakland, CA
3. HDR Construction Control Corporation, Walnut Creek, CA
4. Jacobs Project Management Co., Oakland, CA
5. Parsons Transportation Group, Inc., Oakland, CA
6. PGH Wong Engineering, Inc., San Francisco, CA
7. PreScience Corporation, Oakland, CA
8. S&C Engineers, Inc., Oakland CA
9. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

Based on the combined scores for the oral interviews and written statement of qualifications for RFP No. 6M8132, the Committee determined that the eight highest scoring proposers were the most qualified proposers for this RFP. These firms are listed below in alphabetical order:

1. ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA
2. Ghirardelli Associates, Inc., Oakland, CA
3. HDR Construction Control Corporation, Walnut Creek, CA
4. Jacobs Project Management Co., Oakland, CA
5. Parsons Transportation Group, Inc., Oakland, CA
6. PGH Wong Engineering, Inc., San Francisco, CA
7. PreScience Corporation, Oakland, CA
8. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were DBE and SBE subcontracting opportunities; therefore, a DBE subcontracting goal of 22% and a SBE participation goal of 30% were set for this Agreement. The participation by DBE subcontractors counted towards the DBE subcontracting goal is also counted towards the SBE participation goal. Five of the eight Proposers (ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture; Jacobs Project Management Co.; Parsons Transportation Group, Inc.; PGH Wong Engineering, Inc.; and

The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture) committed to meeting both the 22% DBE subcontracting goal and the 30% SBE participation goal.

Proposer Ghirardelli Associates, Inc. committed to meeting a 22% DBE subcontracting goal and a 85% SBE participation goal. Proposer HDR Construction Control Corporation committed to meeting a 24% DBE subcontracting goal and a 32% SBE participation goal. Lastly, proposer PreScience Inc. committed to meeting a 25% DBE subcontracting goal and a 75% SBE participation goal. The Office of Civil Rights will monitor the actual DBE and SBE participation attained based on individual work plans issued and amounts actually paid to DBE and SBE firms. The Agreements require the Consultants to ensure that DBE and SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends, upon completion of negotiation of fair and reasonable cost reimbursement rates and fees, eight cost-plus-fixed-fee awards each in an amount not to exceed \$25,000,000 for a five-year performance period as follows:

1. ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA
2. Ghirardelli Associates, Inc., Oakland, CA
3. HDR Construction Control Corporation, Walnut Creek, CA
4. Jacobs Project Management Co., Oakland, CA
5. Parsons Transportation Group, Inc., Oakland, CA
6. PGH Wong Engineering, Inc., San Francisco, CA
7. PreScience Corporation, Oakland, CA
8. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

Work Plans (WP's) under each Agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule, and budget.

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

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$25,000,000. District obligations will be subject to a series of WP's. Each WP will have a defined scope of services, and separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. The Controller/Treasurer issues fund codes based on grant awards for allocation to capital projects. Capital Budget and

Funds Management will certify the eligibility of identified funding sources prior to incurring project costs against these Agreements and the execution of each WP. The Office of the Controller/Treasurer will certify that funds are available to meet this obligation prior the execution of each WP. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Reissuing these RFP's would adversely impact the implementation of BART's Capital Improvement Program and would not likely result in better quality bids.

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

MOTION: The General Manager is authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$25,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and Federal Transit Administration (FTA) requirements related to protest procedures.

1. Agreement No. 6M8132 to ACm, AECOM Technical Services, Inc./Cooper Pegueda Management, Inc., a Joint Venture, Oakland, CA
2. Agreement No. 6M8133 to Ghirardelli Associates, Inc., Oakland, CA
3. Agreement No. 6M8134 to HDR Construction Control Corporation, Walnut Creek, CA
4. Agreement No. 6M8135 to Jacobs Project Management Co., Oakland, CA
5. Agreement No. 6M8136 to Parsons Transportation Group, Inc., Oakland, CA
6. Agreement No. 6M8137 to PGH Wong Engineering, Inc., San Francisco, CA
7. Agreement No. 6M8150 to PreScience Corporation, Oakland, CA
8. Agreement No. 6M8151 to The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>6 JUN 2018</i> <i>Robert M. Poun</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/30/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: John McCormick Dept: Operations Planning <i>John McCormick</i> Signature/Date: <i>6/04/2018</i>	General Counsel <i>[Signature]</i> <i>6/4/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>6/4/18</i> []	District Secretary []	BART <i>[Signature]</i> <i>6/4/2018</i> []

AUTHORITY TO ENTER INTO AGREEMENTS FOR TEMPORARY BUS BRIDGE SERVICES

PURPOSE:

To obtain Board authorization for the General Manager to enter into agreements with public and/or private bus operators, including but not limited to the Alameda-Contra Costa Transit District (AC Transit), to provide temporary bus bridge services in a total amount not to exceed \$200,000 per day for each day that the District cannot provide complete train service due to planned maintenance projects.

DISCUSSION:

Staff seeks authority to enter into an agreement with AC Transit and, if necessary, other public and/or private bus operators, to provide bus bridge services between affected BART stations during planned shutdowns for maintenance projects in Calendar Year 2018.

The first such maintenance project will be the M03 Refurbishment Project which will consist of track work between the Oakland Wye and the West Oakland station. This project will require track shutdowns for approximately five to six weekends commencing in August 2018. The specific dates, scenarios, and logistics may change. An agreement may support one or more planned maintenance events during the agreement period.

As part of this authorization request, staff may also incur additional expenses (i.e. traffic control, permit fees, police services, etc.) to support the implementation of bus bridge operations. The total amount, not to exceed \$200,000 per day, includes both the temporary

bus bridge services and any additional expenses, if necessary.

The Office of the General Counsel will approve all negotiated agreements as to form prior to execution.

This proposed Board authorization to enter into bus bridge services agreements would expire December 31, 2018.

FISCAL IMPACT:

Funding for these agreements and payment of related expenses will come from the budget of the sponsoring capital project. Capital Development and Control will certify the eligibility of identified Capital funding sources. The Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

Do not authorize the General Manager to enter into agreements to establish temporary bus bridge services. Without this authorization, there will be limited funding available to operate bus bridge services during maintenance projects, which will force BART patrons to seek alternate means of transportation.

RECOMMENDATION: Staff recommends that the Board adopt the following motion.

MOTION: The General Manager is authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to AC Transit, to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000 per day for each day that the District is unable to provide complete train service due to maintenance projects. These authorizations will expire on December 31, 2018.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Kent M. Pown</i> 6 June 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/1/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Extensions <i>[Signature]</i> Signature/Date: 05/29/18	General Counsel <i>[Signature]</i> 5/28/18 []	Controller/Treasurer <i>[Signature]</i> 5/30/18 []	District Secretary []	BARC <i>[Signature]</i> 6/14/2018 []

Contract No. 79HM-120 SFTS MB, Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection to Contract No. 79HM-120, for construction of the SFTS Marine Barrier (MB), in an amount not to exceed \$400,000 and a time extension, increasing the Contract duration by 196 calendar days.

DISCUSSION:

On February 12, 2015, the Board authorized award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. Notice to Proceed was issued on May 19, 2015. Subsequent to the award of Contract No. 79HM-120, the District's electrical engineering staff reviewed the Contract's cathodic protection design and determined that it would not adequately protect the steel skin of the SFTS. A revised cathodic protection design was implemented through Change Order No. 31. This revised work requires a 196 day schedule extension in order for the work to be completed. Change Order No. 104 Part 1 will provide compensation to the Contractor in an amount not to exceed \$400,000 and add 196 days to the Contract completion date resulting from the delays arising from the revised cathodic protection work provided for in Change Order No. 31.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000, or Change Orders involving a substantial alteration or potential substantial alteration in the obligations of either the District or the Contractor, require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$400,000 for Contract No. 79HM-120 Change Order No. 104 Part 1 will come from project budget 79HM000 Transition Barriers. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed below. As of May 8, 2018, \$108,821,735 is available for this project from the following sources:

Fund Group	Amount
FEDERAL	\$89,339,870
BART	\$190,421
REGIONAL	\$4,434,499
STATE	\$14,856,944
Total	\$108,821,734

BART has expended \$96,381,815 and committed \$10,210,997 to date for other actions. This action will commit an additional \$400,000 leaving an uncommitted balance of \$1,828,923 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If the Change Order is not executed, the Contractor may pursue a claim against the District for the cost of the additional cathodic protection work and delays attributable to the District. Such a claim and related litigation costs would likely increase the ultimate cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection, in an amount not to exceed \$400,000 and extend the Contract completion date by 196 calendar days for Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

5/4/2018

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 104

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 3/31/18	87.00%

COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	18.09%	\$ 8,986,808	
Other Than Board Authorized COs	8.35%	\$ 4,150,311	
This Change Order No. 104	0.81%	\$ 400,000	
Subtotal of all Change Orders	27.25%	\$ 13,537,119	
<u>Revised Contract Amount</u>			\$ 63,223,119

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date		
Time Extension Due to Approved Cos	392	days
Time Extension Due to this CO 104	196	days
Revised Contract Duration	1,318	days

DBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	13.76%
Projected DBE Participation excluding this Change Order	13.65%
This Change Order No. 104	19.65%
Contract 79HM-120 DBE Participation Commitment	1.95%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Jun 2018</i> <i>Rbt M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/31/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jumana Nabti Dept: Customer Access <i>Jumana Nabti</i> Signature/Date: <i>6/7/2018</i>	General Counsel <i>[Signature]</i> <i>6/7/18</i>	Controller/Treasurer <i>[Signature]</i> <i>6/7/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>6/7/2018</i>

Scoop Carpool Matching Service Contract Amendment

PURPOSE:

To seek Board approval to authorize the General Manager to negotiate and enter into a contract amendment with Scoop Technologies for Carpool Services for a not to exceed amount of \$230,000.

DISCUSSION:

In coordination with the Metropolitan Transportation Commission's (MTC) 511 Carpool Program, BART and Scoop Technologies ("Scoop") began development of a Scoop to BART incentive program for carpoolers in early 2016. The program provides rideshare matching services through Scoop to assist in the formulation of carpools. BART provides a guaranteed parking space for those passengers who use Scoop to come to a BART station.

This partnership subsequently won a Federal Transit Administration (FTA) Mobility on Demand Sandbox grant in October 2016. The grant funding agreement between BART and the FTA had a start date of January 20, 2017 and was scheduled to end on June 30, 2018, but was later extended to December 31, 2018. In January 2017, a pilot program was launched at the Dublin/Pleasanton station through a no-cost contract between BART and Scoop. A second contract between BART and Scoop in conjunction with the FTA grant was signed in August 2017 to expand the program throughout the BART system, that contract expires on June 30, 2018. The second contract details how the grant funding is to be spent and each party's responsibilities. Grant funds were allocated to Scoop for outreach and enhancements in the Scoop app to tailor it for the BART passenger. Scoop did not require fees to provide their carpool matching service.

BART and Scoop desire to continue this program after the expiration of the contract. Scoop has since changed its business model and has proposed a service fee of \$20,000 to \$25,000 per month. For this amount, Scoop would continue to match BART riders into carpools through its mobile app, provide support services such as transferring carpool information to BART Police for verification purposes, and complete outstanding deliverables.

BART staff recommends a short-term contract with Scoop while it prepares a long-term comprehensive carpool program solution. Since Scoop is requesting a monthly payment and other companies are entering the carpool matching and occupancy verification market, continuing the existing Scoop to BART carpool program as a short-term solution is preferable.

Ideally, the currently envisioned long-term solution would comprehensively address carpooling to BART, close occupancy verification and enforcement loopholes, and meet the needs of all types of carpools including the following:

- Those who carpool regularly with a known carpool partner (e.g., those using BART's legacy paper permit program);
- Those who carpool irregularly (e.g., for special events);
- Those who carpool through a matching service (e.g., Scoop).

The long-term solution would replace or update the legacy paper permit program, which is still operational, but rife with fraudulent use. It is anticipated that the long-term solution would require approximately 9 months to implement; therefore, the continuation and expansion of the Scoop to BART program is required until the new program can be implemented with a smooth transition.

A smooth transition from the current Scoop to BART program to a long-term carpool program would maintain the gains in carpooling, funding, and staff time invested in the program. The transition plan would also allow continued growth in the carpooling program during the interim period, and provision of data on the program for the FTA.

The current Scoop to BART program benefits BART in the following ways:

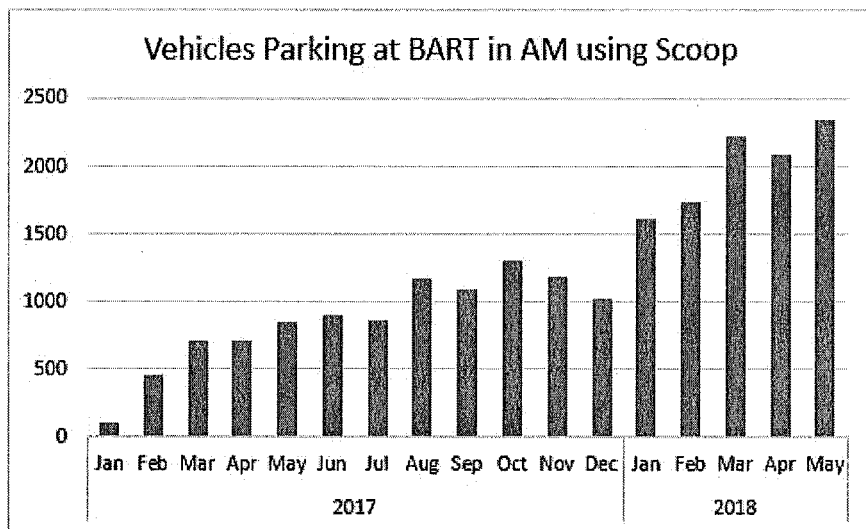
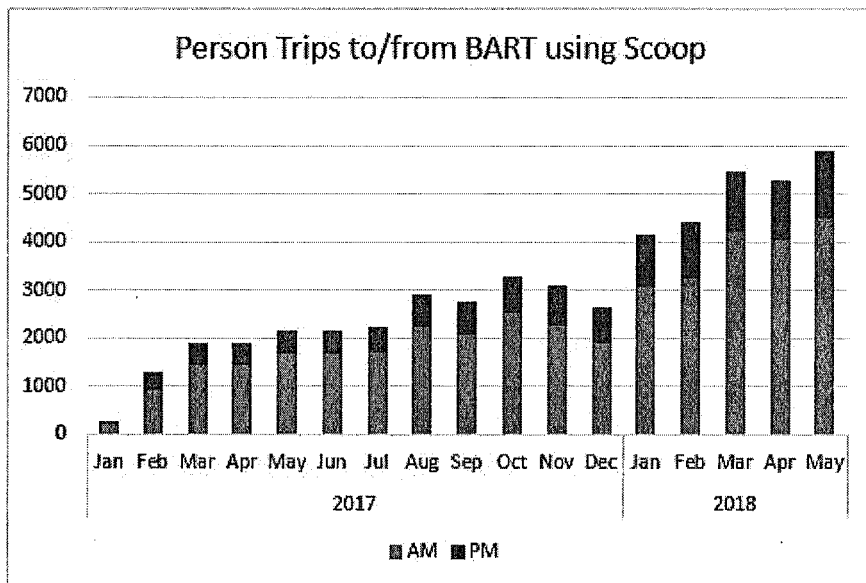
- Improves the efficiency of BART parking resources: The Scoop to BART program averages 1.9 patrons per vehicle parked at BART, as compared to approximately 1.1 patrons per vehicle that normally park at BART.
- Encourages patrons to arrive later than the first-come/first-serve parking lot fill time, helping to smooth out peak of the peak train loading.
- Provides additional affordable access options to stations, particularly more auto-dependent stations.

Usage of the Scoop to BART program has been growing at an average rate of approximately

Scoop Carpool Matching Service Contract Amendment (cont.)

12% month over month since February 2017. The following table and charts show additional data on the Scoop to BART program:

	May 2018	January 2017 to May 2018
# One-way trips to or from BART using Scoop	5,868	51,534
# Vehicles parking at BART in AM using Scoop	2,338	25,586



FISCAL IMPACT:

Funding in the amount of \$230,000 for Scoop is included in the total project budget for FMS # 91CD002 Carpool to Transit Access Project. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund No.	Source	Fund Description	Amount
3608	Federal	Mobility on Demand Sandbox Program	358,000
652A	Regional	MTC - In-Kind Match	30,000
7006	Local	SCOOP - In-Kind Match	63,000
31	BART	Operating Funds	50,000
8529	BART	FY15 Operating Alloc to Capital	20,000
Total			521,000

As June 4, 2018, \$521,000 is the total budget for this project. BART has expended \$145,950 and committed \$105,542 to date. This action will commit \$230,000, leaving an available fund balance of \$39,508 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

The FTA has approved use of grant funds for monthly payments to Scoop.

ALTERNATIVES:

One alternative is to not continue this carpool program with Scoop. If BART decides to discontinue this program on June 30, 2018, the only option for patrons to carpool would be to use the legacy carpool paper permit program, which is rife with fraudulent use and can only be used those who carpool regularly with a known carpool partner.

RECOMMENDATION:

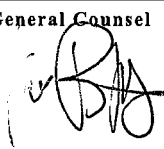

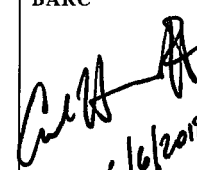
Staff recommends the following motion.

MOTION:

Authorize the General Manager to negotiate and enter into a contract amendment with Scoop Technologies for a not to exceed amount of \$230,000 to provide interim carpool matching services until a long-term carpool program can be implemented.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 8 JUNE 2018 <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D: No		
DATE: 6/1/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development Signature/Date: <i>Abigail Thorne-Lyman</i> 6/6/18 []	General Counsel  6/6/18 []	Controller/Treasurer  6/6/18 []	District Secretary []	BARC  6/6/2018 []

Resolution in Support of Advocating for BART's Transit-Oriented Development and Station Access Policies at Santa Clara County BART Stations

PURPOSE: To obtain Board approval of a Resolution in Support of Advocating for BART's Transit-Oriented Development and Station Access Policies at Santa Clara County BART Stations.

DISCUSSION: In 2016, the BART Board adopted new Station Access and Transit-Oriented Development (TOD) policies. These Board-adopted policies provide BART staff with guidance on how to prioritize station access investments across a range of different station types. The policies were designed to address statewide and regional goals of reducing greenhouse gas emissions through coordinated transportation and land use investments, build upon a notable shift in how BART patrons access stations towards active access modes, and help alleviate the region's housing crisis through dense, mixed-income development.

April 26, 2018, the BART Board approved the Santa Clara Valley Transportation Authority's (VTA's) BART Silicon Valley Phase II Extension Project (SVSX), following a series of hearings from BART and VTA staff on details regarding the proposed alignment, environmental documents, and land use and station access planning efforts that are currently underway. During these hearings, the Board requested that staff return with a resolution directing staff to advocate for VTA and the Cities of San Jose and Santa Clara to apply BART's Station Access and TOD policies to SVSX as these agencies advance their planning efforts.

FISCAL IMPACT: None. BART staff are already working with VTA and the Cities at the

Santa Clara County stations, and BART staff costs will be covered by VTA.

ALTERNATIVES: Do not adopt the Board resolution. Allow planning at the Santa Clara County stations, and supportive access and TOD plans to continue with no formal direction from BART.

RECOMMENDATION: Staff recommends that the Board adopt the attached resolution. This resolution would then be shared with VTA and the Cities of San Jose and Santa Clara.

MOTION: Adopt the resolution, which:

- 1) Directs staff to support and work with VTA and Cities of San Jose and Santa Clara, and to apply the BART Board adopted TOD and Station Access policies in the planning, design and implementation of the SVSX stations and station areas.
- 2) Encourages VTA and the Cities of San Jose and Santa Clara to take advantage of BART's TOD and Station Access lessons learned from stations within the BART Core System over the last 45 years.

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

**In the Matter of Directing the
General Manager to Advocate for
BART's Transit-Oriented Development
and Station Access Policies at
Santa Clara County BART Stations**

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) brings to this partnership an established 121-mile, 48-station regional rail system that efficiently and effectively serves residents and employers in four Bay Area counties, including the region's second (San Francisco), third (Oakland), fourth (Fremont), sixth (Hayward) and eighth (Concord) largest cities; and

WHEREAS, Santa Clara County is the center of Silicon Valley and a driving force for the California economy, and location of the region's first (San Jose) and ninth (Santa Clara) largest cities; and

WHEREAS, the state and region have expressed strong interest in the success of the Silicon Valley extension to advance greenhouse gas emissions reduction and economic vitality goals; and

WHEREAS, MTC's Plan Bay Area 2040 identified the BART to Silicon Valley, Phase II (SVSX) project as one of the Bay Area's highest ranked transit expansion projects; and

WHEREAS, Plan Bay Area 2040 projects that over 45 percent of regional household growth, and nearly 45 percent of regional employment growth between 2010-2040 will be located in San Jose, San Francisco and Oakland; and

WHEREAS, BART supports a sustainable and prosperous Bay Area by connecting communities with seamless mobility; and

WHEREAS, the Comprehensive Agreement executed by Santa Clara County Valley Transportation Authority (VTA) and BART in 2001 sets forth in Section IX the following General Agreements as they relate to Alignment, Stations, Land Use and Development:

1. Transit-oriented land use around rail stations is essential to maximizing ridership and revenue, strengthening the financial health of both BART and VTA, and realizing the full value of the public's investment in the SVRT Project.
2. Integrating transportation and land use will be an on-going, mutual effort involving coordination with local and regional jurisdictions.

3. Each agency has a vital interest in ensuring that the issues of alignment and stations, land use, system access and development are addressed through the cooperative efforts of the two agencies and affected local jurisdictions.
4. This transportation and land use planning effort will embrace those philosophies designed to enhance ridership through use of effective station area planning and development, as referenced in the policies of both agencies and local jurisdictions.
5. To that end, when appropriate, transportation and land use policies related to the SVRT Project will involve both agencies, and both agencies will collaboratively work together to enhance development opportunities.

WHEREAS, the BART Board approved VTA's BART Silicon Valley Phase II Extension Project (SVSX) on April 26, 2018; and

WHEREAS, both system design and land use planning for four SVSX stations are underway; and

WHEREAS, the BART Board adopted Transit Oriented Development (TOD) and Station Access Policies on June 9, 2016;

NOW, THEREFORE, BE IT RESOLVED that the BART Board of Directors,

- 1) Directs staff to support and work with VTA and Cities of San Jose and Santa Clara, and to apply the BART Board adopted TOD and Station Access policies in the planning, design and implementation of the SVSX stations and station areas.
- 2) Encourages VTA and the Cities of San Jose and Santa Clara to take advantage of BART's TOD and Station Access lessons learned from stations within the BART Core System over the last 45 years.



Transit-Oriented Development Policy

Adopted June 9, 2016

VISION

The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large scale public investment. This includes real estate assets essential to BART's transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART's purpose and goals. BART leverages these opportunities by working in partnership with the communities it serves in order to implement the regional land use vision and achieve local and regional economic development goals. Strengthening the connections between people, places, and services enhances BART's value as a regional resource.

GOALS

- A. **Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- B. **Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. **Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- D. **Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.
- E. **Transportation Choice.** Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. **Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

STRATEGIES

- A. **Manage Resources Strategically to Support Transit-Oriented Development**
 1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.
 2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives or where other strategies would generate greater financial return to the District.
 3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process, but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.
 4. Revisit the Transit-Oriented Development Policy every 10 years.

B. Support Transit-Oriented Districts

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.
2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.
3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

C. Increase Sustainable Transportation Choices using Best Practices in Land Use and Urban Design

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.
2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.
3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

D. Enhance Benefits of TOD through Investment in the Program

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.
2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.
3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

E. Invest Equitably

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.
2. Implement BART's adopted Affordable Housing Policy, and aim for a District-wide target of 30 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations.
3. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.



BART STATION ACCESS POLICY

Adopted June 9, 2016

VISION

For more than 40 years, the San Francisco Bay Area Rapid Transit District (BART) has been a steward of major public investment to connect people and places. The BART Station Access Policy is designed to support the broader livability goals of the Bay Area, reinforce sustainable communities, and enable riders to get to and from stations safely, comfortably, affordably, and cost-effectively.

GOALS

A. Safer, Healthier, Greener. Advance the region's safety, public health, and greenhouse gas (GHG) and pollution-reduction goals.

1. Ensure safe access for all users of the BART system, including users with disabilities.
2. Promote and invest in active transportation access modes to improve public health.
3. Prioritize the most sustainable access modes, with a focus on the lowest greenhouse gas and pollutant emissions per trip.
4. Reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers.
5. Develop station-level designs that are consistent with the Station Design Access Hierarchy (Figure 1).

B. More Riders. Invest in station access to connect more riders cost-effectively, especially where and when BART has available capacity.

1. As ridership grows, invest in and manage access resources so as not to exacerbate peak period – peak direction crowding, including by ensuring users can find parking spaces at all times of day.
2. Develop access solutions that promote reverse-peak and off-peak ridership to optimize use of the BART system.

C. More Productive and Efficient. Manage access investments, programs, and current assets to achieve goals at the least cost.

1. Consider life-cycle costs, including capital and operating budget implications, using best asset management practices.
2. Factor land value in decision-making, prioritizing access that generates the most riders with the least space.
3. Consider the Station Access Investment Framework (Figure 2) in identifying contextual access investments at each station, and seek to move stations from their existing to their aspirational types.

D. Better Experience. Be a better neighbor, and strive for an excellent customer experience, including on the first and last mile of the trip to and from BART stations.

1. Expand station access choices for all riders.

BART STATION ACCESS POLICY

2. Promote Transit-Oriented Development (TOD) on and off of BART property as a powerful access tool, putting more riders within walking distance of stations, connecting communities.
3. Collaborate with local jurisdictions to improve station access and create more sustainable communities, including by promoting access improvements off BART property.
4. Ensure high quality design for access improvements, with careful consideration of the local context and the quality of the environment accessing BART.

E. Equitable Services. Invest in access choices for all riders, particularly those with the fewest choices.

1. Ensure that disadvantaged communities share in the benefits of BART accessibility.
2. Strive to be a partner to reduce the cost of living (i.e., transportation and housing) in the Bay Area for low-income communities by increasing access and housing options (i.e. TOD), providing greater access to opportunity.
3. Use Universal Design principles to improve safety and ensure access is available for everyone at all times.

F. Innovation and Partnerships. Be an innovation leader, and establish durable partnerships with municipalities, access providers, and technology companies.

1. Involve BART riders in station access decision-making.
2. Develop partnerships with municipalities, transit operators, developers, technology providers, corporate shuttle providers, Transportation Network Companies, bike share operators, advocacy groups and other entities to best meet access goals.
3. Continue to research and pilot emerging technologies and new forms of access services to keep up with the rapidly-changing transportation ecosystem.
4. Remain technology- and operator-agnostic; make long-term investments in the access technologies and services that best meet the needs of BART riders.
5. Prioritize projects that leverage other fund sources and local matches both to further build partnerships and to capture more value from BART investments.

STRATEGIES

Plan, Innovate and Partner

1. Plan for systemwide access mode shift to reduce drive alone rates.
2. Partner with interested stakeholders to improve access to the BART system.
3. Plan all BART facilities to be accessible to all users, including users with disabilities.

Invest and Implement

1. Invest in the pedestrian and bicycle assets with a focus on BART property, and partner to advance projects off BART property, including partnering on local initiatives, such as Vision Zero, Safe Routes to School, and Safe Routes to Transit.

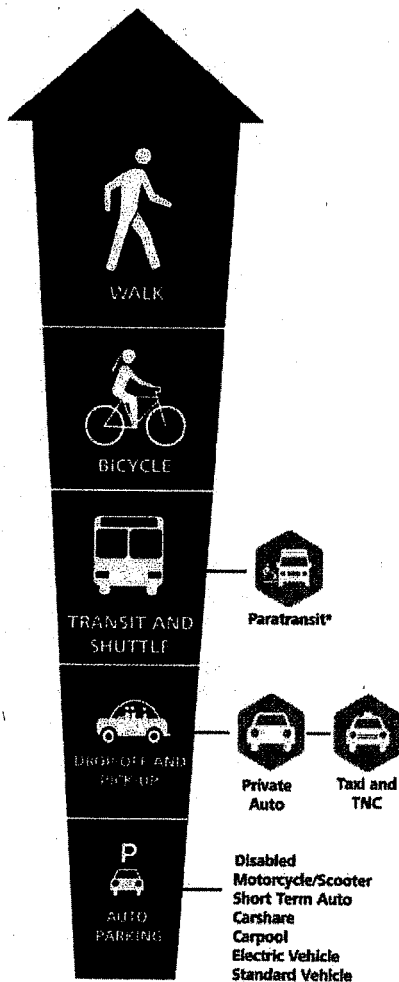
BART STATION ACCESS POLICY

2. Invest in transit connections, including investments that improve passenger experience in transit transfers (shelters, real-time information); seek to reduce barriers to transit connections; and partner with local transit service providers on last mile improvements.
3. Prioritize station access investments that support ridership growth where and when the system has capacity.
4. Improve management of existing parking resources, and invest in or partner on strategic parking resources; including shared parking, on-street parking, programs to maximize existing parking assets, and locating new parking resources only where other approaches are not sufficient, consistent with the station typology investment matrix.

Manage and Assess

1. Manage resources we have.
2. Regularly collect and analyze station access data, and consider emerging data sources.
3. Develop a 4-year work plan to identify projects BART staff will advance in the near-term.
4. Revisit the Station Access Policy every ten years.

FIGURE 1: STATION ACCESS DESIGN HIERARCHY



*All Stations must be paratransit accessible
Note: All stations must always remain readily accessible to and usable by persons with disabilities

BART STATION ACCESS POLICY

FIGURE 2: STATION ACCESS INVESTMENT FRAMEWORK

STATION TYPE	PRIMARY INVESTMENTS	SECONDARY INVESTMENTS	ACCOMMODATED	NOT ENCOURAGED
URBAN	<p>Walking Bicycle</p>	<p>Transit Vehicle</p>	<p>Transit Vehicle Car Bicycle</p>	<p>Auto Parking</p>
URBAN WITH PARKING	<p>Walking Bicycle</p>	<p>Transit Vehicle</p>	<p>Transit Vehicle Car Bicycle</p>	<p>Auto Parking</p>
BALANCED INTERMODAL	<p>Walking Bicycle</p>	<p>Transit Vehicle Bicycle</p>	<p>Transit Vehicle Car Bicycle</p>	
INTERMODAL/AUTO RELIANT	<p>Walking</p>	<p>Bicycle Transit Vehicle Car</p>	<p>Transit Vehicle Car Bicycle</p>	
AUTO DEPENDENT	<p>Walking</p>	<p>Bicycle Transit Vehicle Car</p>	<p>Car</p>	

Primary Investment:
BART will prioritize investments of funds and staff time on and off of BART property, consistent with access goals; priority projects best achieve policy goals, focus on safety and sustainability.

Secondary Investment:
BART will invest funds and staff time on and off of BART property, consistent with policy goals; secondary investments balance policy goals.

Accommodated:
BART will maintain and manage existing assets, and partner with other access providers as needed.

Not Encouraged:
BART will not invest in construction of parking expansion.

Note: TNC is for Transportation Network Company (shared use mobility)

*Parking Management is a secondary investment at all stations with parking.

*Parking replacement for transit-oriented development to be determined by BART's Transit-Oriented Development Policy.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 8, 2018

FROM: General Manager

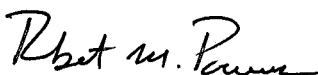
RE: North Concord/Martinez BART Station Transit-Oriented Development Update

At the June 14, 2018 BART Board meeting, staff will provide an informational update on advancement of Transit-Oriented Development (TOD) at the North Concord/Martinez BART station.

At the August 10, 2017 BART Board meeting, the Board authorized staff to enter into a Memorandum of Understanding with the City of Concord to include the 20-acre BART-owned property at the North Concord/Martinez Station in the Concord Reuse Project Specific Plan. At the meeting, staff expressed the intent to issue a Request for Qualifications (RFQ) with the purpose of selecting a development team that could participate with BART in the planning efforts, and eventually be responsible for the financing and construction of development on BART-owned property. Staff recommended selecting a developer prior to the full completion of the Specific Plan so the BART property can be more logically incorporated into the infrastructure and master planning efforts under the guidance of the City of Concord for the adjacent Reuse Project.

Since the August 10, 2017 BART Board meeting, BART staff has been working with the City of Concord and the consultant team leading the Specific Plan process to create alternative development concepts for the BART station property consistent with BART's TOD and Station Access Policies. The City of Concord intends to release a Draft Specific Plan and a Draft Environmental Impact Report (EIR) in Winter 2018/19, with Plan adoption tentatively scheduled for Summer 2019. BART staff intends to release the RFQ in Summer 2018, with the goal of requesting Board authorization to enter into an Exclusive Negotiating Agreement with the selected team in Winter 2018/19.

For more information, please contact Carl Holmes, Assistant General Manager of Planning, Development & Construction, at (510) 464-7592 or CHolmes@bart.gov.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Board of Directors

Date: June 7, 2018

FROM: General Manager

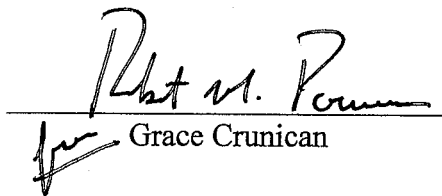
SUBJECT: Art Master Plan Update

The Art Program began a master plan process in spring 2017, and will be presenting an overview of the planning process, the proposed plan, and the program funding strategy to the BART Board for review and comment.

The BART Board adopted an Art Policy in August 2015. A series of recommendations were made to guide the development of an Art in Transit program for BART, in keeping with the best practices of art and transportation programs, including the development of an Art Master Plan to determine the means and method for integrating an art program with BART that achieved the Art Policy vision and goals, as well as broader BART goals related to station experience and placemaking, enhancing rider experience, connecting to communities adjacent to stations, and professional management of the existing art collection.

Following the review of the master plan, comments from the Board will be incorporated to the final plan. Additionally, staff will return to the Board in the summer for action on a recommendation to amend the Art Policy with an Art Program funding proposal.

If you have questions please contact Jennifer Easton, Art Program Manager at 510-874-7328.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MEMO



CAPITOL CORRIDOR
JOINT POWERS AUTHORITY
300 LAKESIDE DRIVE
14TH FLOOR EAST
OAKLAND, CA 94612
(V) 510.464.6995
(F) 510.464.6901
www.capitolcorridor.org

TO: BART Board of Directors
Grace Crunican, BART General Manager

CC: Bob Powers, BART Deputy General Manager

FROM: David B. Kutrosky, Managing Director

DATE: June 8, 2018

SUBJECT: CCJPA Board of Directors Meeting, June 20, 2018

I am submitting this memo to provide an overview of the agenda for the June 20, 2018 CCJPA Board of Directors Meeting in lieu of the typical presentation that is covered in the General Manager's report.

The agenda for the upcoming June 20, 2018 CCJPA Board Meeting (see attached cover page) will include the following action items:

- Authorization to Apply for Federal Grant Programs: FY 17 CRISI + FY 18 BUILD
- Transfer of Management of WiFi Services to CCJPA/Caltrans/CA IPR JPAs
- FY 18-19 Marketing and Communications Plan

In addition, the CCJPA Board will be provided with:

- Overview of Draft FY 18-19 CCJPA Budget
- Overview of Passenger Communications: Service Incidents
- Update: Programmed Capital Projects (including the 2018 TIRCP Project Awards)
- Update: FY 18 service performance [Ridership +5%; Revenues +5%]

Should you have any questions, please do not hesitate to contact me at davidk@capitolcorridor.org or 510-464-6993. Thanks.

Attachment: Draft Agenda Page – June 20, 2018 CCJPA Board Meeting



**CAPITOL CORRIDOR JOINT POWERS AUTHORITY
MEETING OF THE BOARD OF DIRECTORS**

Wednesday June 20, 2018

9 a.m.

Martinez City Hall
City Council Chambers
525 Henrietta Street
Martinez, CA 94553
(see attached map)

A simultaneous conference call will take place at:

**Placer County Transportation Planning Agency
299 Nevada Street
Auburn, CA**

DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Consent Calendar *Action*
 - 1. Minutes of February 14, 2018 Meeting
 - 2. Budget Update: Travel Time Savings Project
 - 3. Budget Update: State Rail Assistance (SRA) Funded Projects
 - 4. Acceptance of 2018 TIRCP Awards
- V. Action and Discussion Items
 - 1. CRISI and BUILD Grant Program Submissions *Action*
 - 2. Transfer of Management of WiFi Services to CCJPA/Caltrans/CA IPR JPAs *Action*
 - 3. Legislative Matters/Governor's May Revise State FY 18-19 Budget *Action*
 - 4. FY 18-19 Marketing and Communications Plan and Advertising Services Budget *Action*
 - 5. Overview of Draft FY 18-19 CCJPA Budget [Operations, Administration, Marketing] *Inf*
 - 6. Overview of Passenger Communications: Service Incidents; On-Board Etiquette; Transit Connections *Inf*
 - 7. Update: Programmed Capital Projects and New Rail Vehicle Deliveries *Inf*
 - 8. Managing Director's Report *Inf*
 - 9. Work Completed *Inf*
 - a. Annual Business Plan Update (FY 2018-19 – FY 2019-20)
 - b. Station Sign Frames
 - c. May 7, 2018 Timetable Update (indirect changes due to new San Joaquins timetable)
 - d. Marketing Activities (February – June 2018)
 - 10. Work in Progress *Inf*
 - a. Sacramento-Roseville 3rd Track Project – Phase 1
 - b. State Rail Assistance (SRA) Funded Projects
 - c. Positive Train Control Update
 - d. Station Platform Security Upgrades
 - e. Bicycle Access Plan Implementation
 - f. On-Board Information System Project
 - g. CCJPA Renewable Diesel Pilot Program
 - h. Proposed Extension of Capitol Corridor Trains to Salinas
 - i. Upcoming Marketing Activities
- VI. Board Member Reports
- VII. Public Comments
- VIII. Adjournment. Next Meeting Date: 10:00 a.m., September 19, 2018, at BART Boardroom, Kaiser Center, 20th Street Mall, 344–20th Street, 3rd Floor, Oakland, CA 94612

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 act 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.

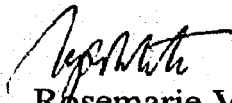
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** June 8, 2018
FROM: Controller-Treasurer
SUBJECT: **QUARTERLY REPORT OF THE CONTROLLER-TREASURER**

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending March 31, 2018 which will be presented to the Board on June 14, 2018.

Please feel free to call me at 510-464-6070 with any questions you may have.


Rosemarie V. Poblete

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT


MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2018
FROM: General Counsel
SUBJECT: Proposed Resolution Directing Specific Advertising Funds

At the request of Director Dufty, attached is a Resolution he will ask you to consider at the May 10th Board meeting. The proposed Resolution directs the profits derived from a recent advertising campaign to the Office of Civil Rights.

PROPOSED MOTION:

Adoption of the attached Resolution.



Matt Burrows

cc: Board Appointed Officers
Executive Staff

Attachment

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

In the Matter of Directing Profits
Derived From Paid Advertising by
Progressives for Immigration Reform to
BART's Office of Civil Rights _____ /

Resolution No. _____

WHEREAS, The San Francisco Bay Area Rapid Transit District (the "District") is committed to providing safe and efficient transit to all members of the public and has passed a Safe Transit Policy¹ codifying that position; and

WHEREAS, The District's advertising guidelines permit point of view advertising without regard to the viewpoint expressed, consistent with First Amendment freedom of speech rulings; and

WHEREAS, the group Progressives for Immigration Reform recently purchased advertising within the BART system that resulted in numerous complaints from the public; and

WHEREAS, the Board of Directors wishes to direct the advertising revenues of the District from this paid advertising campaign to the budget of the District's Office of Civil Rights.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors directs that the General Manager dedicate the advertising revenues generated from the recent advertising by Progressives for Immigration Reform to BART's Office of the Civil Rights, to enhance Limited English Proficiency (LEP) services with input from BART's

¹ BART Resolution 5346 (6/22/17)

Environmental Justice Committee and that such funds should be considered additive,
over and above existing LEP funding and services; and

BE IT FURTHER RESOLVED, that it is requested that the Board of Directors be
advised as to the additional LEP services that are provided as a consequence of this
funding.

Adopted: _____

#