

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

October 11, 2007

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, October 11, 2007, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 27, 2007.* Board requested to authorize.

- B. Resolution of Acceptance of Regional Measure 2 (Safe Routes to Transit) Grant Funds and Initial Project Report for the BART Electronic Bicycle Locker Gap Closure Project.* Board requested to adopt.
- C. Resolution of Acceptance of Regional Measure 2 (Safe Routes to Transit) Grant Funds and Initial Project Report for the Bay Fair BART Station Area Improvement Plan.* Board requested to adopt.

RECESS TO STANDING COMMITTEES

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

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Director Franklin, Chairperson

NO REPORT.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Board Meeting recess

Director Fang, Chairperson

- B-1. Award of Contract No. 01VJ-120, Union City Intermodal Station, Phase I – BART Station Improvements.* Board requested to authorize.
- B-2. Sole Source Contract with Quantum Technical Services Ltd. for Spray-on Composite Floors.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Radulovich, Chairperson

- C-1. Regional Transportation Plan Update.* For information.
- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

NO REPORT.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Award of Contract No. 01VJ-120, Union City Intermodal Station, Phase I
– BART Station Improvements.* Board requested to authorize.

B-2. Sole Source Contract with Quantum Technical Services Ltd. for Spray-on
Composite Floors.* Board requested to authorize. (TWO-THIRDS
VOTE REQUIRED.)

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

C-1. Regional Transportation Plan Update.* For information.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Report of the District Security Advocacy Ad Hoc Committee. For
information.

B. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. PUBLIC EMPLOYEE APPOINTMENT:

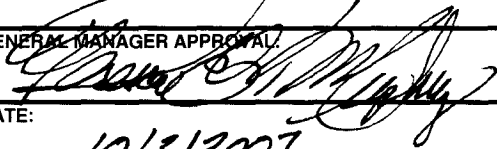
Title: General Counsel
Gov't. Code Section: 54957(b)(1)

B. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:

Agency Negotiators: Directors Franklin, Murray, and Sweet
Titles: Controller/Treasurer, District Secretary
Gov't. Code Sections: 54957 and 54957.6



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 	GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board for Approval
DATE: 10/3/2007	BOARD INITIATED ITEM: No

Originator/Prepared by: Joanne Parker Dept: Capital Development and Control	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: J. Parker 10/2/07	MB 10/2/07	Roberta Collins 10/3/07	[]	[]

TITLE:

Resolution of Acceptance of RM-2 (Safe Routes to Transit) Grant Funds and Initial Project Report for the BART Electronic Bicycle Locker Gap Closure Project

NARRATIVE:

Purpose:

To request Board adoption of the attached Resolution of Compliance and Initial Project Report (IPR) accepting a Regional Measure 2/Safe Routes to Transit grant from the Metropolitan Transportation Commission of \$200,000 for funding the BART Electronic Bicycle Locker Gap Closure Project, which includes the acquisition and installation of (50) electronic bicycle lockers at BART stations in the cities of Orinda, Lafayette, Dublin, and Concord.

Discussion:

As a condition of receiving funds from the Safe Routes to Transit (SR2T) discretionary grant program, a program funded via Regional Measure 2 (RM-2) revenues, MTC requires that the BART Board of Directors adopt a resolution formally accepting the grant with associated terms and conditions. In Spring 2007, MTC, in conjunction with Transportation and Land Use Coalition (TALC), issued a call for projects. A total of \$3.95 million in SR2T funds were available for programming. BART submitted three grant requests as a sole sponsor, submitted four grant requests as a co-sponsor with another jurisdiction, and wrote four letters of support for additional BART-related grant requests made by other jurisdictions. In July 2007, the SR2T committee programmed the \$3.95 million to ten projects. Of those, BART has been asked to adopt resolutions of compliance and an IPR for two projects. Another five of those ten projects receiving SR2T funds are BART-related.

Key points of the attached resolution are as follows: (1) SR2T Program funding for the BART Electronic Bicycle Locker Gap Closure Project is fixed at \$200,000; (2) any cost increases to the project must be secured by BART from other revenues; and (3) BART commits to complete the project. The total cost of the BART Electronic Bicycle Locker Gap Closure Project is \$200,000.

Fiscal Impact:

This action has no fiscal impact on District Reserves. Project funding of \$200,000 for the BART Electronic Bicycle Locker Gap Closure Project has been secured and requires no BART

matching funds.

Alternatives:

Do not adopt the attached Resolution and IPR. If the Resolution is not adopted, BART would risk loss of RM-2/SR2T grant revenues of \$200,000 and the project would not be fully implemented.

Recommendation: Adoption of the following motion.

Motion: The BART Board of Directors adopts the attached Resolution of Compliance and Initial Project Report (IPR) accepting a grant from the Metropolitan Transportation Commission's Regional Measure 2/Safe Routes to Transit program in the amount of \$200,000.

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

In the Matter of the Approval of a
Resolution of Project Compliance And
Initial Project Report for Regional
Measure 2/Safe Routes to Transit Funds
for the BART Electronic Bicycle Locker
Gap Closure Project

Resolution No. _____

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

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

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

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, San Francisco Bay Area Rapid Transit District is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the BART Electronic Bicycle Locker Gap Closure Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report summary and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which San Francisco Bay Area Rapid Transit District is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that San Francisco Bay Area Rapid Transit District, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that San Francisco Bay Area Rapid Transit District certifies that the project is consistent with the Regional Transportation Plan (RTP).

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.

Resolved, that San Francisco Bay Area Rapid Transit District approves the Initial Project Report, attached as a summary to this resolution; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District approves the cash flow plan, attached to this resolution; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the Initial Project Report, attached as a summary to this resolution; and be it further

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

Resolved, that San Francisco Bay Area Rapid Transit District is authorized to submit an application for Regional Measure 2 funds for the BART Electronic Bicycle Locker Gap Closure Project in accordance with California Streets and Highways Code 30914(c); and be it further

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

Resolved, that there is no legal impediment to San Francisco Bay Area Rapid Transit District making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of San Francisco Bay Area Rapid Transit District to deliver such project; and be it further

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

Resolved, that San Francisco Bay Area Rapid Transit District shall, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District authorizes its General Manager, or her/his designee to execute and submit an allocation request for the design phase with MTC for Regional Measure 2 funds in the amount of \$20,000 and to submit an allocation request for the construction phase with MTC for Regional Measure 2 funds in the amount of \$180,000, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

Resolved, that the General Manager, or her/his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the San Francisco Bay Area Rapid Transit District application referenced herein.

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BART Electronic Bicycle Locker Gap Closure Project

2007 Safe Routes to Transit Initial Project Report Summary

This project will install (50) multi-user electronic bicycle lockers at BART stations in the cities of Orinda, Lafayette, Dublin, and Concord.

Multi-user electronic bicycle lockers will allow BART to allocate locker capacity in a more efficient manner, expanding the availability of Class 1 bicycle parking to meet high demand for secure bicycle parking at project stations. The new electronic lockers will not be rented by BART to individual users, but will instead be made available for use “on-demand.” On-demand availability means that any bicyclist will be allowed to rent any unoccupied electronic bicycle locker at any BART station. To rent an electronic locker, a bicyclist must purchase a pre-paid electronic bicycle locker “smart card” available from a program vendor or for purchase online to be received by mail. To access an electronic bicycle locker, a bicyclist will simply insert their smart card into the electronic reader at any unoccupied locker in the BART system, and park their bicycle.

District staff has determined that there will be no significant effect on the environment from the installation of electronic bicycle lockers at these District facilities, and that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(a) Existing Facilities. The technical specifications and design standards for electronic bicycle lockers at BART have been finalized. After funds for this project have been allocated, BART staff will develop site plans to install lockers at each project location.

This project is scheduled to begin construction in January 2009, with all lockers available for use by summer 2009.

BART Electronic Bicycle Locker Gap Closure Project 2007

OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document – CEQA (included in City of Oakland's Document)	N/A	N/A
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	N/A	N/A
Final Design - Plans, Specs. & Estimates (PS&E)	December 1, 2007	March 31, 2008
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	January 1, 2009	September 30, 2009

WORKPLAN

TASK NO	Description	Deliverables	Completion Date
1	Design Engineering	PS&E	March 31, 2008
2	Contract Documents	Contract Book, NTP	June 30, 2008
3	Furnish Lockers	(50) Electronic Bicycle Lockers	June 30, 2009
4	Install Lockers	Site preparation/ Final installation	September 30, 2009
5	Project Completion	Final Invoicing/Final Report	April 30, 2010

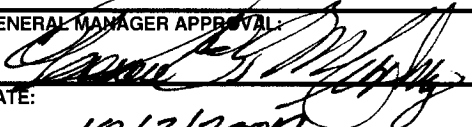
TOTAL PROJECT BUDGET BY PHASE (Escalated to year of expenditure)



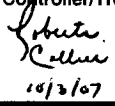
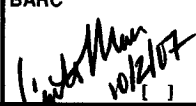
Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$0
Design - Plans, Specifications and Estimates (PS&E)	\$20,000
Right-of-Way Activities /Acquisition (R/W)	\$0
Construction / Rolling Stock Acquisition (CON)	\$180,000
Total Project Budget (in thousands)	\$200,000

CURRENT ALLOCATION REQUEST: \$200,000



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 	GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board for Approval
DATE: 10/3/2007	BOARD INITIATED ITEM: No

Originator/Prepared by: Joanne Parker Dept: Capital Development and Control	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  10/2/07	 10/2/07	 10/2/07 []	[]	 10/2/07 []

TITLE:

Resolution of Acceptance of RM-2 (Safe Routes to Transit) Grant Funds and Initial Project Report for the Bay Fair BART Station Area Improvement Plan

NARRATIVE:

Purpose:

To request Board adoption of the attached Resolution of Compliance and Initial Project Report (IPR) accepting a Regional Measure 2/Safe Routes to Transit grant from the Metropolitan Transportation Commission of \$100,000 for funding the Bay Fair BART Station Area Improvement Plan, which will create a Crime Prevention Through Environmental Design Plan for the Bay Fair BART station area.

Discussion:

As a condition of receiving funds from the Safe Routes to Transit (SR2T) discretionary grant program, a program funded via Regional Measure 2 (RM-2) revenues, MTC requires that the BART Board of Directors adopt a resolution formally accepting the grant with associated terms and conditions. In Spring 2007, MTC, in conjunction with Transportation and Land Use Coalition (TALC), issued a call for projects. A total of \$3.95 million in SR2T funds were available for programming. BART submitted three grant requests as a sole sponsor, submitted four grant requests as a co-sponsor with another jurisdiction, and wrote four letters of support for additional BART-related grant requests made by other jurisdictions. In July 2007, the SR2T committee programmed the \$3.95 million to ten projects. Of those, BART has been asked to adopt resolutions of compliance and an IPR for two projects. Another five of those ten projects receiving SR2T funds are BART-related.

BART, is the lead sponsor for the Bay Fair BART Station Area Improvement Plan. The co-sponsors for this project include County of Alameda and the City of San Leandro. BART, the project co-sponsors and consultant team will closely work with the local community and BART riders to create a plan that identifies, recommends and prioritizes safety and security improvements relative to pedestrian and bicycle access, site planning and design treatments and operational procedures. The ultimate goal is to enhance the personal safety and security of BART riders and area residents by improving the safety elements of pedestrian, bicycle and intermodal connections to the BART station. The project area borders the City of San Leandro and the unincorporated County area of Ashland and San Lorenzo. The Project will supplement

the current efforts of the Bay Fair BART Transit-Oriented Development (TOD) and Access Plan (the “Bay Fair Plan”), which provides a TOD vision and framework, identifies potential access improvements within the plan area and is done in partnership with the project co-sponsors, Caltrans, Bayfair Center and AC Transit.

Key points of the attached resolution are as follows: (1) SR2T Program funding for the Bay Fair BART Station Area Improvement Plan is fixed at \$100,000; (2) each of the three jurisdictions partnering on the project are contributing \$10,000, with the BART contribution coming from BART Planning Department operating funds; (3) any cost increases to the project must be secured by BART from other revenues; and (4) BART commits to complete the project. The total cost of the Bay Fair BART Station Area Improvement Plan is \$130,000.

Fiscal Impact:

This action has no fiscal impact on District Reserves. Project funding of \$130,000 for the Bay Fair BART Station Area Improvement Plan has been secured and requires no additional BART matching capital funds.

Alternatives:

Do not adopt the attached Resolution and IPR. If the Resolution is not adopted, BART would risk loss of RM-2/SR2T grant revenues of \$100,000 and the project would not be fully implemented.

Recommendation: Adoption of the following motion.

Motion: The BART Board of Directors adopts the attached Resolution of Compliance and Initial Project Report (IPR) accepting a grant from the Metropolitan Transportation Commission's Regional Measure 2/Safe Routes to Transit program in the amount of \$100,000.

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

In the Matter of the Approval of a
Resolution of Project Compliance And
Initial Project Report for Regional
Measure 2/Safe Routes to Transit Funds
for the Bay Fair BART Station
Improvement Plan

Resolution No. _____

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

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

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

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, San Francisco Bay Area Rapid Transit District is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the BART Bay Fair Station Area Improvement Plan is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report summary and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which San Francisco Bay Area Rapid Transit District is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that San Francisco Bay Area Rapid Transit District, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that San Francisco Bay Area Rapid Transit District certifies that the project is consistent with the Regional Transportation Plan (RTP).

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.

Resolved, that San Francisco Bay Area Rapid Transit District approves the Initial Project Report, attached as a summary to this resolution; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District approves the cash flow plan, attached to this resolution; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the Initial Project Report, attached as a summary to this resolution; and be it further

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

Resolved, that San Francisco Bay Area Rapid Transit District is authorized to submit an application for Regional Measure 2 funds for BART Bay Fair Station Area Improvement Plan in accordance with California Streets and Highways Code 30914(c); and be it further

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

Resolved, that there is no legal impediment to San Francisco Bay Area Rapid Transit District making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of San Francisco Bay Area Rapid Transit District to deliver such project; and be it further

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

Resolved, that San Francisco Bay Area Rapid Transit District shall, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that San Francisco Bay Area Rapid Transit District authorizes its General Manager, or her/his designee to execute and submit an allocation request for the planning phase with MTC for Regional Measure 2 funds in the amount of \$100,000, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

Resolved, that the General Manager, or her/his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the San Francisco Bay Area Rapid Transit District application referenced herein.

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Bay Fair BART Station Area Improvement Plan

2007 Safe Routes to Transit Initial Project Report Summary

The purpose of this project is to increase overall ridership levels and to increase the share of existing riders who access the station by bicycle or by foot. Specifically, this project, when its recommendations are implemented, will:

- Increase safety and security for local residents and BART riders, especially pedestrians and bicyclists;
- Increase transit ridership to reduce automobile dependency, thereby contributing to a healthy environment;
- Increase pedestrian and bicycle activities to promote public health;
- Create a sense of community and attract new homeowners to the area, particularly families;
- Improve Bayfair Center image and attract more shoppers, contributing to the local economy;
- Allow the police to focus their resources in other areas.

BART, the project co-sponsors and consultant team will closely work with the local community and BART riders to create a plan that identifies, recommends and prioritizes safety and security improvements relative to pedestrian and bicycle access, site planning and design treatments and operational procedures. The ultimate goal is to enhance the personal safety and security of BART riders and area residents by improving the safety elements of pedestrian, bicycle and intermodal connections to the BART station.

The project area borders the City of San Leandro and the unincorporated County area of Ashland and San Lorenzo. The area is comprised of primarily single-family residential neighborhoods with commercial strips along East 14th Street and Hesperian Boulevard. Local retail includes Bayfair Center, Fashion Faire and Fairmont Square. The Bay Fair BART Station is a key intermodal hub and is served by three BART lines and nine AC Transit bus service.

The Project will supplement the current efforts of the Bay Fair BART Transit-Oriented Development (TOD) and Access Plan (the "Bay Fair Plan"), which provides a TOD vision and framework, identifies potential access improvements within the plan area and is done in partnership with the project co-sponsors, Caltrans, Bayfair Center and AC Transit.

The Bay Fair BART Station Improvement Plan project initiation is anticipated for January 2008. The total project cost is \$130,000. Of this amount, \$100,000 is to be funded by the SR2T Grant Program, while BART, Alameda County and City of San Leandro/Bayfair Center are each contributing an additional \$10,000. Approximately \$20,000 is budgeted for BART staff time, with the remaining \$110,000 proposed for consultant work and workshop material and production costs. Project completion is anticipated in Winter 2008/9.

BART Electronic Bicycle Locker Gap Closure Project 2007

OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	N/A	N/A
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	N/A	N/A
Final Design - Plans, Specs. & Estimates (PS&E)	January 2008	Winter 2008/09
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	N/A	N/A

WORKPLAN

TASK NO	Description	Deliverables	Completion Date
1	Background	Data Review, Survey Design, TAC and PAC Meeting #1	Spring 2008
2	Outreach	Outreach Planning, Workshop #1	Spring 2008
3	Plan Development	Plan Development, TAC and PAC Meeting #2	Summer 2008
4	Plan Comments	Workshop #2 and Community, TAC and PAC Meeting #3	Fall 2008
5	Conceptual Drawings	Concept Drawings, Outline Specs and Cost Estimates	Fall 2008
6	Project Plan	Project Plan and Capital Program, TAC and PAC Meeting #4	Winter 2008/9

TOTAL PROJECT BUDGET BY PHASE (Escalated to year of expenditure)

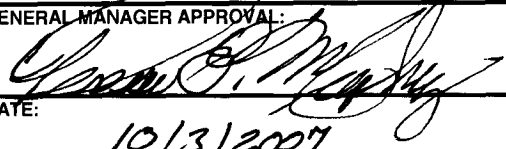
Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	\$130,000
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	\$130,000


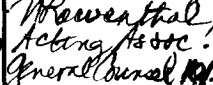
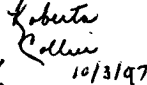
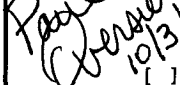
CURRENT ALLOCATION REQUEST: \$100,000

The map displays a section of the San Leandro and Ashland area. Major streets shown include Halcyon Dr, Hesperian Blvd, and East 14th Street. A dashed line marks a 1/4 mile radius, and a solid line marks a 1/2 mile radius. The map includes various street names such as Lillian St, Grace St, Castle St, Billo St, Olive St, Violet St, Central St, Llewellyn St, and others. A small inset map in the bottom left corner shows the location of the area within the larger context of the city.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 	GENERAL MANAGER ACTION REQ'D: Approve and Forward to the October 11, 2007 E&O Committee Meeting
DATE: 10/3/2007	BOARD INITIATED ITEM: No

Originator/Prepared by: Walt Sonnichsen Dept: TSD Signature/Date:  10/8/07	General Counsel  Acting Assoc. General Counsel 10/3/07	Controller/Treasurer  10/3/07	District Secretary []	BARC  10/3/07
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TITLE:

Award of Contract No. 01VJ-120 Union City Intermodal Station, Phase 1 - BART Station Improvements

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 01VJ-120 for station improvements at the Union City BART Station to West Bay Builders, Inc. of Novato, CA for Bid Alternative No. 1.

DISCUSSION: Improvements to the Union City BART station are part of a long-range architectural master plan for a 50 acre transit-oriented mixed-use district, centered at the BART station, encompassing both sides of the BART and Union Pacific Railroad (UPRR) tracks. Union City's Station District Master Plan of June 2001 envisions urban density housing, office, and retail, as well as community facilities and open spaces. Concepts being developed include a new double-sided intermodal facility that will establish a strong identity and focus for Union City's emerging mixed-use downtown; a flexible framework of amenable streets and city blocks that support development integrated with transit; the close proximity between transit modes to facilitate transfer; and the creation of new pedestrian and bicycle improvements, new development, open space, and community facilities that can become a positive front to transit.

The station improvements consist of a remodeling and expansion of the existing Union City BART station, including increasing the platform area and new vertical circulation (stairs and escalators) at the Fremont-bound platform, a new plaza/pedestrian promenade fronting the renovated station with new exterior lighting and landscaping, and new transit canopies. These canopies will have a "green" feature in the form of a roof of solar panels using photovoltaic glass that will generate power for the station's electrical needs.

The Board on March 8, 2007 authorized the award of a separate site improvements contract that will reconfigure parking areas and loop roads to improve traffic circulation and improve access for pedestrians, bicyclists, and bus riders in anticipation of a regional intermodal transit station.

On April 25, 2007 Advance Notice to Bidders were mailed to 138 prospective bidders, which included 48 Disadvantaged Business Enterprises. Contract Documents were sent to 16 plan rooms. The Contract was advertised on April 30, 2007 in local publications. A total of 37 firms

purchased copies of the Contract Documents. A pre-bid meeting and site visit were conducted on May 22, 2007 with 11 prospective bidders attending. Bids were publically opened on July 31, 2007.

Bidders were asked to bid on two alternatives. Bid Alternative No. 1 includes the the total scope as defined by the Contract Documents. Bid Alternative No. 2 is the total scope without the transit canopies. The order of preference for award is Bid Alternative No. 1 and then Bid Alternative No. 2, subject to funding availability.

The following bids were received:

<u>Bidder</u>	<u>Location</u>	<u>Alternative No. 1</u>	<u>Alternative No. 2</u>
West Bay Builders, Inc.	Novato, CA	\$25,691,600.00	\$22,218,000.00
S. J. Amoroso Construction Co., Inc.	Redwood Shores, CA	\$26,777,000.00	\$23,177,000.00
Engineer's Estimate		\$29,977,000.00	\$24,991,000.00

Sufficient funding is available for Bid Alternative No. 1. The apparent low bid price for Bid Alternative No. 1 submitted by West Bay Builders, Inc. is \$25,691,600.00, which is 14% lower than the Engineer's Estimate of \$29,977,000.00.

After review by District staff, the bid has been deemed to be responsive to the solicitation. Furthermore, staff's review of the low bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible and that the bid of \$25,691,600.00 submitted by West Bay Builders, Inc. is fair and reasonable.

The City of Union City Redevelopment Agency Board and City Council on September 25, 2007 adopted resolutions approving the funding obligation and concurred with District staff's recommendation to award Contract No. 01VJ-120, Union City Intermodal Station, Phase 1 - BART Station Improvements to the low bidder, West Bay Builders, Inc. for Bid Alternative No.1.

In accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), environmental review for the Intermodal Station Phase 1 Project was conducted by the respective federal and state lead agencies, FTA and Union City, in 2002 and 2003. As a result of some project modifications in 2005, an evaluation of potential project impacts was conducted by Union City to document that the project changes would not cause significant environmental impacts. The City submitted a letter to FTA summarizing the project changes and the evaluation of potential impacts. FTA concluded there were no significant environmental impacts related to the project modifications and no review under NEPA was required. BART staff reviewed the documentation and concurred with these findings.

FISCAL IMPACT: Funding for \$25,691,600 for award of contract 01VJ-120 is included in the total project budget for the FMS #01VJ, Union City Intermodal Station. The City of Union City

issued Resolution No. 358-07 which ensures that BART's invoices will be paid on time, and not be contingent on reimbursement by outside funding agencies. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$25,691,600 will be funded as follows:

Federal	\$ 12,786,005
State	\$ 9,088,745
Local	\$ 3,816,850
Total	\$ 25,691,600

As of month ending September 28, 2007 the following funding is available for commitment from these sources:

Fund Grant	Funds Available	Committed	Pending Commitments	Funds Allocated to this Contract	Funds Remaining
47Y-Federal	\$ 607,360	\$ 95,350	\$ 0	\$ 295,801	\$ 216,209
54B-Federal	\$ 228,279	\$ 0	\$ 0	\$ 228,279	\$ 0
54C-Federal	\$ 3,415,791	\$ 2,032,441	\$ 0	\$ 1,383,350	\$ 0
54D-Federal	\$ 9,133,750	\$ 0	\$ 0	\$ 9,133,750	\$ 0
54E-Federal	\$ 2,077,173	\$ 0	\$ 0	\$ 1,744,825	\$ 332,348
56F-State	\$ 1,880,000	\$ 95,350	\$ 0	\$ 1,541,600	\$ 243,050
55P-State	\$ 8,416,926	\$ 5,088,000	\$ 0	\$ 2,947,145	\$ 381,781
55P-State (pending)*	\$ 4,600,000	0	\$ 0	\$ 4,600,000	\$ 0
59W-Local	\$ 2,591,749	\$ 0	\$ 0	\$ 2,591,749	\$ 0
61S-Local	\$ 4,783,357	\$ 1,467,755	\$ 296,938	\$ 1,119,801	\$ 1,898,863
51W-Local	\$ 105,300	0	\$ 0	\$ 105,300	\$ 0
Total	\$37,839,685	\$ 8,778,896	\$ 296,938	\$ 25,691,600	\$ 3,072,251

*The 55P-State (pending) funding appropriation of \$4,600,000 was approved on September 5, 2007 and awaiting the Executed Agreement. However, if this Agreement fails to materialize, the

revolving funds of \$5,000,000 per Union City Resolution No. 358-07 will cover all the payments due to BART on this project.

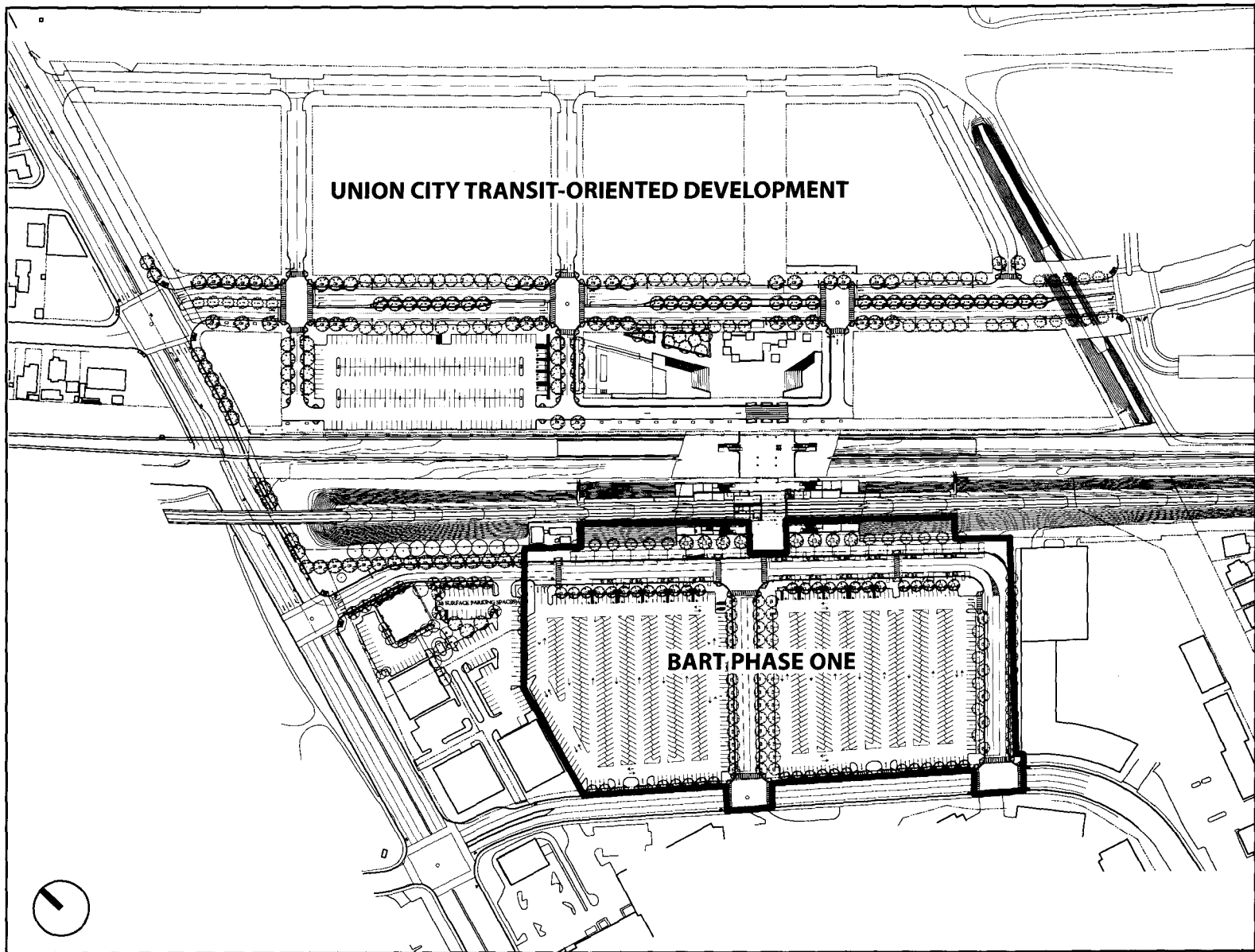
The City of Union City is the grantee of the funds and the District is the sub-grantee of the funds.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The alternatives are not to award the Contract, award Bid Alternative No. 2, or rebid. Not awarding is not recommended as this is the first phase of a master plan vision of future development for the City of Union City and the improvements are in preparation for a regional intermodal transit station. Since sufficient funding is available for Bid Alternative No. 1, staff does not recommend awarding Bid Alternative No. 2. Rebidding is also not recommended as the bid price for this Contract is fair and reasonable, the price would only escalate, and the funds would expire.

RECOMMENDATION: Based on staff analysis, it is recommended that the Board adopt the following motion:

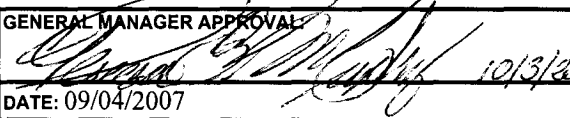
MOTION: The General Manager is authorized to award Contract No. 01VJ-120 for the Union City Intermodal Station, Phase 1 - BART Station Improvements to West Bay Builders, Inc. for the bid amount of \$25,691,600 for Bid Alternative No. 1, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA's requirements related to protests.

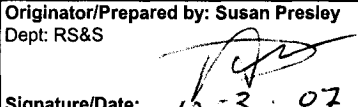
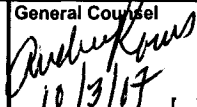
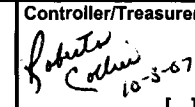
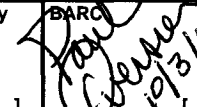


Union City Intermodal Station Area Concept Plan



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL  DATE: 09/04/2007	GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors BOARD INITIATED ITEM: No
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Originator/Prepared by: Susan Presley Dept: RS&S  Signature/Date: 10-3-07	General Counsel  Signature/Date: 10/3/07 []	Controller/Treasurer  Signature/Date: 10-3-07 []	District Secretary []	BARC  Signature/Date: 10/3/07 []
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TITLE:

Sole Source Procurement of the Quantum Spray-on Floor System (Two-Thirds Vote Required)

NARRATIVE:

Purpose:

To obtain a Board finding that Quantum Technical Services Ltd. is a single source of supply for the material and application of Quantum Spray-on Floor System 550D-FR on two-hundred (200) transit vehicles, and to obtain Board authorization for the General Manager to negotiate and enter into a one-year sole source contract with Quantum Technical Services Ltd. in accordance with Public Contract Code Section 20227.

Discussion:

The Quantum Spray-on Floor System will replace the roll composite flooring authorized by the Board for sixty-nine (69) C2 cars in July 2005. Installation of the roll composite flooring began in July 2006. To date forty-nine (49) of the sixty-nine (69) cars have been completed. Evaluations performed in March 2007 have shown customer response to be overwhelmingly positive, with 81% expressing a preference for grey roll composite flooring over carpet. Customers reported that they liked the general appearance, cleaner look, better smell, and feel, comfort and traction of the gray composite flooring. Customer evaluations of the new spray-on flooring will be conducted once a representative number of cars are in service. The results will be incorporated into any future expansion of the spray-on floor program. During the FY 2008 budget process, Rolling Stock and Shops committed to achieving a car interior cleanliness Passenger Environmental Survey (PES) score of 6.4. A key component of this commitment was authorization for the installation of composite flooring, such as spray on flooring, on an additional two hundred (200) cars.

The addition of two hundred (200) cars with spray-on flooring is expected to have a substantial positive impact on train interior cleanliness. Spray-on flooring is more durable and easier to maintain than carpet. The spray-on flooring is expected to last three to four times longer than carpet, while maintaining a consistent appearance as it ages. Accomplishing the installation of composite flooring on two hundred (200) cars in a single fiscal year is a tremendously ambitious objective. Preparation and installation time for the spray-on flooring is considerably less and can be accomplished in one quarter of the time needed to install the roll composite flooring.

objective. Preparation and installation time for the spray-on flooring is considerably less and can be accomplished in one quarter of the time needed to install the roll composite flooring.

The spray-on technology is a recent development of the plastics industry that uses a sophisticated mixing applicator to form a virtually indestructible material called polyurea. The District began dialogue with eight (8) different companies to find a suitable polyurea material for train floors. This included five (5) formulators that have the ability to produce custom polyureas to meet specific application requirements. The other three (3) companies were distributors that could not produce a custom polyurea system to meet all of the District's requirements. The District reviewed material specifications from the formulators against the District's stringent requirements for smoke, fire, toxicity, abrasion, and aesthetics. This eliminated one (1) of the formulators. The other four (4) formulators believed they could meet our requirements so they each produced several samples for smoke, fire and toxicity testing by independent labs. Upon evaluation of these results, only one material, System 550D-FR produced by Quantum Technical Services, Ltd., was able to successfully meet all of the District's requirements. Throughout testing, this polyurea material has proven to be superior to both the roll composite flooring and carpet.

Providing a floor material that is safe and is well received by customers is essential. Based on the positive customer response to the roll flooring, considerable effort, including the consultation of a design professional, went into the selection of the color, pattern and texture of the spray flooring. The appearance and feel of the spray-on flooring is as similar, as differing technologies can be, to the roll composite flooring. Eight (8) prototype cars have been sprayed with the polyurea material and are currently running in service.

The long term performance and appearance of the spray-on flooring is largely dependant on proper installation. The material is processed through high pressure, high temperature impingement mix equipment and applied directly to the car sub-floor. Completion of each floor requires multiple application passes to provide the correct density, color, texture and pattern. The use of highly qualified installers, with extensive commercial and public access application experience, is critical to achieving a consistent finished product. Installation requires artistic competence and technical knowledge to deal with factors such as temperature, humidity, equipment variability, and surface preparation. Quantum Technical Services Ltd. has installed more than 50,000 gallons of spray-on polyurea flooring in commercial and high profile public access applications. It takes approximately 45 gallons of polyurea spray-on material for each BART car.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use. Staff is hereby seeking a Board finding and authorization by two-thirds vote, for staff to proceed to buy the Quantum Spray-on Floor System 550D-FR on two hundred (200) transit vehicles. The Office of the General Counsel will approve the contract as to form.

Fiscal Impact Statement:

Funding of \$2,000,000 for Contract 42AH-201 is included in the total project budget for FMS # 42AH - Car Interior Modification. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

FY07-FY11 Capital Allocation
\$2,000,000

51W

As of August 26, 2007, \$2,000,000 is available for commitment from fund 51W for this project and \$0 has been committed by BART to date. There are no pending commitments in the District's financial management system. This action will commit an additional \$2,000,000, leaving an uncommitted balance of \$0.

There is no fiscal impact on available unprogrammed District Reserves.

Alternatives:

Issue an Invitation for Bid (IFB), with the likelihood of receiving only a single responsive bid from Quantum Technical Services Ltd.

Recommendations:

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

Motion:

The Board finds pursuant to Public Contract Code Section 20227 that Quantum Technical Services Ltd. is the sole source for procurement of a spray-on polyurea flooring that meets all the District's safety requirements and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Quantum Technical Services

(Two-thirds vote required)

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MEMORANDUM**

TO: Board of Directors DATE: October 5, 2007

FROM: General Manager

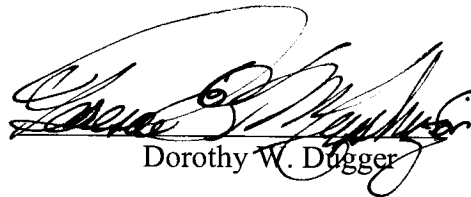
SUBJECT: **MTC Transportation 2035 Update – Regional Transportation Plan**

The Metropolitan Transportation Commission (MTC) is in the midst of a two-year process to update the Bay Area's Regional Transportation Plan (RTP). The RTP this year is being called Transportation 2035 (T2035), and is the region's long-range transportation policy and investment blueprint.

MTC and the region have taken a markedly different approach with this year's regional plan. The region is at a crossroads, and MTC is using the first year of planning for the development of a regional consensus on a regional vision. The Commission has established a set of ambitious targets focused around the "Three E" principles of sustainability (economy, environment and equity). The second year, beginning in 2008, will be focused on the traditional financial constrained element of the plan. Adoption is scheduled for early 2009.

At the October 11 PPAAL Committee, Therese McMillan, MTC's Deputy Executive Director for Policy, will provide the BART Board with an overview of T2035.

Please feel free to contact Carter Mau (510.464.6194) or me if you have questions.


Dorothy W. Dugger

CC: Board Appointed Officers
Deputy General Manager
Executive Staff