

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

BOARD MEETING AGENDA

October 13, 2011

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 13, 2011, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 22, 2011.* Board requested to authorize.
- B. Resolution of Local Support for a State Transportation Improvement Program (STIP) Grant Related to the Walnut Creek BART Transit Oriented Development (TOD) Intermodal Project.* Board requested to adopt.
- C. Award of Contract No. 02EE-130, Warm Springs Extension, Tail Track Building Demolition.* Board requested to authorize.
- D. Award of Contract No. 79NK-110B, Replacement of Lake Merritt Administration Building Main Uninterruptible Power Supply.* Board requested to authorize.
- E. Audit of Directors' Use of District Property for Fiscal Year 2011.* For information.

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

Director Murray, Chairperson

- A. Metropolitan Transportation Commission Transit Sustainability Project.* For information.

4. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Resolution for New and Modified Fare Rates and Charges: Discount Fares for Seniors, People with Disabilities, and Youth Using Clipper Cards.* Board requested to adopt. (TWO-THIRDS VOTE REQUIRED.)

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Authorization to Acquire Real Estate and Execute a Cost-Sharing and Property Transfer Agreement between BART and Santa Clara Valley Transportation Authority for the Hayward Shop Project and the Hayward Maintenance Complex Project.* Board requested to authorize.

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Report on the BART Police Department Review Special Committee Meeting of October 3, 2011. For information.
- B. Report on the Board Workshop – Business Advancement Program (BAP) of October 7, 2011. For information.
- C. Board Member Reports. For information.
- D. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Nancy Delandrea</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/11		BOARD INITIATED ITEM No.:		
Originator/Prepared by: Daidre Haltman Dept. Capital Development and Control <i>Daidre Haltman</i> Signature/Date: 10-3-11	General Counsel: <i>[Signature]</i> 10/3/11	Controller/Treasurer: <i>[Signature]</i> 10-3-11	District Secretary: []	BARC: <i>[Signature]</i> 10-3-11
Status: Approved		Date Created: 08/30/2011		

TITLE:

Adoption of a Resolution of Local Support for a State Transportation Improvement Program (STIP) Grant Related to the Walnut Creek BART TOD Intermodal Project

NARRATIVE:

Purpose:

To request Board adoption of a Resolution of Local Support for acceptance of a State Transportation Improvement Program (STIP) grant for the TOD Intermodal Project component of the Walnut Creek BART transit village.

Discussion:

The purpose of the TOD Intermodal Project is to provide key access amenities for the planned 16-acre Walnut Creek BART transit village. This new transit village will develop the surface parking lots that currently surround the Walnut Creek BART station into a community that will include approximately 600 residential units, 18,500 square feet of commercial space, replacement of existing surface BART parking, and a new six-story, 887-space parking garage. The village is designed to encourage walking and bicycling by having attractive pathways (called paseos) that will provide connections within the village as well as to downtown Walnut Creek, the Iron Horse Trail and other neighborhoods and destinations in the surrounding area.

The scope of the TOD Intermodal Project is limited to the construction of the access components of the transit village, specifically the intermodal bus facility, the transit customer service station, the BART police substation, parking signage, lighted platform signage, upgraded station lighting, and bicycle and pedestrian paths and plazas. The purpose of this Project is to provide access improvements that will support transit, walking and bicycling to and from the village as well as help to create an inviting environment for both residents and visitors. The construction of these amenities along with the garage enables the project sponsors and BART to develop the remaining BART station property into a vibrant 16-acre transit village.

BART and its partner, the Walnut Creek Transit Lifestyle Associates, LLC, have been working with the City of Walnut Creek on the proposed transit village and the TOD Intermodal Project at the Walnut Creek BART station, and are collaborating on the final scope, schedule and budget for the transit village. BART is applying for \$5,300,000 in State Transportation Improvement

Program (STIP) funds for the construction of the TOD Intermodal Project as described above. In order to fully fund the TOD Intermodal Project, BART will also be requesting \$3,850,000 in Measure J BART Parking and Access funds. Measure J is Contra Costa County's half-cent sales tax measure for transportation. The total cost of the TOD Intermodal Project is approximately \$9,150,000.

To receive the STIP funds, the Metropolitan Transportation Commission (MTC) has requested that BART adopt a Resolution of Local Support. Key points of the attached STIP resolution are as follows: (1) BART is applying for \$5.3 million in STIP funding for construction of the Walnut Creek BART TOD Intermodal Project; (2) there is no legal impediment to BART applying for Regional Transportation Improvement Program (RTIP) funds; and (3) that BART, as the Project Sponsor, has reviewed the TOD Intermodal Project and has agreed that adequate staffing resources exist to complete the project within the timeline outlined by the grant requirements.

Fiscal Impact:

There is no direct fiscal impact on the District; no BART funds will be used to match this grant. BART will be requesting \$3.85 million in Measure J funds that could be allocated to other BART projects within central Contra Costa County. Approximately \$10 million of Measure J funds are available to BART for parking and access improvements in central Contra Costa County over the 25-year life of the Measure.

Alternatives:

Do not adopt the attached Resolution. If the Resolution is not adopted, BART risks losing STIP grant revenues of \$5,300,000, without the ability to re-apply for these grant funds for the project. This is due in part to the fact that the Contra Costa Transportation Authority (CCTA) approved inclusion of the \$5.3 million Walnut Creek BART TOD Intermodal Project into its 2012 STIP Contra Costa project list and funding priorities and in part to approaching funding application deadlines. On November 16, 2011, the MTC is scheduled to adopt its proposed projects for STIP funding.

Recommendation:

Adoption of the following Motion.

Motion:

Adoption of the attached Resolution.

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

**In the Matter of the Approval of a
Resolution of Local Support for a
RTIP Project Application for the
Walnut Creek BART TOD
Intermodal Project _____/**

Resolution No. _____

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (herein referred to as "APPLICANT") is submitting an application to the Metropolitan Transportation Commission (MTC) for \$5,300,000 (Five Million Three Hundred Thousand Dollars) in funding from the 2012 Regional Transportation Improvement Program (RTIP) for the Walnut Creek BART TOD Intermodal Project (herein referred to as "PROJECT") a component of the Walnut Creek BART transit village, as authorized by MTC by Resolution No. 4028 (herein referred to as "PROGRAM"); and

WHEREAS, Senate Bill (SB) 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program (STIP); and

WHEREAS, MTC will review and include, if approved, 2012 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a transportation project sponsor eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Project Programming Request (PPR) form of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2012 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 4028, Attachment 1, Page 15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 4028, Attachment 1, Page 14, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, that APPLICANT and PROJECT will comply with the requirements as set forth in the 2012 RTIP Policies and Procedures (MTC Resolution No. 4028); and therefore be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the Transit Coordination Implementation Plan, as set forth in MTC Resolution No. 3866; and be it further

RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Project Programming Request (PPR) form of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and be it further

RESOLVED, that APPLICANT has and will retain the expertise and knowledge necessary to deliver STIP and federally-funded projects, and has assigned a single point of contact for all STIP and FHWA-funded projects to work with the CMA, MTC, and Caltrans on any questions or issues that may arise during the STIP and/or federal programming and delivery process; and be it further

RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program 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 APPLICANT to deliver such PROJECT; and be it further

RESOLVED, that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein, along with the name and contact information for the APPLICANT's single point of contact.

RTIP Project Application
Part 2: Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. **Please initial each.**

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. _____
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC. _____
3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. _____
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. _____
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) _____
6. 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. _____
7. The project is fully funded. _____
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP. _____
9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award. _____
10. The implementing agency agrees to be available for an audit of STIP funds, if requested. _____

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. _____

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.
2. California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.
3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.

4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 8/09)

General Instructions

<input checked="" type="checkbox"/> New Project		<input type="checkbox"/> Amendment (Existing Project)		Date:	09/30/11
Caltrans District:	EA	PPNO	MPO ID	TCRP No.	
04					
County	Route/Corridor	Project Sponsor/Lead Agency	MPO	Element	
CC		San Francisco Bay Area Rapid Transit D	MTC		
Project Title					
Walnut Creek BART TOD Intermodal Project					
PM Bk	PM Ahd	Project Mgr/Contact	Phone	E-mail Address	
		Deidre Heitman	510-287-4796	dheitma@bart.gov	
Location, Project Limits, Description, Scope of Work, Legislative Description					
This project is located at the Walnut Creek BART station in the City of Walnut Creek. The project will fund the access components of the transit village including the intermodal bus facility, the transit customer service station, a BART police substation, dynamic parking signage, lighted platform signage and upgraded station lighting, and pedestrian and bicycle paths and plazas.					
Component	Implementing Agency			Reimbursements	
PA&ED	BART				
PS&E	BART				
Right of Way	BART				
Construction	BART				
Legislative Districts					
Assembly:	15		Senate:	7	
Congressional:	10				
Purpose and Need					
The purpose of the Walnut Creek BART TOD Intermodal Project is to provide key access amenities for the planned 16-acre Walnut Creek BART transit village. The transit village will maximize the proximity of regional transit to residential development as well as enhance bicycle and pedestrian connections within Walnut Creek. This new transit village will develop the surface parking lots that currently surround the Walnut Creek BART station into a community that will include approximately 600 residential units, 18,500 square feet of commercial space, replacement of existing surface BART parking, new platform and station lighting, a new transit information center, dynamic parking signs for garages, a new BART police substation, a new kiss and ride area and a new, expanded bus intermodal zone. The village is designed to encourage walking and					
Project Benefits					
This project, in conjunction with the development of the transit village is one of the best investments in assisting the county and region in meeting its SB 375 goals and the related air quality targets. Locating housing and a small amount of commercial development at a vibrant transit village adjacent to a thriving downtown and a solid commercial corridor meets the goal of intensifying housing and jobs around transportation corridors and of reducing the need for solo driving. Specifically, we conservatively estimate this project will result in 538 new daily BART trips; that figure rises to 738 daily trips if we factor in the impact of					
Project Milestone					Date
Project Study Report Approved					10/01/11
Begin Environmental (PA&ED) Phase					10/01/08
Circulate Draft Environmental Document			Document Type	EIR	
Draft Project Report					
End Environmental Phase (PA&ED Milestone)					06/01/12
Begin Design (PS&E) Phase					07/01/12
End Design Phase (Ready to List for Advertisement Milestone)					12/01/13
Begin Right of Way Phase					N/A
End Right of Way Phase (Right of Way Certification Milestone)					N/A
Begin Construction Phase (Contract Award Milestone)					07/01/15
End Construction Phase (Construction Contract Acceptance Milestone)					07/01/17
Begin Closeout Phase					08/01/17
End Closeout Phase (Closeout Report)					07/31/18

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 8/09)

Date: 09/30/11

County	CT District	PPNO	TGRP Project No.	EA
CC	04			
Project Title: Walnut Creek BART TOD Intermodal Project				

Existing Total Project Cost									Implementing Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Total Project Cost									Implementing Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON						3,850	5,300	9,150	
TOTAL						3,850	5,300	9,150	

Fund No. 1:	STIP								Program Code
Existing Funding									Funding Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON							5,300	5,300	
TOTAL							5,300	5,300	

Fund No. 2:	Local (Measure J)								Program Code
Existing Funding									Funding Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON						3,850		3,850	
TOTAL						3,850		3,850	

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 8/09)

Date: 09/30/11

County	CT District	PPNO	TGRP/Project No.	EA
CC	04			
Project Title: Walnut Creek BART TOD Intermodal Project				

Fund No. 3:									Program Code
Existing Funding									
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									

Fund No. 4:									Program Code
Existing Funding									
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									

Fund No. 5:									Program Code
Existing Funding									
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Proposed Funding									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 8/09)

Date: 09/30/11

County	CT District	PPNO	TGRP Project No.	EA
CC	04			
Project Title: Walnut Creek BART TOD Intermodal Project				

Existing Total Project Cost									Implementing Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									BART
PS&E									BART
R/W SUP (CT)									
CON SUP (CT)									
R/W									BART
CON									BART
TOTAL									
Net Change									
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON						3,850	5,300	9,150	
TOTAL						3,850	5,300	9,150	
Proposed New Result									
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON						3,850	5,300	9,150	
TOTAL						3,850	5,300	9,150	

Fund No. 1:	STIP								Program Code
Existing Funding									Funding Agency
Component	Prior	10/11	11/12	12/13	13/14	14/15	15/16+	Total	
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									
Change									Notes
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON							5,300	5,300	
TOTAL							5,300	5,300	
Proposed Funding									
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON							5,300	5,300	
TOTAL							5,300	5,300	



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DelBueno</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board	
DATE: <i>10/5/11</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Zhiming Fan Dept: Transit System Development <i>Zhiming Fan</i> Signature/Date: <i>9/30/11</i>	General Counsel <i>MB</i> Signature/Date: <i>9/29/11</i>	Controller/Treasurer <i>Robert Keller</i> Signature/Date: <i>10/3/11</i>	District Secretary <i>BARC</i> <i>Paul Green</i> Signature/Date: <i>10/3/11</i>

Status: Routed	Date Created: 09/09/2011
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TITLE:

Award of Contract No. 02EE-130, Warm Springs Extension, Tail Track Building Demolition

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 02EE-130, Warm Springs Extension (WSX), Tail Track Building Demolition to Parc Services, Inc.

DISCUSSION:

This contract is to perform the demolition and partial reconstruction of existing facilities along Warm Springs Court in Fremont in advance of tail track construction by the WSX Line, Track, Station and Systems (LTSS) contractor.

On June 9, 2011, the Board authorized the General Manager to award Contract 02EE-130 to Aztec Consultants for a low bid of \$925, 800.00, subject to certification by the Controller/Treasurer of the availability of sufficient project funding. Due to the complexity of the relevant funding agreement with the Metropolitan Transportation Commission (MTC), one of the three such agreements also covering funding for the \$299 million WSX LTSS Contract, a request for an extension of the bid validity period on Contract 02EE-130 was sent to all bidders on August 17, 2011. The request asked each of the five bidders to extend their bids through September 30, 2011 to allow sufficient time for funding certification by the Controller/Treasurer. On August 23, 2011, citing cost escalation by suppliers and recyclers beyond what it and its subcontractors were prepared to absorb, Aztec Consultants declined the District's request and its bid has expired. Each of the other four bidders, however, did agree to the District's original request for an extension and Parc Services Inc. has since agreed to a further extension to November 14, 2011.

A recap of the bids received on April 26, 2011, plus the Engineer's Estimate, is as follows:

- | | |
|---|-------------------------|
| 1. Aztec Consultants, San Ramon, CA | \$ 925,800.00 (expired) |
| 2. Parc Services, Inc., Livermore, CA | \$1,061,683.00 |
| 3. Con-Quest Contractors, Inc., San Francisco, CA | \$1,173,000.00 |

4. Rodan Builders, Inc., Burlingame, CA	\$1,255,650.00
5. L C General Eng. & Const. Inc., San Francisco, CA	\$1,426,812.00
Engineer's Estimate	\$1,274,350.00

After review by District staff, the next low Bid, submitted by Parc Services, Inc., has been determined to be responsive to the solicitation. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff also has determined that the Bid amount of \$1,061,683.00 is fair and reasonable. It is 17 percent below the Engineer's Estimate.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder, Parc Services, Inc. committed to 28.1% MBE and 13.3% WBE. The Office of Civil Rights has determined the bidder has exceeded both MBE and WBE availability percentages for this contract.

FISCAL IMPACT:

Funding of \$1,061,683 for the WSX tail track demolition and partial reconstruction will come from project budget 02EE000 WSX Line, Track, Station/System Design/Build. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 9/30/11, \$1,643,398 is available in the construction budget for this project from the following sources:

<u>F/G 535Y – Prop. 1B SLPP</u>	<u>\$290,857.50</u>
<u>F/G 6216 – RM2 Match to 535Y</u>	<u>\$290,857.50</u>
<u>F/G 535X –FY08-09 Prop. 1B - PTMISEA</u>	<u>\$1,061,683</u>
<u>Total</u>	<u>\$1,643,398</u>

BART has expended \$246,202, committed \$335,513, and reserved \$0 to date for other actions. This action will commit \$1,061,683 leaving an available fund balance of \$0 in construction.

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

ALTERNATIVE:

The alternative is to decline authorization to award this Contract. If the Contract is not awarded, the WSX Project will be unable to proceed with the demolition and preparation of the tail track area necessary for the construction by the WSX LTSS contractor. This may delay construction of the WSX LTSS contract.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 02EE-130, Warm Springs Extension, Tail Track Building Demolition to Parc Services, Inc. for the Bid amount of \$1,061,683.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 10/5/11		BOARD INITIATED ITEM: No	
Originator/Prepared by: Khawaja Zubair Dept: M & E-Engineering Signature/Date: <i>Khawaja Zubair</i> 9/28/11	General Counsel <i>[Signature]</i> 9/28/11	Controller/Treasurer <i>[Signature]</i> 9/28/11	District Secretary <i>[Signature]</i> 10/3/11
Status: Routed		Date Created: 09/02/2011	

TITLE:
**AWARD OF CONTRACT NO. 79NK-110B, REPLACEMENT OF LAKE MERRITT
 ADMINISTRATION BUILDING MAIN UNINTERRUPTIBLE POWER SUPPLY**

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 79NK-110B for Replacement of Lake Merritt Administrative Building (LMA) Main Uninterruptible Power Supply (UPS) located at Metro Center, to Harris Electric.

DISCUSSION:

The Lake Merritt uninterruptible power supply (UPS) for the Operations Control Center provides back-up power to all train control equipment, and to all emergency and vital loads. Failure of utility power and the LMA UPS will cause disruption of train operations as well as other critical loads for the entire BART system. The present UPS at Lake Merritt Building is about thirty years old, and it is having many reliability problems. This UPS is in need of replacement.

The work under Contract No. 79NK-110B, in general, consists of dismantling and disposing of the existing UPS and its battery systems, and replacing them with a new 400 kVA UPS and a new battery system. This Contract also includes HVAC improvement, installation and running of a temporary UPS system prior to dismantling of the existing UPS system.

This was a two step sealed Bid process that required evaluation of technical Bids first, followed by price Bid opening. The District provided advance notice to thirty (30) prospective Bidders. The Contract was advertised on June 2, 2011. A pre-bid meeting was conducted on June 20, 2011 with nine (9) prospective Bidders in attendance. A total of six (6) Bids were received on August 9, 2011. Staff evaluated technical Bids first, and the following six (6) price Bids were opened on August 30, 2011:

<u>BIDDER</u>	<u>BID PRICE(Lump Sum)</u>
Harris Electric, Dublin, CA	\$827,000.00
Steiny and Company, Inc. Vallejo, CA	\$845,000.00
Cupertino Electric, Inc. San Jose, CA	\$944,000.00
Linc Lighting & Electric	\$987,000.00

Mark Olson Electric, Inc. San Francisco, CA \$1,031,401.00

Triple S. Electric, Alameda, CA \$1,033,600.00

Engineer's Estimate \$875,000.00

Staff has determined that the apparent low Bidder, Harris Electric submitted a responsive Bid. Staff has also determined upon review of the Bidder's business experience and financial capabilities that the Bidder is responsible and that its bid of \$827,000.00 is fair and reasonable.

This Contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities; therefore, a DBE participation goal of 3% was set for this Contract. The Bidder, Harris Electric committed to subcontracting 3% to DBEs.

FISCAL IMPACT:

Funding of \$827,000 for award of Contract 79NK-110B is included in the total project budget for the FMS #79NK – Replacement of Uninterruptible Power Supply (UPS). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of September 8, 2011, \$1,935,927 is available for commitment from following fund sources for this project:

535X – PTMISEA Prop 1B FY08/09	\$135,927
353G – CA-05-0224	\$1,000,000
353K – CA-05-0236	\$800,000
Total	\$1,935,927

BART has expended \$195,742 and encumbered \$10,305 to date. There is no pre-encumbrance in the BART financial management system. This action will commit an additional \$827,000 leaving an uncommitted balance of \$902,880 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is not to replace the uninterruptible power supply (UPS) at this time. This would leave the entire BART system, including train operation, vulnerable to power failure, and could result in operational shutdown.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to award Contract No. 79NK-110B, Replacement of Lake Merritt Administrative Building (LMA) Main Uninterruptible Power Supply (UPS), to Harris Electric for the Bid price of \$ 827,000.00, pursuant to notification issued by the General Manager, subject to compliance with the District's protest procedures and FTA's requirements related to protests.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Inter-Office Communication

To: Board of Directors


Date: October 5, 2011

From: General Manager

Subject: Audit of Directors' Use of District Property

Attached is the Internal Audit Department's final audit report – *Audit of Directors' Use of District Property*. The audit will appear on the October 13, 2011 Board Consent Calendar.

If you have any questions regarding the audit, please contact Darlene Cummins at (510) 464-7514.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager

*Audit of Directors' Use of District Property
for Fiscal Year 2011*

BACKGROUND

The Internal Audit Department has audited the District's compliance with the requirements of the San Francisco Bay Area Rapid Transit District's *Rules of the Board of Directors* Board Rule 5-3.5, Use of District Property Other than Automobiles. The Rules require that the Internal Audit Department shall complete an annual audit for the previous fiscal year for compliance with the requirements of Board Rule 5-3.5, and shall submit the audit report, including a list of property issued to each Director, to the next Administration Committee following September 15 for review and forwarding to the full Board.

Board Rule 5-3.5 requires that:

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- The property shall be returned when a Director leaves office;
- Directors request the property through the District Secretary's Office;
- The District Secretary request quarterly that the Directors review their cellular phone and calling card charges;
- Directors reimburse within 30 days of the quarterly request the costs that are not for District business; and
- The District Secretary report to the Board President or Vice President if the quarterly requests are not responded to or reimbursements not made within 30 days.

The purpose of our audit was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ended June 30, 2011. To accomplish our purpose, we reviewed the requirements of the Board Rule, reviewed the report for the audit of compliance with the Board Rule done for the previous year, examined records maintained by the District Secretary, notified Directors of the property recorded in the District's records as issued to each Director, and conducted discussions with the staff of the District Secretary's Office.

We performed the audit in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the

*Audit of Directors' Use of District Property
for Fiscal Year 2011*

BACKGROUND
(Con'd)

circumstances. We used the *Rules of the Board of Directors* Board Rule 5-3.5 as criteria for the audit.

We provided Kenneth A. Duron, District Secretary, with a draft copy of our audit report on September 13, 2011. We discussed the draft audit report with him on September 15, 2011, and he had no additional comments.

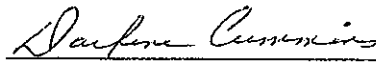
SUMMARY OF
AUDIT RESULTS

We found that in fiscal year 2011 the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

Our review identified fiscal year 2011 Director cell phone bills that were not responded to, with any applicable reimbursements to the District, within thirty days, as required by Board Rule 5-3.5(c). The bills were still outstanding at the close of our audit:

- One Director's third quarter bills have been signed, but reimbursement to the District, as identified by the Director, has not been provided.
- One Director's fourth quarter bills have not been signed and returned to the District with any applicable reimbursements.
- One Director's third quarter bills have not been signed and returned to the District with any applicable reimbursements.

The District Secretary has not reported the outstanding third quarter cell phone bills and reimbursements to the President or Vice President of the Board of Directors as also required by Board Rule 5-3.5(c).



Darlene Cummins, Department Manager
Internal Audit Department

*Audit of Directors' Use of District Property
for Fiscal Year 2011*

Exhibit A

Schedule of District Property in Directors' Custody
As of June 30, 2011

DIRECTOR	PROPERTY DESCRIPTION
Gail Murray 1st District	Blackberry Tour Wireless Handheld
Joel Keller 2nd District	Droid Cellular Telephone
Bob Franklin 3rd District	Blackberry Tour Wireless Handheld HP Photosmart Printer iMAC Personal Computer
Robert Raburn 4th District	(No Property Outstanding)
John McPartland 5th District	Apple iPhone Dell Latitude Laptop Business Card Scanner
Thomas M. Blalock 6th District	Motorola Cellular Telephone HP Fax Machine
Lynette Sweet 7th District	Blackberry Bold Wireless Handheld Dell Vistro Laptop Computer HP Officejet Printer
James Fang 8th District	Apple Macbook Laptop Computer with Verizon Aircard Modem HP Color Laserjet Printer
Tom Radulovich 9th District	Apple Macbook Laptop Computer HP Deskjet Printer Droid Cellular Telephone

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: October 6, 2011

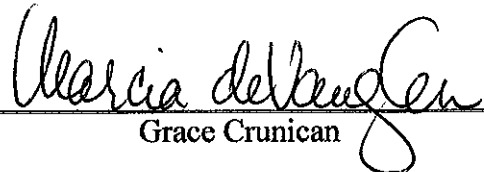
FROM: General Manager

SUBJECT: PPAAL Item #3A: MTC Transit Sustainability Project

At the October 13, 2011 BART Board of Directors meeting, Ann Flemer, Deputy Executive Director, Policy, of the Metropolitan Transportation Commission (MTC) will give an overview presentation (attached) on the Transit Sustainability Project (TSP).

MTC seeks to establish a framework and implementation plan for a more robust, financially viable transit system that is both cost-effective and customer-focused. The TSP will include a comprehensive, fact-based analysis of the existing system focused on service design and delivery, financial viability, and decision-making structures. The analysis will also acknowledge the role external factors play in the long-term viability of the transit system, such as land use and transportation pricing, which are critically important as the region grapples with preparing the Sustainable Communities Strategy required by SB 375.

If you have any questions, please feel free to contact Carter Mau at (510) 464-6194.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Bellouge</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 10/6/11		BOARD INITIATED ITEM: No			
Originator/Prepared by: Charlotte Barnham	General Counsel	Controller/Treasurer	District Secretary	BARC	
Dept:					
Signature/Date: <i>Charlotte Barnham</i> 10/6/11	<i>Audrey Powell</i> 10/6/11	<i>[Signature]</i> 10/5/11	[]	[]	<i>[Signature]</i> 10-4-11
Status: Routed		Date Created: 09/29/2011			

TITLE:

Discount Fares for Seniors, People with Disabilities, and Youths Using Clipper Cards

NARRATIVE:

Purpose

To obtain BART Board approval of a method for calculating discount fares for trips taken with the Clipper smart card by seniors, people with disabilities, and youths aged 5 to 12.

Discussion

In support of the regional Clipper smart card fare payment system and in compliance with Metropolitan Transportation Commission ("MTC") Resolution 3866, BART is transitioning its discount magnetic tickets to the Clipper smart card. BART's 62.5% discount green and red ticket program for seniors, people with disabilities, and youths aged 5 to 12 is part of the Clipper transition scheduled to be completed by December 31, 2011.

The Clipper card gives the discount at the fare gate instead of at the point-of-sale (as is the case with green and red tickets). When a patron uses a senior, disabled, or youth Clipper card, fare gates are programmed to deduct the fare from a discount fare table. The discount fare table is calculated by reducing each non-discount fare by 62.5% and, in almost every case, this calculation results in a figure of several decimal places. For example, a 62.5% discount to BART's lowest fare of \$1.75 is \$0.6563. As a result, Clipper discount fares need to be rounded.

Because Clipper is replacing red and green tickets, staff is recommending that Clipper fares be discounted by rounding fares down to the nearest nickel in order to give discounts of at least 62.5% and up to 64.9%. This mathematical operation is applied uniformly to all fares and thus is not associated with any particular station or stations, trip interchange, trip length, trip type or group of riders. The interim Clipper discount fare table currently in use has fares rounded up or down to the nearest nickel, which is the method used to calculate non-discount BART fares, and results in a discount that can be slightly higher or lower than 62.5%. This interim table was selected for use until such time as Clipper replaced red and green tickets so that patrons using Clipper to pay discount fares did not receive a discount greater than the 62.5% available to red and green ticket users.

The table below gives examples of fares and discounts that result from the two rounding

methods. The complete proposed discount fare table is attached.

		Method for Rounding Discounted Fares			
	Regular Fare	A. Down to Nearest Nickel	Resulting Discount	B. Up or Down to Nearest Nickel	Resulting Discount
El Cerrito del Norte to Berkeley	\$1.75	\$0.65	62.9%	\$0.65	62.9%
12th St to Daly City	\$3.80	\$1.40	63.2%	\$1.45	61.8%
Lake Merritt to Pittsburg/Bay Point	\$4.30	\$1.60	62.8%	\$1.65	61.6%
Walnut Creek to Embarcadero	\$4.75	\$1.75	63.2%	\$1.80	62.1%

A brochure with the discount fare table will be published so that seniors, people with disabilities, and youths can easily see the cost of their trips and calculate how much value they need to load onto their Clipper cards.

Staff performed a Title VI analysis of this fare change, and no disparate impacts on minorities or low-income populations were found. Staff discussed the proposed discount fares with the BART Accessibility Task Force at its August 25, 2011 meeting, and support was expressed for rounding down. Extensive public outreach has been done, with handouts available in English, Chinese, Spanish, Korean and Vietnamese describing the proposed change and the several ways the public can submit comments. Staff has met with customers and distributed these handouts at more than twenty-five outreach events to date at BART stations, senior centers and community events. In addition, at the Lake Merritt Customer Service Center, handouts have been given to patrons when they purchase red and green tickets in person or by mail. Comments have also been solicited through BART's web site in the five languages, including an e-mail request for comments to 10,000 subscribers to BART news. Comments received strongly support the proposal.

Fiscal Impact

The estimated annual revenue loss from rounding discount fares down to the nearest nickel instead of rounding them up or down to the nearest nickel is approximately \$150,000. This estimate is based on Clipper's being used to make the 7.9 million annual trips currently taken by seniors, people with disabilities, and youths.

Alternatives

Instruct staff to develop a different rounding method for consideration by the Board. A rounding method that reduces the 62.5% discount for some or all fares would constitute a fare increase, and a public hearing would be required prior to Board action.

Recommendation

Adoption of the following motion.

Motion

Approve the attached Resolution In the Matter of Adopting New and Modified Fare Rates and Charges: Discount Fares for Seniors, People with Disabilities, and Youths Using Clipper Cards. (Two-thirds vote required.)

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

In the Matter of Adopting
Modified Fare Rates and Charges:
Discount Fares for Seniors,
People with Disabilities,
and Youths Using Clipper Cards

Resolution No. _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, in support of the regional Clipper smart card fare payment system and in compliance with Metropolitan Transportation Commission ("MTC") Resolution 3866, the District is transitioning its discount magnetic tickets to the Clipper smart card;

WHEREAS, BART's 62.5% discount green ticket (for seniors) and red ticket (for people with disabilities and youth aged 5 to 12) program is part of the Clipper transition;

WHEREAS, BART's red and green ticket transition is scheduled to be completed as of December 31, 2011. At that time, patrons will need to use their Clipper cards to get the 62.5% discount (fare gates will continue to accept red and green tickets patrons bought previously);

WHEREAS, the Clipper card gives the discount at fare gates programmed to deduct the fare from a discount fare table. The discount fare table is calculated by reducing each non-discount fare by 62.5%, which in almost every case results in a figure of several decimal places. As a result, Clipper discount fares need to be rounded;

WHEREAS, because Clipper is replacing red and green tickets, Clipper fares will be discounted by rounding fares down to the nearest nickel in order to give a discount of at least 62.5% and up to 64.9%. This mathematical operation is applied uniformly to all fares and thus is not associated with any particular station or stations, trip interchange, trip length, trip type or group of riders;

WHEREAS, a Title VI analysis was performed that showed rounding down the discount fares to the nearest nickel does not result in a disparate impact on minority or low-income populations, and Title VI public outreach was performed to solicit comment on the proposed discount fares, for which strong support was expressed;

WHEREAS, the recommended modifications related to fare rates and charges for BART service are set forth in the attached Exhibit A entitled "Modified Fare Rates and Charges;" and

NOW, THEREFORE, the Board hereby makes the following findings:

(1) The Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service, as modified by this Resolution, are reasonable, and these rates and charges will be sufficient to do all of the following:

(a) Pay for the operating expenses of the District;

- (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
 - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
 - (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.
- (2) The modification to the rates and charges set forth in Exhibit A is for the purposes of:
- (a) Meeting operating expenses such as employee wage rates and fringe benefits;
 - (b) Purchasing or leasing supplies, equipment or materials;
 - (c) Meeting financial reserve needs and requirements; and
 - (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the modifications to the rates and charges for BART service set forth in Exhibit A are hereby adopted.

#

EXHIBIT A—MODIFIED FARE RATES AND CHARGES:

The modified fare rates and charges for BART service provided to seniors aged 65 years or older, people with disabilities, and youth aged 5 to 12 who use a Clipper card to pay discount fares shall be as follows:

- Effective January 1, 2012, or as soon thereafter as the fare schedule can be implemented, fares for seniors, people with disabilities, and youths, currently discounted by the Board-approved rate of 62.5%, shall be rounded down to the nearest nickel. The discount fare schedule is shown in Attachment 1.
- For future fare schedules, fares for seniors, people with disabilities, and youths shall be discounted by the Board-approved discount rate then in effect and rounded down to the nearest nickel.

ATTACHMENT 1

MM	1.95	1.90	1.05	1.25	1.30	1.40	1.45	1.50	1.55	1.65	2.60	2.45	2.40	2.25	2.20	2.05	1.95	2.00	1.90	1.85	1.80	1.80	1.75	1.70	1.65	1.65	1.65	1.75	1.85	1.95	2.00	2.10	2.20	2.35	2.50	2.10	2.40	2.45	
SFA	1.95	2.55	2.55	2.70	2.75	2.85	2.95	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
San Bruno	1.95	1.05	1.05	1.45	1.55	1.55	2.50	2.30	2.25	2.10	2.10	1.95	1.80	1.65	1.65	1.65	1.55	1.55	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.70	1.80	1.90	2.00	2.10	2.25	2.40	2.10	2.30	2.35
South SF	1.95	1.05	1.05	1.30	1.30	1.30	1.45	2.40	2.25	2.15	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05	2.05
Colma	1.95	1.05	1.05	1.10	1.10	1.10	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.20
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05
Day City	1.95	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05	1.05

BART PROPOSED CLIPPER DISCOUNT FARES
 For Seniors, People with Disabilities, and Youth Aged 5-12
 Non-discount fares discounted by 62.5% and rounded down to nearest nickel



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Walter S. ...</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: c 10/6/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olga Perez Dept. Transit System Development <i>Olga Perez</i> Signature/Date: 10/5/11	General Counsel <i>Audrea ...</i> Signature/Date: 10/5/11	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BART <i>Paul ...</i> Signature/Date: 10/5/11

Authorization to Acquire Real Estate and Execute a Cost-Sharing and Property Transfer Agreement between BART and Santa Clara Valley Transportation Authority for the Hayward Shop Project and the Hayward Maintenance Complex Project

NARRATIVE:

PURPOSE

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

BACKGROUND

The VTA Board of Directors has designated BART Silicon Valley as the priority project in the 2000 Measure A Program. The BART Silicon Valley Extension ("SVRT") Project will extend the BART system south 16.1 miles from Fremont through Milpitas and San Jose to Santa Clara. The SVRT Project is divided into two phases. The first phase consists of a 9.9 mile extension from BART's Warm Springs Station in Fremont, with a station in Milpitas and terminus station in the vicinity of Berryessa Road ("SVBX Project"). The second phase consists of four additional stations and 6.2 miles.

On November 19, 2001, BART and VTA entered into a Comprehensive Agreement related to the SVRT Project. The Comprehensive Agreement provides, among other things, that VTA will have full responsibility for SVRT Project costs which include direct costs as well as costs for modifications to the BART core system necessary for either the operation of the SVRT Project or to mitigate resulting impacts of the SVRT Project. Consistent with the terms of the Comprehensive Agreement, BART and VTA propose to enter into a cost-sharing and property transfer agreement as described herein.

DISCUSSION

As part of the SVBX Project, BART is modifying its existing primary shop building located in Hayward to accommodate the maintenance needs of the SVBX Project, including constructing additional lifts ("Hayward Shop Project"). The SVBX Project has obtained environmental clearance under both the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA"). VTA initially prepared an Environmental Impact Report ("EIR") and a First Supplemental EIR ("SEIR-1") for a single phase SVRT Project. The Federal Transit Administration ("FTA") and VTA prepared a Final Environmental Impact Statement

("EIS") in December 2009 that studied both the entire SVRT Project and the SVBX Project as alternatives. The EIS studied two options to satisfy maintenance yard requirements for the SVBX, including a no new yard option, under which the necessary additional storage and the maintenance of BART trains would be handled at expanded existing BART facilities, including the Hayward Shop, and the Las Plumas Yard option, which would require construction of a new yard encompassing approximately 26 acres of land.

In June 2010, the FTA adopted a Record of Decision ("ROD") addressing the SVBX Project. On March 3, 2011, VTA certified a Second Supplemental Environmental Impact Report ("SEIR-2") addressing the SVBX Project and adopted the SVBX Project. On April 14, 2011, the BART Board accepted the EIR, SEIR-1 and SEIR-2 and approved the SVBX Project. Consistent with the EIS, ROD and SEIR-2, BART is performing the Hayward Shop Project.

In addition, BART is planning to acquire property and increase the maintenance and storage facilities located in Hayward to accommodate, in part, future system demands, including the SVRT Project, thereby creating the Hayward Maintenance Complex ("HMC").

The HMC has obtained environmental clearance under CEQA and NEPA. On May 26, 2011, BART adopted the Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan, and adopted the HMC. On September 21, 2011, the FTA approved the designation of the HMC as categorically excluded from NEPA review.

In order to complete the HMC as planned, BART will need to acquire the property located adjacent to the existing Hayward Yard containing four existing partially occupied commercial/industrial buildings. The phase of work that is currently planned (referred to herein as the "Hayward Maintenance Complex Project" or "HMC Project") will increase the maintenance and warehouse facilities and consists of the following elements:

- Central Warehouse;
- Component Repair Shop;
- Maintenance and Engineering ("M&E") Shop;
- Material Storage Yard; and
- Vehicle Level Overhaul Shop ("VLOS").

Three of the existing buildings on the property would be converted for use as the Central Warehouse, Component Repair Shop, and M&E Shop. Land adjacent to the M&E Shop would be used for the development of the Material Storage Yard. The fourth building on the property would be demolished to make way for a new VLOS. Additional trackwork would also be constructed to provide for access to HMC facilities and for M&E storage.

On April 13, 2011, BART and VTA staff reached an accord on Principles of Agreement concerning funding and real property acquisition for the HMC. Staff now seeks authority to enter into a Cost-Sharing and Property Transfer Agreement related to both the HMC Project and the Hayward Shop Project. The Agreement would contain the following terms which have been identified in the Principles of Agreement and/or other negotiations between the parties:

Agreement between BART and VTA

1. VTA will pay BART \$125.3 million to be used towards the Hayward Shop Project and the design and construction of the HMC Project. VTA will also pay BART for all HMC property acquisition costs. This investment will fully satisfy VTA's funding commitment for the Hayward Shop Project and the HMC Project. Tenant relocation costs will be allocated between VTA and BART based on a cost-sharing formula on a per-building basis.
2. BART will conduct all property acquisition activities. VTA will hold title to the HMC property during construction.
3. VTA will grant BART use of the land for HMC purposes.
4. BART will complete the Hayward Shop Project in time for SVBX Project requirements.
5. BART will apply the \$125.3 million exclusively to the Hayward Shop Project and the design and construction of the HMC facilities.
6. After all the HMC facilities are constructed and operational, VTA will transfer title to the property back to BART. This will be done at no additional cost to BART.

Additional terms relevant to the transaction are set forth below.

- a. The real property to be acquired as part of the HMC Project is generally depicted in the Attachment. VTA will be responsible for 100% of the actual costs to acquire the real property.
- b. BART will conduct all tenant relocation activities. The cost of relocation expenses paid to any relocated tenant will be shared on the following estimated per-building basis:

<u>Building</u>	<u>Description</u>	<u>Estimated VTA Share</u>
1	M&E Shop and Material Storage Yard	48%
2	Central Warehouse	14%
3	Component Repair Shop	58%
4	VLOS	14%

- c. BART will own all improvements, facilities and equipment located at the HMC Project.
- d. While VTA holds title to the property during construction, BART will have all rights necessary to construct, operate, and maintain BART facilities thereon.
- e. VTA will convey title back to BART upon receipt of notice from BART of the date that it expects to occupy and operate all of the HMC Project facilities in the manner intended.

Staff seeks Board authorization for the General Manager to enter a Cost-Sharing and Property Transfer Agreement with VTA on terms consistent with those specified above. Such authorization is subject to certification by the Controller-Treasurer as to the availability of funds. Staff also seeks Board

Agreement between BART and VTA

authorization for the General Manager to acquire the real estate for the HMC Project described herein. All agreements shall be subject to the approval as to form by the General Counsel.

Board authorization for the General Manager to execute the Agreement as described herein will enable the District to commence the HMC Project and will also ensure that the Hayward Shop Project is completed in time for SVBX's start of revenue operations.

FISCAL IMPACT

By authorizing the General Manager to enter into an agreement with VTA as described herein, VTA will pay BART \$125.3 million to be used toward the Hayward Shop Project and the design and construction of the HMC Project. VTA will also pay BART 100% of actual costs to acquire the necessary property. VTA will contribute a share of tenant relocation costs as described herein. BART's contribution to the tenant relocation costs is available from Capital Fund 8524 - FY 12 Allocations to Capital, in the amount of \$7,301,042.

With receipt of the \$125.3 million, the work necessary to modify the Hayward Shop to accommodate vehicle maintenance for the SVBX Project will be fully funded. These funds received from VTA will also be used toward the HMC Project. It is anticipated that the total cost for the planned work for the HMC Project will exceed \$300 million. To the extent that BART does not have the additional necessary money to complete the HMC work as planned, BART may decide to phase and/or revise the scope of work for the HMC Project. VTA will hold title to the property until such time that the HMC facilities are occupied and operated in the manner intended.

Terms of the Agreement, beyond those set forth above, remain to be negotiated with VTA staff. Should the negotiations result in terms or conditions (including compensation) that vary substantially from those described, the Agreement will be brought back to the Board for further action as appropriate.

ALTERNATIVES

If the Board decides not to authorize the General Manager to acquire real estate necessary for the Hayward Maintenance Complex or to execute a Cost-Sharing and Property Transfer Agreement with VTA consistent with the terms described herein, the Board may direct staff to negotiate other or further terms. If no agreement is reached with VTA, BART would be unable to support the vehicle maintenance needs for the SVBX Project, as well as BART's own vehicle maintenance and fleet expansion needs.

RECOMMENDATIONS

Adoption of the following motion.

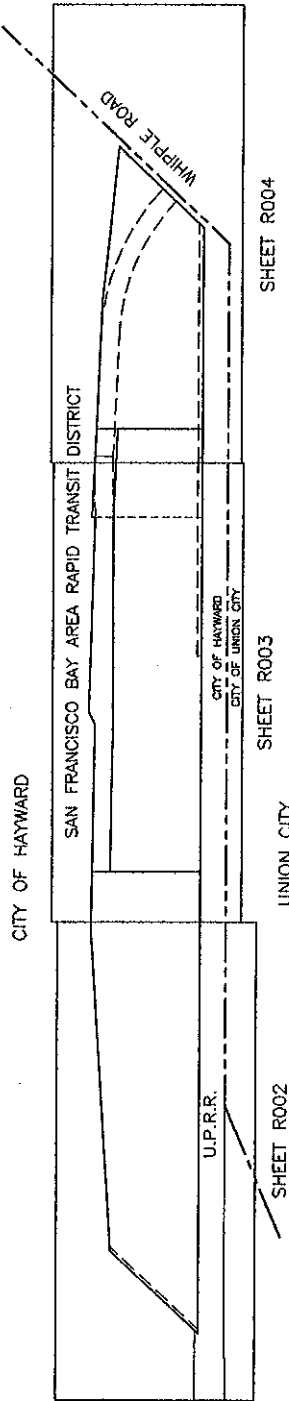
MOTION: The BART Board authorizes the General Manager to acquire real estate necessary for the Hayward Maintenance Complex Project and to execute a Cost-Sharing and Property Transfer Agreement between BART and Santa Clara Valley Transportation Authority for the Hayward Shop Project and the Hayward Maintenance Complex Project on terms consistent with those described herein

COORDINATE, BEARINGS, AND DISTANCES SHOWN ARE BASED ON AN ASSUMED COORDINATE SYSTEM.

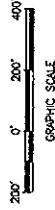


NOTES:

1. THE FOLLOWING MAPS WERE USED TO CONSTRUCT THE LAYOUT SHOWN HEREON:
 PARCEL MAP 1107, FILED JUNE 8, 1973, MAP BOOK 79, AT PAGE 69, ALAMEDA COUNTY RECORDS, AND AS AMENDED BY THE SUPERVISOR'S ORDINANCE NO. 100000, DECEMBER 13, 1976, REEL 4540, IMAGE 249, ALAMEDA COUNTY OFFICIAL RECORDS.
 RECORD OF SURVEY NO. 735 (P/S) NO. 25, RECORDED IN MAY 2, 1996 IN BOOK 12, AS SURVEY NO. AT PAGE 69, ALAMEDA COUNTY RECORDS.
2. THE MAPS USED AS BASIS FOR THESE DRAWINGS AND ALL IMPROVEMENTS BASED ON GROUND LEVEL DISTANCES.
3. EASEMENT INFORMATION IS BASED ON AN AMENDED TITLE REPORT PREPARED BY NORTH AMERICAN TITLE COMPANY, REPORT NUMBER 2011, ORDER NUMBER 24606-1071628-11.
4. THE FOLLOWING EASEMENTS WERE SHOWN ON THE AMENDED TITLE REPORT, BUT NOT PLOTTED AS BASED ON THE DOCUMENTATION PROVIDED:
 57-132563 FOR UTILITIES TO POSE, PACIFIC BELL.
5. TOPOGRAPHIC MAPPING IN THE BACKGROUND OF THIS MAP COMES FROM AERIAL MAPPING CONDUCTED BY TOWILL, INC. THE DATE OF THE SOURCE IMAGERY IS OCTOBER 5, 2009.



LEGEND:
 - - - - - EXISTING EASEMENT LINE
 - - - - - EXISTING PROPERTY LINE
 - - - - - HISTORIC PROPERTY LINE



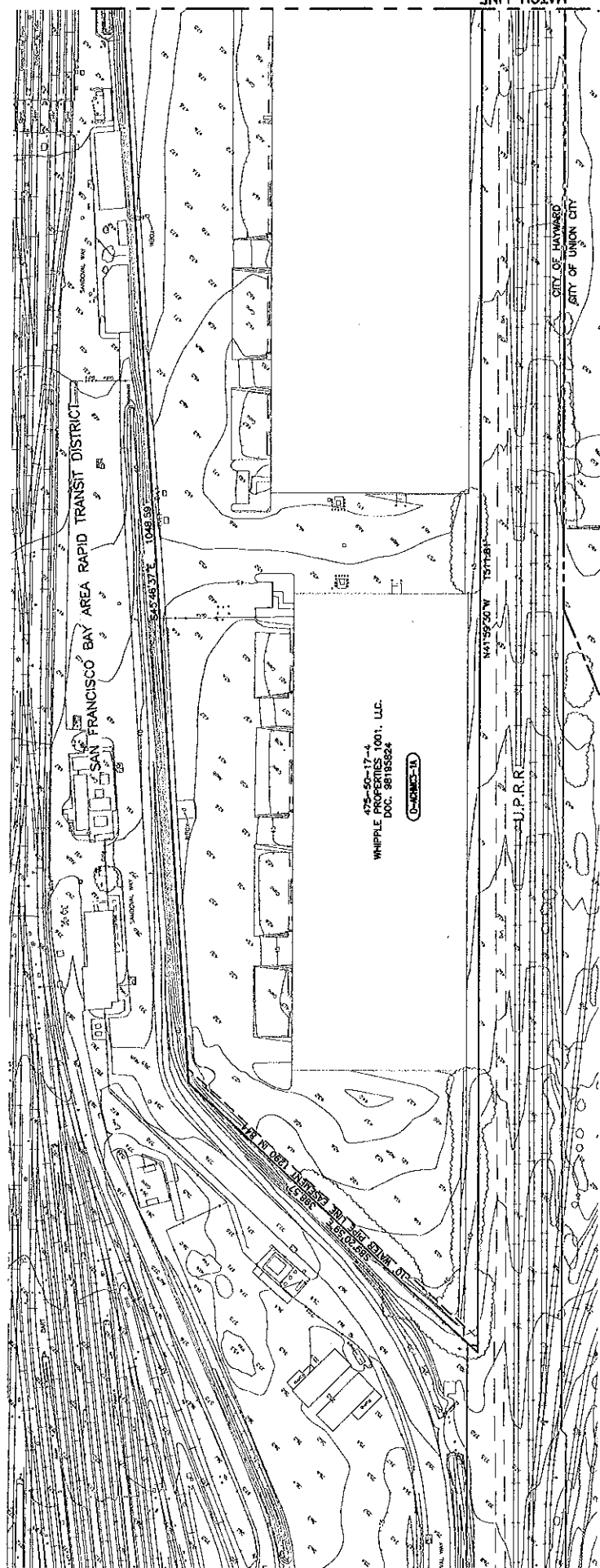
PRELIMINARY

		TOWILL 5099 Commercial Circle, Suite 100 Concord, CA 94520-1028		SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FCH WONG ENGINEERING, INC.		HAYWARD YARD BOWMAN PLACE PROPERTIES		CAD FILENAME: R001-8 SHEET SCALE: 1"=50' CONTRACT NO.: 043F-120 REV: B DRAWING SHEET NO.: R001	
PROJECT NO.: 043F-120 SHEET NO.: R001		SUBMITTED: _____ APPROVED: _____		DATE: 2/11/2020		COUNTY: ALameda CITY: HAYWARD DISTRICT: R001		INDEX SHEET	

COORDINATES, BEARINGS, AND DISTANCES SHOWN ARE BASED ON AN ASSUMED COORDINATE SYSTEM.



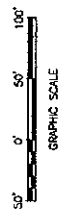
NOTE:
1. SEE SHEET R001



SEE CONTRACT SHEET NO. R003

PRELIMINARY

LEGEND:
 --- EXISTING EASEMENT
 --- EXISTING PROPERTY LINE
 --- HISTORIC PROPERTY LINE



PARCEL NUMBER	GRANTOR	TOTAL OWNERSHIP	R/W	REMA.	EXCESS	REMARKS	DOCUMENT NUMBER & RECORDING DATE
C-424623-1A	WHIPPLE PROPERTIES 1001, LLC	649,636 ±				APN 475-50-17-4	

APPROVED: _____

DATE: 05/11/2024

PROJECT: HAYWARD YARD

SCALE: 1"=50'

CONTRACT NO. C-424623-1A

CONTRACT SHEET NO. R002



TOWELL ENGINEERING, INC.
 5000 Commercial Circle, Suite 100
 Concord, CA 94520-1208
 SUBMITTED

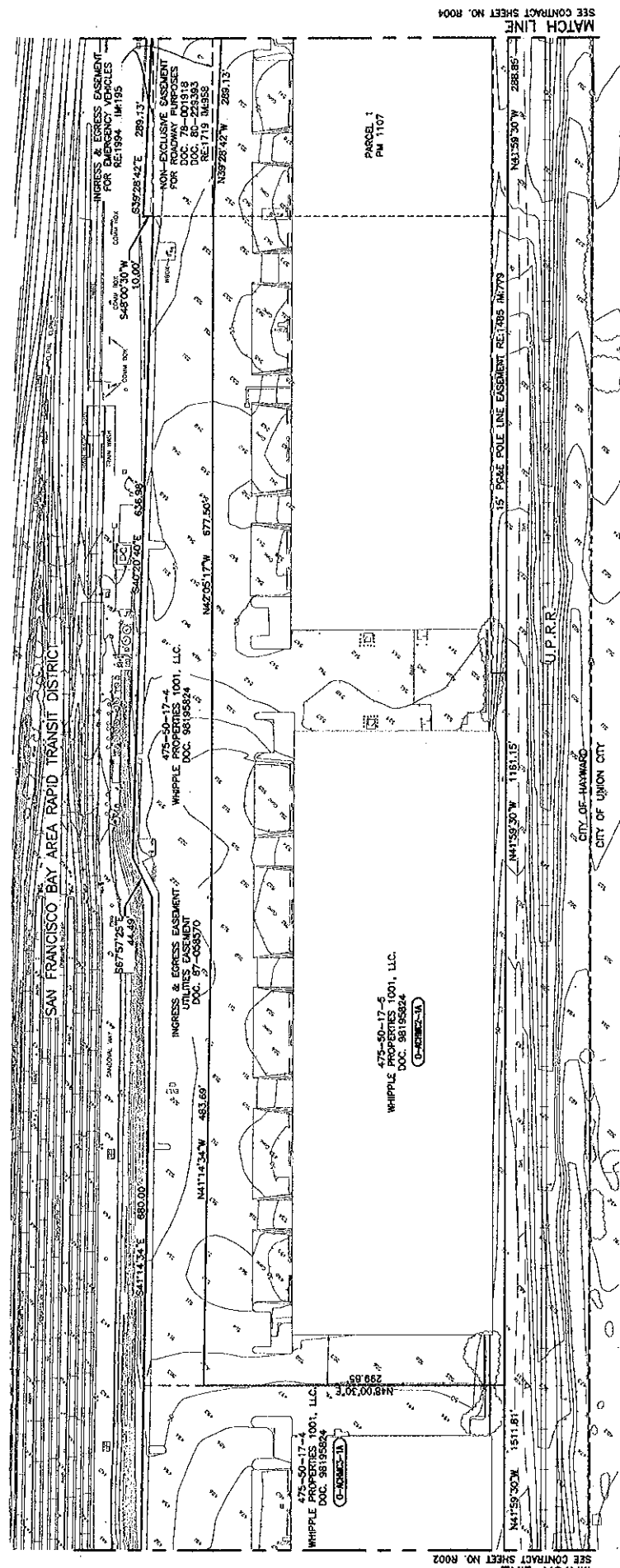
HAYWARD YARD
BOWMAN PLACE PROPERTIES
 APPRAISAL MAP
 SHEET 1 OF 3

OLD FILENAME: R002-9
 SCALE: 1"=50'
 CONTRACT NO. C-424623-1A
 CONTRACT SHEET NO. R002

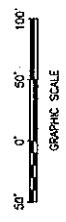
COORDINATES, BEARINGS, AND DISTANCES SHOWN ARE BASED ON AN ASSURED COORDINATE SYSTEM.



NOTE:
1. SEE SHEET R001



PRELIMINARY



LEGEND:
 --- EXISTING EASEMENT LINE
 --- EXISTING PROPERTY LINE
 --- HISTORIC PROPERTY LINE

PARCEL NUMBER	GRANTOR	AREAS (SQ. FT.)	R/W	RELA.	EXCESS	REMARKS	RECORDATION
C-ACHM3-1A	WHIPPLE PROPERTIES 1001, LLC	649,635 ±				APN 475-50-17-4	DOCUMENT NUMBER & RECORDING DATE
C-ACHM2-1A	WHIPPLE PROPERTIES 1001, LLC	426,028 ±				APN 475-50-17-5	
	TOTAL OWNERSHIP						

NO.	DATE	BY	FOR



TOWILL, INC.
 2009 Commercial Circle, Suite 100
 Concord, CA 94520-1228
 SUBMITTED 2/11/2020

APPROVED

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
BOWMAN PLACE PROPERTIES

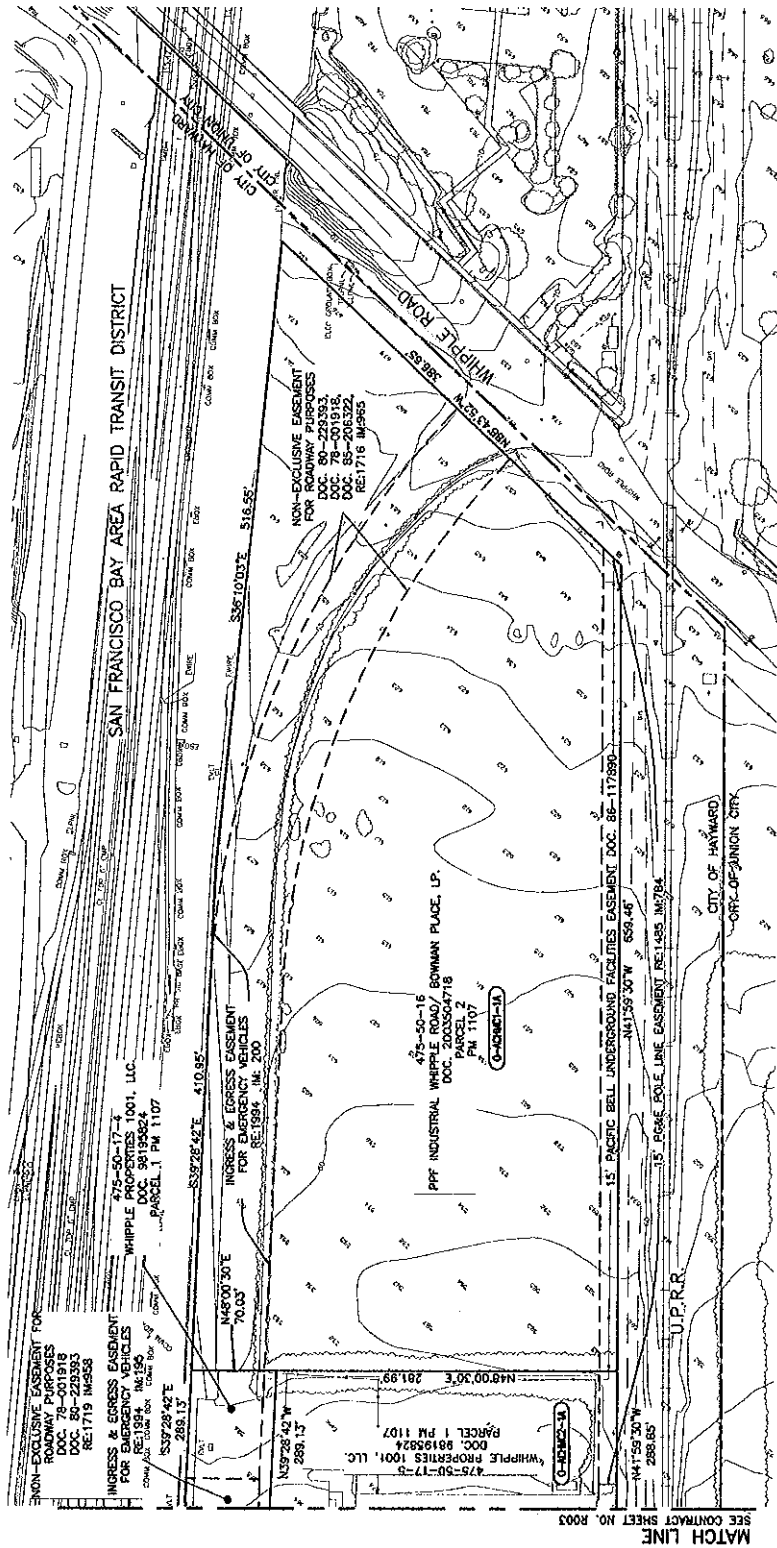
APPRASAL MAP
 SHEET 2 OF 3
 CONTRACT SHEET NO. R003

SEE CONTRACT SHEET NO. R004

SEE CONTRACT SHEET NO. R002

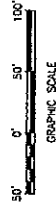
COORDINATES, BEARINGS, AND DISTANCES SHOWN ARE BASED ON AN ASSUMED COORDINATE SYSTEM.

NOTE:
1. SEE SHEET R001



PRELIMINARY

LEGEND:
 - - - - - EXISTING EASEMENT
 - - - - - EXISTING PROPERTY LINE
 - - - - - HISTORIC PROPERTY LINE



CONTRACT NO. 045F-720
 SHEET NO. B
 CONTRACT SHEET NO. R004

HAYWARD YARD
 BOWMAN PLACE PROPERTIES

APPROVAL MAP
 SHEET 3 OF 3

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 PGM WONG ENGINEERING, INC.



APPROVED

PARCEL NUMBER	GRANTOR	R/W	RDW	EXCESS	REMARKS	DOCUMENT NUMBER & RECORDING DATE
0-A4M1C3-1A	WHIPPLE PROPERTIES 1001, LLC	649.535 ±			APN 475-50-17-4	
0-A4M1C2-1A	WHIPPLE PROPERTIES 1001, LLC	426.029 ±			APN 475-50-17-5	
0-A4M1C1-1A	PPF INDUSTRIAL WHIPPLE ROAD/ BOWMAN PLACE, LP	261.682 ±			APN 475-50-16	
TOTAL OWNERSHIP AREAS (SQ. FT.)						

DATE	BY	REVISION
20110202	AW	ASSET PARCEL NUMBERS
20110202	AW	APPROVAL MAP
20110202	AW	APPROVAL MAP

DATE: 2/10/2011 11:25AM
 USER: ATO
 PROJECT: 045F-720