

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

BOARD MEETING AGENDA

October 24, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 24, 2013, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 10, 2013.* Board requested to authorize.
- B. Resolution of Local Support for a Regional Transportation Improvement Program Project Application for the Daly City Station Improvements Project.* Board requested to adopt.
- C. Revise and Supersede Resolution No. 4898, Authorizing the General Manager to File Applications, Provide Supporting Documents and Execute Funding Agreements with the United States Government, the State of California and other Entities.* Board requested to adopt.
- D. Award of Invitation for Bid No. 8927, Cable, Power.* Board requested to authorize.
- E. Resolution Supporting the Tanforan Assembly Center Memorial Committee Grant Application to the National Parks Service.* Board requested to adopt.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson
NO REPORT

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Change Order to Contract No. 79HW-110, Oakland Portal Hardening, with Taber Construction, Inc., for Contract Closeout (C.O. No. 023).* Board requested to authorize.
- B. Procurement of Transit Vehicles.
 - i. Project Update.* For information.
 - ii. Exercise Option 2, for 150 Transit Vehicles; Option 3, for 115 Transit Vehicles; and Option 4, for 100 Transit Vehicles, of Contract No. 40FA-110, with Bombardier Transit Corporation.* Board requested to authorize.

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

Director Blalock, Chairperson

A. Evaluation of Modified District Bicycle Rules Pilot Program and Adoption of Modified District Bicycle Rules.* Board requested to adopt.

B. 2013 State Legislative Summary.* For information.

6. GENERAL MANAGER'S REPORT

A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of November 20, 2013.* For information.

7. BOARD MATTERS

A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)

B. 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. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; Rudolph Medina, Department Manager – Labor Relations; and Thomas P. Hock, Veolia Transportation, Inc.

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

10. OPEN SESSION

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

Board of Directors
Minutes of the 1,689th Meeting
October 10, 2013

A regular meeting of the Board of Directors was held October 10, 2013, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Fang entered the Meeting later.

President Radulovich announced that the order of the agenda items would be changed and that the item on Board Meeting Schedule would be continued to a future meeting.

Director Fang entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 26, 2013.
2. Audit of Directors' Use of District Property for Fiscal Year 2013.
3. Special Appointments: Emeryville Berkeley Oakland Transportation Study Policy Advisory Committee.

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

1. That the Minutes of the Meeting of September 26, 2013, be approved.
2. That the Audit of Directors Use of District Property for Fiscal Year 2013 be accepted.
3. That the Board of Directors ratify the appointment of Director Saltzman as the District's representative to the Emeryville Berkeley Oakland Transportation Study Policy Advisory Committee and Director Mallett as the alternate.

President Radulovich called for Public Comment on Item 9-C (Conference with Labor Negotiators) only. The following individuals addressed the Board.

Mr. John Kozlosky

Mr. George Perica
Ms. Marilyn Wann
Yusuf
Ms. Antonette Bryant
Ms. Josie Mooney
Ms. Roxanne Sanchez
Mr. John Arantes

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

The Board Meeting recessed at 9:43 a.m.

The Board reconvened in closed session at 9:48 a.m.

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

Absent: None.

Director Fang exited the Meeting.

The Board Meeting recessed at 11:27 am.

The Board reconvened in open session at 11:30 a.m.

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

Absent: Director Fang.

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

Director Murray, Chairperson of the Administration Committee, had no report.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Authority to Enter into Multiple Agreements for Temporary Bus Services before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Bob Franklin, Department Manager of Customer Access, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Jerry Grace
Mr. Chris Daley
Ms. Josie Camacho
Mr. Chris Finn
Ms. Josie Mooney

Director Raburn moved that the General Manager be authorized to enter into multiple agreements with various charter bus carriers to engage and provide temporary bus transportation services for the public in a total amount not to exceed \$400,000 per day. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Fang.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Station Modernization Program Update before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, and Mr. Val Menotti, Department Manager, Planning, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

President Radulovich called for the General Manager's report.

Ms. Marcia deVaughn, Deputy General Manager, reported on steps the General Manager had taken and activities and meetings she had participated in. She announced that the Governor had signed SB142 into law; that the California Transportation Commission (CTC) had awarded BART \$140 million in Proposition A High Speed Rail Bond Funds to be used in the local match requirement for the next phase of the Rail Car Program; that more than 700 visitors had stopped by the railcar seat labs over three days in Union City, Pittsburg/Bay Point and Downtown Berkeley Stations; and that the effort would continue at Pleasant Hill, Lake Merritt, El Cerrito Del Norte, Balboa Park, and Powell Street Stations.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Mallett reported that he had attended the American Public Transportation Association (APTA) Conference in Chicago, Illinois.

Director Blalock reported that he had attended the APTA Conference and participated in a BART seat lab.

Director Keller reported that he had attended the APTA Conference and had participated in a BART seat lab.

Director McPartland reported that he met with county supervisors and mayors on local issues and that he would be traveling to Portland, Oregon, to inspect the Oakland Airport Connector railcars.

Director Raburn reported he had attended the Oakland Chamber of Commerce Pulse of Oakland event and the Sierra Club David Bauer dinner, and that he had participated in the East Bay Greenway groundbreaking.

Director Raburn recommended that Directors and staff conduct lighting audits throughout the District for the safety of passengers.

Director Saltzman reported she had attended the Oakland Chamber of Commerce Pulse of Oakland event.

President Radulovich called for Public Comment. The following individuals addressed the Board.

Mr. Robert S. Allen
Mr. Paul Junge
Mr. Jerry Grace

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

The Board Meeting recessed at 1:05 p.m.

The Board reconvened in closed session at 1:16 p.m.

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

Absent: Director Fang. Director Keller entered the meeting later.

Director Keller entered the meeting.

Director McPartland exited the meeting.

The Board Meeting recessed at 2:47 p.m.

The Board reconvened in open session at 2:49 p.m.

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

Absent: Directors Fang and McPartland.

President Radulovich announced that the Board had concluded its meeting in closed session, and that there were no announcements to be made for Items 9-A and 9-B.

President Radulovich brought the matter of Walnut Creek Transit-Oriented Development Project before the Board.

Director Murray moved that after review and consideration of the Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Plan adopted by the City of Walnut Creek, the Board (1) Adopts the City of Walnut Creek's Final EIR, Findings and Mitigation Monitoring and Reporting Plan for the Walnut Creek BART Transit Village and (2) Finds that for the sale and lease of BART property at the Walnut Creek Station, there are no significant environmental effects which have not been mitigated to less than significant and no further environmental review is required.

Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

Director Murray made the following motions as a unit:

1. That the General Manager or her designee be authorized to complete negotiations and execute a revised Option Agreement with Walnut Creek Transit Village Lifestyles Associates, LLC, for development at the Walnut Creek BART Station, including lease of South and East parcels and an option to purchase the North parcel.
2. That the District continue to study bike and pedestrian access solutions on and off District property along with transportation demand strategies with affected stake holders both near and long term.
3. That the Board remove the prevailing wage requirement for development of the East parcel in recognition that a Project Labor Agreement has been executed with UA Plumbers and Steamfitters Union, Local 159, Brotherhood of Electrical Workers Union, Local 302, and Sheet Metal Workers Union, Local 104.
4. That the General Manager or her designee be authorized to execute any and all actions in support of the aforementioned motions.

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

President Radulovich brought the matter of Approve Modification of Ground Lease of BART Property in Pleasanton at the West Dublin/Pleasanton BART Station before the Board. Director Blalock moved that the General Manager or her designee be authorized to complete negotiations and execute agreements for the lease of approximately 6.98 acres in Pleasanton to Workday, Inc.

Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

The Board Meeting was adjourned at 2:53 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Carca Delgado</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board for action		
DATE: 10/16/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development & Control	General Counsel <i>Audrey Reed</i> 10/17/13	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>Carl M...</i> 10-15-13 []
Signature/Date: <i>TEM</i>		[]	[]	[]
Status: Routed		Date Created: 09/19/2013		

TITLE:
Adoption of a Resolution of Local Support for a Regional Transportation Improvement Program application for the Daly City Station Improvements Project

NARRATIVE:

NARRATIVE:

Purpose:

To obtain Board approval of a Resolution of Local Support for a \$200,000 application to the Metropolitan Transportation Commission ("MTC") for a Regional Transportation Improvement Program ("RTIP") grant for construction of the Daly City Station Improvements Project ("Project").

Discussion:

MTC Resolution No. 4028 "Policies and Project Selection Criteria for the 2014 Regional Transportation Improvement Program (RTIP)" requires that a project sponsor approve a Resolution of Local Support when the project sponsor submits an application for RTIP funds. Staff has prepared the attached Resolution of Local Support for \$200,000 in RTIP funding for the Project. MTC is responsible for developing the region's funding priorities for the RTIP and for submitting the proposed projects to the California Transportation Commission ("CTC") for adoption into the State Transportation Improvement Program ("STIP").

Staff has worked collaboratively with SamTrans, San Mateo City/County Association of Governments (C/CAG), City of Daly City, and San Francisco Municipal Transportation Agency staff to identify a viable funding plan for the Project and the San Mateo County C/CAG supports the programming of these funds for the Project.

Staff is applying for \$200,000 of RTIP funds for the construction of the Project. These funds are included within the \$1.7 million total Project budget and are necessary for completion of the Project. Although this application is due to MTC in November, the RTIP funds are expected to be available in fiscal year 2017 and staff will explore advancing the funds to an earlier fiscal year should the Project be ready to begin construction earlier.

Fiscal Impact:

Approval of the Resolution of Local Support, Project Programming Request ("PPR"), and Certification of Assurances is a requirement for the District to apply for an RTIP grant for the Project. There is no direct fiscal impact on the District as no BART funds will be used to match this grant.

Alternatives:

Do not adopt the attached Resolution of Local Support. The Project would then be ineligible for RTIP funding and would have a \$200,000 deficit in the Project budget.

Recommendation:

Approval of the following Motion.

Motion:

The BART Board of Directors adopts the Resolution, "In the Matter of the Approval of a Resolution of Local Support for a RTIP Project Application for the Daly City Station Improvements Project."

**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
Daly City Station Improvements Project**

Resolution No. _____

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating the assurance to complete the project**

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 \$200,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Daly City Station Improvements Project (herein referred to as PROJECT) for the 2014 Regional Transportation Improvement Program (RTIP) (herein referred to as PROGRAM); and

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

WHEREAS, state statutes, including California Streets and Highways Code §182.6 and §182.7 and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

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

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

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

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified

-
- in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
 - the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
 - that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
 - that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
 - that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
 - in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
 - in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
 - in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

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

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

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

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of

contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; 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 submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

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

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

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

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

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

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

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

PROJECT PROGRAMMING REQUEST

DTP-0001 (Revised July 2013)

General Instructions

<input checked="" type="checkbox"/> New Project					Date:	10/11/13
District	EA	Project ID	PPNO	MPO ID	TCRP No.	
04	R299T	0400021158	1003J			
County	Route/Corridor	PM Bk	PM Ahd	Project Sponsor/Lead Agency		
SM				Bay Area Rapid Transit District		
				MPO	Element	
				MTC	Mass Transit	
Project Manager/Contact		Phone		E-mail Address		
Todd Morgan		(510) 464-6551		tmorgan@bart.gov		
Project Title						
Daly City BART Station Improvements						
Location, Project Limits, Description, Scope of Work						<input type="checkbox"/> See page 2
In Daly City on the BART Station site. The Daly City Access Improvements Plan dated June 2012 identified priority improvements for the station. Scope includes (as funding permits) a number of station capacity and access improvements such as pedestrian scale lighting, removal of barriers to pedestrian traffic, painting, sidewalk repair/treatment, existing canopy roof improvements, pidgeon abatement, addition of street furniture, & addition of real time parking availability signage at parking garage.						
<input type="checkbox"/> Includes ADA Improvements			<input type="checkbox"/> Includes Bike/Ped Improvements			
Component	Implementing Agency					
PA&ED	BART					
PS&E	BART					
Right of Way	N/A					
Construction	BART					
Purpose and Need						<input type="checkbox"/> See page 2
Based on the June 2012 Daly City Access Improvement Plan the Proposed Project focuses on three areas: transit operations; pedestrian & bicycle access; and safety & patron experience. It accommodates planned increases in bus & shuttle services, including the extension of Muni routes 14 & 17 to the station, additional SF State service, a new Parkmerced shuttle, future SamTrans Bus Rapid Transit, as well as increased frequency on several existing bus routes and provide a more efficient drop off, pick up, and layover areas. The Proposed Project continues the construction momentum of 3 recently completed projects at the Daly City Station: Wayfinding Signage Installation, Installation of 10 new Bike Lockers, and Repaving & Bus/Shuttle Island						
Project Benefits						<input type="checkbox"/> See page 2
The proposed project takes advantage of the recently completed installation of bike lockers, repaving, & station signage and improves the station environment along with making pedestrian passenger flow more direct.						
<input type="checkbox"/> Supports Sustainable Communities Strategy (SCS) Goals			<input type="checkbox"/> Reduces Greenhouse Gas Emissions			
Project Milestone						Proposed
Project Study Report Approved						
Begin Environmental (PA&ED) Phase						
Circulate Draft Environmental Document				Document Type	CE	
Draft Project Report						
End Environmental Phase (PA&ED Milestone)						01/01/14
Begin Design (PS&E) Phase						07/01/14
End Design Phase (Ready to List for Advertisement Milestone)						03/30/15
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)						03/30/16
Begin Closeout Phase						04/01/16
End Closeout Phase (Closeout Report)						10/31/16

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 (Revised July 2013)

Date: 10/11/13

District	County	Route	EA	Project ID	PPNO	TCRP No.
04	SM		R299T	0400021158	1003J	
Project Title: Daly City BART Station Improvements						

Proposed Total Project Cost (\$1,000s)									Notes
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	
E&P (PA&ED)									
PS&E		550						550	
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			950	200				1,150	
TOTAL		550	950	200				1,700	

Fund No. 1:	Safe Routes to Transit Grant								Program Code
Proposed Funding (\$1,000s)									RM2 Bridge Tolls
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									MTC
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			600					600	
TOTAL			600					600	

Fund No. 2:	STIP-RIP								Program Code
Proposed Funding (\$1,000s)									ATP
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									Alameda CTC
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON				200				200	
TOTAL				200				200	

Fund No. 3:	San Francisco Proposition K sales tax								Program Code
Proposed Funding (\$1,000s)									Prop K
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									SF County Transp. Authority
PS&E		550						550	
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL		550						550	

PROJECT PROGRAMMING REQUEST

DTP-0001 (Revised July 2013)

Date: 10/11/13

District	County	Route	EA	Project ID	PPNO	TCRP No.
04	SM		R299T	0400021158	1003J	
Project Title: Daly City BART Station Improvements						

Fund No. 4:	SFMTA (Muni) Revenue Share Prop 1B PTMISEA								Program Code
Proposed Funding (\$1,000s)									Prop 1B
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									Caltrans Mass Transportation
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			200					200	
TOTAL			200					200	

Fund No. 5:	BART Revenue Share Prop 1B PTMISEA								Program Code
Proposed Funding (\$1,000s)									Prop 1B
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									Caltrans Mass Transportation
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON			150					150	
TOTAL			150					150	

Fund No. 6:									Program Code
Proposed Funding (\$1,000s)									
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									

Fund No. 7:									Program Code
Proposed Funding (\$1,000s)									
Component	Prior	14/15	15/16	16/17	17/18	18/19	19/20+	Total	Funding Agency
E&P (PA&ED)									
PS&E									
R/W SUP (CT)									
CON SUP (CT)									
R/W									
CON									
TOTAL									



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Fuente</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>10/16/13</i>		BOARD INITIATED ITEM: No.		
Originator/Prepared by: Todd Morgan Dept: Capital Development & Control	General Counsel <i>Augustine</i> <i>10/15/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>TEM</i>	[]	[]	[]	[]
Status: Routed		Date Created: 10/04/2013		

TITLE:

Obtain Board Authority to Approve a Revision to and Supersede Resolution No. 4898, Authorizing the General Manager to File Applications, Provide Supporting Documents and Execute Funding Agreements with the United States Government, the State of California and other Entities to, Among Other Things, Execute a Transportation Planning Grant Fund Transfer Agreement for the Embarcadero and Montgomery Capacity Implementation Study

NARRATIVE:

Purpose:

To obtain Board approval of a revision to Resolution No. 4898, authorizing the General Manager to file applications, provide supporting documents and execute funding agreements with the United States Government, the State of California, and other entities.

Discussion:

BART has successfully applied for a Transportation Planning Grant and has been awarded \$237,500 of Federal Transit Administration Section 5304 funds. Caltrans administers the Transportation Planning Grant Program. These grants may be used for a wide range of transportation planning purposes which address local and regional transportation needs and issues. The implementation of these grants ultimately leads to the adoption, initiation and programming of transportation improvements. The region's SB375-guided Sustainable Communities Strategy, Plan Bay Area, along with market forces, forecasts substantial growth in transit ridership into downtown San Francisco.

As the economy expands, BART's ridership has shown strong growth, placing new capacity burdens on the 40-year old system. The Embarcadero and Montgomery Street Stations have been the focus of much of that growth and these two stations are anticipated to experience significant capacity problems in the near future. This grant will fund a project which will produce a capacity project implementation strategy for BART's two busiest stations - Embarcadero and Montgomery.

In order to receive this award, Caltrans requires a Resolution of Local Support which authorizes the General Manager to execute the funding agreement with Caltrans for the \$237,500. A local Resolution must be enacted for each successful applicant and Resolutions more than one year old are not accepted by Caltrans. BART Board Resolution No. 4898, dated October 9, 2003,

authorizes the General Manager to file applications, provide supporting documents and execute funding agreements with the state of California, however, Caltrans has requested that BART adopt a new Resolution for this purpose. The new Resolution will apply to all future funding applications, provision of supporting documents, and executing of funding agreements with the United States Government, the State of California and other entities.

Fiscal Impact:

This authorization has no fiscal impact on District funds.

Alternatives:

Do not approve the Resolution. This will jeopardize BART's eligibility to receive \$237,500 in Federal Transit Administration Section 5304 funds for the capacity improvement study at the Embarcadero and Montgomery Street Stations.

Recommendation:

Adoption of the following motion.

Motion:

The BART Board of Directors approves the attached Resolution which revises and supersedes Resolution No. 4898, and adopts the attached Resolution, "In the Matter of Authorizing the Filing of Applications, Providing Supporting Documents, and Executing Funding Agreements with the United States Government, the State of California, and other Entities."

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

In the Matter of Authorizing the Filing of
Applications, Providing Supporting
Documents, and Executing Funding
Agreements with the United States
Government, the State of California, and
other Entities

Resolution No.

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

WHEREAS, pursuant to Board Resolutions Nos. 4372, 4373, 4898 and the Annual Budget Resolution, the BART General Manager is authorized to file funding applications and execute funding agreements with the United States Government and the State of California and with any other entity; and

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

WHEREAS, funding agreements from the United States Government or the State of California will impose certain obligations upon the applicant, including the provision by the applicant of the project’s local share of costs; and

WHEREAS, it would be in the best interests of the District for the General Manager to have standing authorization to apply, on behalf of the District, for funds from entities and to file necessary documents and execute funding agreements.

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

1. That the BART General Manager, or her/his designee, is authorized to execute and file all applications on behalf of the BART for funds for District projects and activities with any agency of the United States Government or the State of California or any other entity.
2. That the BART General Manager, or her/his designee, is authorized to execute and file with such applications any assurance or other document required by the funding entity for the subject project.
3. That the BART General Manager, or her/his designee, is authorized to furnish such additional information as the funding entity may require in connection with the application or funding agreement for the subject project.

4. That the BART General Manager, or her/his designee, is authorized to execute all funding agreements on behalf of BART with any agency of the United States Government or the State of California or any other entity

5. That the BART General Manager is authorized to execute and file applications on behalf of BART for funds for BART District projects and activities with any private entity, but execution of funding agreements with a private entity requires approval of the BART Board of Directors.

This Resolution supersedes Board Resolution No. 4898 dated October 9, 2003.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcea deBougen</i>		GENERAL MANAGER ACTION REQ'D: Approve and Place on October 24, 2013 Board Agenda		
DATE: <i>10/16/13</i>		BOARD INITIATED ITEM: <input checked="" type="checkbox"/> No		
Originator/Prepared by: Steve Sims Dept. M&E Traction Power	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> for <i>Paul O'Connell</i>
Signature/Date: <i>[Signature]</i> 10/16/13	<i>[Signature]</i> 10/16/13	<i>[Signature]</i> []	[]	[]
Status: Routed		Date Created: 08/30/2013		

TITLE:

Award Bid No. 8927, Cable, Power

NARRATIVE:

PURPOSE:

To award Invitation to Bid 8927, Procurement of Cable, Power to The Okonite Company for the bid amount of \$455,870.

DISCUSSION:

This procurement acquires three types of traction power cables that will be provided as District Furnished Material to the Contract 15EK-110, Traction Power Substation Replacement, ACO/KOW Installation, to install new Traction Power Substations at Coliseum and West Oakland stations in early 2014. The cables consist of one type of 35 kV ac power cable (5,000 ft.), and two types of 2.4 kV dc power cable (26,000 ft. and 5,000 ft.) for the 1,000 V dc circuits. The cable will be used to convey electricity from BART's 34.5 kV subtransmission system to the contact rails. Long procurement lead times made it impractical to include cable procurement in the 15EK-110 contract without negative impact on the overall project schedule.

A notice requesting bids was published on September 6, 2013 and bid requests were mailed to seven (7) prospective bidders. Bids were opened on October 1, 2013 and five (5) bids were received.

<u>Bidder</u>	<u>Bid Amount including 9.0% Sales Tax</u>
The Okonite Company Ramsey, NJ	\$455,870
Electrical Cable Specialists Norcross, GA	\$495,647
Alameda Electric Distributors Alameda, CA	\$499,431
One Source Distributors Oakland, CA	\$504,514
Prysmian Group	\$604,874

North Dighton, MA

Independent cost estimate by BART staff: \$ 500,000.00

The Okonite Company is the apparent low Bidder, and a review of the Bid by staff determined it to be responsive.

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

FISCAL IMPACT:

Funding of \$455,870 for the award of IFB8927 is included in the total project budget for FMS #15EK300 – Traction/Power Substation Renovation – Installation. The Office of the Controller/ Treasurer certifies that funds are currently available to meet this obligation.

As of October 8, 2013, \$16,418,054 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
226E	BART	1998 S/T REV DEBT SERV	\$254,693
3001	Federal	FY11 Capital Improve FG MOD	\$200,000
3004	Federal	FY12- Capital Projects	\$1,600,000
347W	Federal	FTA Grant No CA-03-0729	\$435,161
353G	Federal	CA-05-0224-FY08 Cap Improvemnt	\$1,366,770
353K	Federal	CA-05-0236 FG MOD-FY09	\$2,983,036
353M	Federal	CA-05-0248 FG MOD-FY10 CAPITAL	\$3,473,694
354R	Federal	FY10 Capital Projects	\$3,075,781
6014	Regional	Bridge Toll Alloc 09387205	\$495,759
6017	Regional	BToll FY09-10 Alloc10395402	\$768,945
6018	Regional	FY11-12 Prj Match MTC Res#4044	\$400,000
6214	Regional	RM2 - Match to 53G, 54G, 54J	\$87,000
801E	BART	INSTALLMENT RECEIVABLE	\$108,790
850X	BART	CAP ALLOC.-SEISMIC NON	\$27,221
851W	BART	FY07-11 Capital Alloca	\$32,783
8523	BART	Cap Surchrg-Statn 2 St	\$1,108,420
			\$16,418,054

BART has expended \$1,793,373, committed \$363,427, and reserved \$2,761,000 to-date for other actions. This action will commit \$455,870 leaving an available fund balance of \$11,044,384 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board can elect not to authorize the General Manager to award Bid No. 8927. In this case the District would need to issue a new IFB for cable and would likely to incur project delay costs of at least \$200,000 for storage and re-scheduling of substation equipment delivery.

RECOMMENDATION:

Recommend that the Board adopt the following Motion.

MOTION:

The General Manager is authorized to award Bid No. 8927, Procurement of Cable, Power to The Okonite Company for the Bid amount of \$455,870 pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de Haen</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board for Approval		
DATE: <i>10/16/13</i>		BOARD INITIATED ITEM: <i>NO</i>		
Originator/Prepared by: Todd Morgan Dept: Capital Development & Control <i>Todd Morgan</i> Signature/Date:	General Counsel <i>Michelle Kavas</i> <i>10/12/13</i> [1]	Controller/Treasurer <i>[Signature]</i> [1]	District Secretary [1]	BARC <i>Chris R. Paves</i> <i>10/14/13</i>
Status: Routed		Date Created: 10/07/2013		

TITLE:
Resolution Supporting the Tanforan Assembly Center Memorial Committee Grant Application to the National Parks Service

NARRATIVE:

Purpose:

To obtain BART Board approval of the attached Resolution In the Matter of Supporting the Tanforan Assembly Center Memorial Committee (TACMC) submittal of a grant application to the National Parks Service, "Japanese American Confinement Sites Grant Program," for the purpose of securing funds to design and construct a fitting memorial commemorating the Japanese relocation at the Tanforan site adjacent to the San Bruno BART Station. TACMC is a non-profit organization formed by the Japanese American Citizens League (JACL). It was formed to work toward the creation of a permanent memorial in memory of the incarcerated and history of the Tanforan Assembly Center.

Discussion:

The Tanforan Assembly Center temporarily housed 8,000 Japanese Americans and their immigrant parents during the early days of WWII. People of Japanese ancestry were ordered to be forcibly removed from their homes, businesses, farms and schools from the Western United States under Executive Order 9066 issued by President Franklin D. Roosevelt on February 19, 1942. The then Tanforan Race Track was converted to a detention site with hastily built barracks on the infield of the race track, with the existing horse stalls also being used for housing. During the months of April and May of 1942, Japanese Americans from the San Francisco Bay Area were sent to the Tanforan Assembly Center where they stayed for up to six months before being transported by rail to inland detention sites.

Today, the San Bruno BART Station is located on land adjacent to the Tanforan Assembly Center. The site of the Tanforan Assembly Center has been recognized by the State of California as a State Historical Landmark, "No. 934, Temporary Detention Camps for Japanese Americans-Tanforan Assembly Center," by the Office of Historic Preservation. It is also listed as a site qualifying for Japanese American Confinement Sites recognition by the National Parks Service under the Antiquities Act and the Japanese American Confinement Sites Grant Program (Public Law 109-441, 16 USC 461) for the preservation and interpretation of U.S. confinement sites where Japanese Americans were detained during World War II.

TACMC is working to seek recognition of the historic significance of the Tanforan Assembly Center. TACMC and BART recently joined forces to create a photographic exhibit at the San Bruno BART Station in recognition of the 70th anniversary of the opening of the Tanforan Assembly Center. At the March 8, 2012 BART Board meeting, the Board authorized the General Manager to host the exhibit. BART worked with TACMC on the exhibit and a reception was held on April 28, 2012 to honor the incarcerated. The photographic display, "They Wore Their Best," featuring the work of Dorothea Lange and Paul Kitagaki was well received by the public and press.

The display is currently in the station as a temporary exhibit. At the October 25, 2012 Board meeting, the Board adopted Resolution No. 5203 to support TACMC's grant application to the National Park Service. The grant funds were awarded in July 2013 to make the display permanent and create a traveling version of the exhibit.

TACMC is now applying for funds from the National Parks Service Grant Program to design and construct a fitting memorial at the San Bruno BART Station. One of the requirements of the Grant Program is to advise the National Parks Service that Grantees seeking funds have the permission of the property owner to establish a memorial. The property acquired by the San Mateo County Transit District ("SamTrans") for the SFO Extension has not yet been quitclaimed by SamTrans to BART. However, in a letter agreement dated August 17, 2000, SamTrans conveyed to BART, "all of its rights in the [San Bruno Station area] under the Order of Possession, including its right to possess the Subject Property, to BART." BART and SamTrans are in the process of finalizing the quitclaim deed(s) conveying the property and anticipate completing the transfer before the end of 2014. In the meantime, the August 17th, 2000 letter agreement vests the exclusive right of possession and use of the property in BART, such that BART is permitted to approve the attached Resolution.

If the funds are secured, BART staff will work with TACMC and JACL to develop an agreement describing the manner in which the permanent memorial will be designed and constructed. Staff anticipates entering into an agreement for a fixed time, with options to renew. BART will ensure that it has the ability to remove the memorial in the event that it determines that there is an operational reason to do so. Staff will bring the agreement back to the Board for authorization and the Office of the General Counsel will approve the agreement as to form.

Fiscal Impact: Overall project funding for the Memorial will be secured by TACMC through multiple public and private grant actions. BART is allocating \$10,000 for Architectural Design/Public Art consulting services through its on-call contract to assist with design concepts during the feasibility study to ensure that BART's interest are represented in the development of the project. These funds will come from the operating budget of Customer Access.

The TACMC has committed to obtaining all funds needed to complete the permanent memorial. In the event that shortfalls in funding occur, TACMC will use good faith efforts to obtain necessary funds with BART support. TACMC is not requiring BART to commit any funds toward any element of the project, other than non-engineering staff time.

Alternatives: Not adopt the attached Resolution of Support, thereby depriving TACMC of the opportunity to apply to the National Parks Grant Program.

Recommendation: Adoption of the attached Resolution.

Motion: The Board of Directors approves the Resolution In the Matter of Supporting the Tanforan Assembly Center Memorial Committee Grant Application to the National Parks Service Supporting the Tanforan Assembly Center Memorial Committee Grant Application to the National Parks Service.

BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY

AREA RAPID TRANSIT DISTRICT

In the Matter of Approving a
Resolution Supporting the Tanforan
Assembly Center Memorial Committee Grant
Application to the National Parks Service

Resolution No.

Whereas, the Tanforan Assembly Center Memorial Committee (“TACMC”) is a non-profit organization formed by the Japanese American Citizens League to establish a permanent memorial at Tanforan; and

Whereas, TACMC is submitting a grant application to the National Parks Service “Japanese American Confinement Sites Grant Program” for the purpose of securing funds to design and construct a fitting memorial commemorating the Japanese relocation at the Tanforan site; and

Whereas, as a condition to submitting such grant application, the National Parks Service requires confirmation that the owner of the property on which the memorial is to be placed has granted permission for such memorial to be placed on its property; and

Whereas, the proposed memorial will continue to be within the existing San Bruno BART Station on property in which the District has the exclusive right of possession and use, and which property will ultimately be owned solely by the District;

NOW, THEREFORE, BE IT RESOLVED that:

1. The San Bruno BART Station is on property in which the District has the exclusive right of possession and use through a letter agreement between BART and the San Mateo County Transit District (“SamTrans”) dated August 17, 2000, a copy of which is attached hereto.
2. SamTrans and BART are in the process of finalizing the quitclaim deed(s) conveying the San Bruno BART Station property to BART and anticipate completing the transfer by the end of 2014.
3. BART certifies that, in the event that TACMC is successful in securing funds for the project, it will allow TACMC to design and construct a memorial acceptable to BART at the San Bruno BART Station.
4. BART supports TACMC’s efforts to secure grant funding to design and construct a fitting memorial acceptable to BART on BART property at the San Bruno BART Station.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>10/16/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Seung Dept: Communications Engineering <i>Anthony Seung</i> Signature/Date: <i>10/16/13</i>	General Counsel <i>Anthony Seung</i> <i>10/16/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> <i>FOR OVERS-ER</i>

TITLE:

Change Order to Contract No. 79HW-110, Oakland Portal Hardening, with Taber Construction, Inc., for Settlement of All Notice of Potential Claims (Change Order No. 023)

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 023, Settlement of All Notice of Potential Claims, in an amount of \$573,000.00, to Contract No. 79HW-110, Oakland Portal Hardening with Taber Construction, Inc.

DISCUSSION:

The Board of Directors authorized the General Manager to award Contract No. 79HW-110 to Taber Construction, Inc. on February 23, 2012 for the original Contract Price of \$1,282,000. The Contractor submitted and the District approved a baseline schedule of 270 calendar days. Due to a significant effort in implementing corrective design changes and extensive differing site conditions encountered during the Contract performance, the Contractor completed the work later than its approved baseline schedule date and later than the Contract end date. BART reimbursed the Contractor for the direct cost of implementing the corrective design changes and the differing site conditions changes. However, these changes did not account for other expenses incurred, including:

- a) Extended equipment at the Jobsite;
- b) Extended Jobsite management expenses for labor of project managers, superintendents, project engineers, safety engineers and office personnel; and
- c) Loss of efficiency. This Change Order reimburses the Contractor for the additional costs not covered by earlier Change Orders.

The Board was notified in July 2013 that staff expected to issue Change Orders exceeding 10% of the original Contract Price , including the estimated amount of \$388,862 to settle all pending Notice of Potential Claims (NOPC's). The parties have negotiated a global settlement for \$573,000 that includes the values of all the pending NOPC's and other Contract costs as described above.

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

The Office of the General Counsel will approve this Change Order as to form prior to execution.

Change Order to Contract No. 79HW-110, Oakland Portal Hardening, with Taber Construction, Inc., for Settlement of

The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

FISCAL IMPACT:

Funding of \$573,000 for Change Order No. 023 on Contract No. 79HW-110 is included in the total project budget for the FMS #79HW000 - Portal Hardening. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of October 11, 2013, \$3,770,368.41 is available for this project from the following sources:

F/G 3753 - FY08 TSGP TIER1 GRANT#20	\$500,000.00
F/G 3754 - FY2009 TSGP GRANT#2009	\$2,231,950.00
F/G 535T - FY07-08 CTS GP PROP 1B(HOMELAND)	\$186,150.41
F/G 5372 - FY010-11 CTS GP PROP 1B(HOMELAND)	\$852,268.00
TOTAL	\$3,770,368.41

BART has expended \$2,319,620.95, committed \$100,033.09 to date for other actions. This action will commit \$573,000 leaving an uncommitted balance of \$777,714.37 in these funding sources.

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

ALTERNATIVES:

The Board may elect not to authorize the execution of this Change Order. However the District has received a claim from the Contractor for costs related to the additional Jobsite expenses which if not resolved may lead to litigation that may result in costs higher than the amount of the Change Order.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 023, Settlement of All Notice of Potential Claims, in an amount of \$573,000.00 to Contract No 79HW-110, Oakland Portal Hardening with Taber Construction, Inc.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBauder</i>		GENERAL MANAGER ACTION REQ'D: APPROVE AND FORWARDED TO THE BOARD OF DIRECTORS		
DATE: c <i>10/16/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept: Rolling Stock and Shops	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>S Presley 9/17/13</i>	<i>MB 9/17/13</i>	<i>[Signature]</i>	[]	<i>[Signature]</i> PAUL CUEZSCIEZ []

Contract No. 40FA-110, Procurement of Transit Vehicles - Exercise of Options 2, 3 and 4 for 365 Vehicles

NARRATIVE:

Purpose:

To request Board authorization for the General Manager to execute a change order to Contract No. 40FA-110, Procurement of Transit Vehicles (the "Contract"), with Bombardier Transit Corporation ("Bombardier"), to exercise Options 2, 3 and 4 totaling 365 vehicles, for a total reduced price of \$638,983,330, plus applicable tax and escalation, subject to certification by the Controller-Treasurer that funding is available.

Discussion:

On May 10, 2012, the Board authorized award of the Contract to Bombardier for the Base Contract of 260 vehicles at the price of \$630,502,694, and Option 1 for 150 vehicles at a price of \$265,832,100, plus applicable tax and escalation. The Board directed staff to return to the Board with a funding plan and request for approval prior to exercising Options 2, 3 and 4. The Contract currently provides for the following remaining Options and prices: Option 2 (150 vehicles) for the price of \$265,832,100; Option 3 (115 vehicles) for the price of \$203,804,610; and Option 4 (100 vehicles) for \$177,221,400. Applicable tax and escalation will be added to these prices.

The District awarded the Base Contract on May 30, 2012, and exercised Option 1 on June 25, 2012. The District has five years from the date of Contract award to exercise all remaining Options.

Bombardier has indicated that a change order from the District to exercise all remaining Options by the end of calendar year 2013 would allow Bombardier to make firm plans for continuous manufacturing, including staffing and the procurement of parts and materials.

The Contract is currently in the preliminary design phase. Bombardier and the District are attempting to resolve a number of commercial and technical items in order to finalize the vehicle design. To address the commercial and technical items as well as the exercise of all remaining Options, Bombardier and the District have negotiated the following as the major components of a change order or change orders:

1. If the District exercises all remaining options by the end of the year, Bombardier will provide 60 E-Cars (non-cab cars) under Option 4 at a reduced price of \$86,622,580 compared to the proposal price of \$94,497,360. This is the equivalent of five free E-Cars, and represents a savings to the District of approximately \$8 Million, plus applicable tax and escalation.
2. The production schedule will be increased from a delivery of 10 vehicles per month to 16 vehicles per month. This will result in completion of the project 29 months earlier than projected and an overall savings to the District of approximately \$127 Million in escalation.
3. Bombardier will upsize the brake resistors from 50% dynamic braking to 75% dynamic braking. This is important because the new vehicles will be designed to carry up to 10,000 more passenger pounds than the existing cars. The increased dynamic braking will reduce the load on the friction brake system. This change represents a value to the District of approximately \$3 Million.
4. The District will increase the weight allowance on D-Cars (cab cars) from 64,500 pounds to 65,500 pounds. Cab cars carry added equipment and have empty car weights heavier than non-cab cars. The new cars were specified to be crash compatible with the existing C-Cars, and to meet the latest industry Crash Energy Management recommendations for operator and passenger safety. In order for Bombardier to meet those two safety requirements, provide enhanced brake resistors, and provide larger side windows and a third windshield, the District will have to increase the weight allowance on D-Cars by 1000 pounds. There is no cost or safety impact as a result of this change.

Staff believes that the District will derive significant benefits from a change order or change orders that include the primary elements described above. However, a change order to exercise Options 2, 3 and 4 must be executed by the end of calendar year 2013 in order for the District to receive the cited price reduction. Therefore, if the Board authorizes execution of such change order but it is not executed by the end of calendar year 2013 and the cited price reduction is no longer applicable, staff will return to the Board at a later date for authorization to exercise Options 2, 3 and 4.

Fiscal Impact:

Funding for the award of Options 2, 3 and 4 of 365 vehicles will come from the funding sources identified in Joint BART/MTC Resolution Nos. 5134 and 3918 respectively, adopted by the BART Board of Directors and the MTC Commission in April and December, 2010 respectively. In the Resolutions, MTC and BART agreed to a phased funding plan for the planned replacement of the District's fleet. This overall funding plan consists of 75% MTC regional funds and 25% BART controlled funds.

The estimated total project cost for the Base Contract and Options 1-4, totaling 775 cars, is \$2.584 billion. The MTC 75% share is approximately \$1.789 billion; the BART 25% share is approximately \$596 million and the Santa Clara Valley Transportation Authority (VTA) share is

\$199 million.

The Base Contract and Option 1 cars (totaling 410 cars) were funded with MTC's Phase 1 commitment of \$889 million in regional funds, a BART funding commitment of \$296 million and a commitment from VTA of \$199 million for the 60 cars attributable to the BART Extension to Santa Clara County. Those commitments total approximately \$1.384 billion, leaving a balance of \$1.2 billion necessary to be committed for Options 2, 3 and 4.

MTC FEDERAL FORMULA AND OTHER REGIONAL FUNDS

Pursuant to MTC Resolution No. 3918, MTC is to provide a total of \$2.416 billion in MTC funds for the BART Car Replacement Program. The funding sources include: projected FTA Section 5307 and 5309 Fixed Guideway, FHWA STP, population-based spillover (or successor programs) and/or other anticipated funding sources included in Transportation 2035 and to be included in future Regional Transportation Plans, and projected earnings on the BART Car Replacement Funding Exchange Account.

Because the Proposal prices received from Bombardier were well below the preliminary cost estimate that was the basis for MTC Resolution No. 3918, MTC's required commitment has been reduced from \$2.416 billion to \$1.789 billion, a savings to the region of \$627 million. A total of approximately \$900 million is required from MTC as the remaining balance due to fund Options 2, 3 and 4, and to comprise the 75% overall MTC contribution to the New Vehicle Procurement Project.

MTC has agreed in concept to financial participation in Options 2, 3 and 4 in a manner equivalent to their participation in the Base Contract and Option 1. Since the primary funding source available to MTC to fulfill its commitment is relatively secure federal formula funds, it is expected that, over the long term, funds will be available to meet MTC's commitment, but financing may be necessary to meet accelerated project cash flow needs. The structure, timing and costs of any such financing will be negotiated with MTC in the coming months.

BART FUNDS

Pursuant to BART Resolution No. 5134, BART committed to provide a total of \$806 million in BART pursued and controlled revenues as local match to MTC regional funds. The first \$150 million was to be funded with State Proposition 1A High Speed Rail (HSR) bond funds with the balance to be future BART controlled revenues such as State Transit Assistance Revenue-Based funds, general obligation bonds, parcel taxes, fare increases, or other means. Due to receipt of lower prices from Bombardier than the original cost estimate, BART's 25% commitment has been reduced to \$596 million, a savings to BART of \$210 million.

Since HSR funds failed to materialize prior to the award of the Base Contract and Option 1, BART funds totaling \$298 million were committed as the 25% share. This amount has subsequently been reduced to \$296 million. It is expected that it may take until FY18 to achieve this commitment with future capital allocations continuing at the rate of \$45 million per year.

[REDACTED]

A total of \$300 million is required as BART's share of the remaining balance for Options 2, 3 and 4. An allocation request for HSR funds is pending and, if the requested funds are allocated, the remaining balance for BART's share of Options 2, 3 and 4 would be reduced to \$160 million. Should future capital allocations continue at the rate of \$45 million per year, beginning in approximately FY19, it would require an additional three and a half years to achieve this commitment.

The change order to exercise Options 2, 3 and 4 will be issued only after the Controller/Treasurer has certified that funding is available.

Alternatives:

Do not authorize the execution of a change order to exercise Options 2, 3 and 4, and miss an opportunity to receive a price reduction on Option 4 that is the equivalent of five free E-Cars.

Recommendation:

Adoption of the following motion.

Motion:

The General Manager is authorized to execute a change order to Contract No. 40FA-110, Procurement of Transit Vehicles, to exercise Options 2, 3 and 4 totaling 365 vehicles for a reduced price of \$638,983,330, plus applicable tax and escalation, subject to certification by the Controller Treasurer that funding is available. The Controller Treasurer's certification will be based on the availability of approximately \$140,000,000 in Proposition 1A High Speed Rail funds, and an agreement with the Metropolitan Transportation Commission for its share of approximately 75% for Options 2, 3 and 4.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa de la Torre</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>10/16/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access	General Counsel <i>Andrew Powers</i> <i>10/15/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[]</i>	BARC <i>and Sr R Powers</i> <i>10/15/13</i>
Signature/Date: <i>[Signature]</i> <i>10-14-13</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>
Status: Routed		Date Created: 10/03/2013		

TITLE:

BART Bike Rules Modifications

NARRATIVE:

PURPOSE

To request Board adoption of modifications to BART Bike Rules

DISCUSSION

Current BART Bike Rules restrict bicycle access during peak commute times. These rules were last modified in 1999. As described below, prior to that last change, BART had gradually modified its Bike Rules to expand bicycle access on the system:

- 1972: bikes are banned entirely from the BART system
- 1974: bikes allowed with a permit, only in the last car during non-commute hours
- 1988: bikes allowed in the reverse commute direction during commute hours
- 1997: permit requirement removed, and bikes allowed in all but first car during non-commute hours
- 1998: time restrictions narrowed to specific trains, bikes allowed at all times on the Richmond/Fremont line
- 1999: bicyclists no longer required to use the rear door of a car

Two five-day commute period bike pilots were conducted in the past 14 months. In August 2012 on Fridays, bikes were allowed on all trains and in and out of all stations at all times. In March 2013 for a full work week, bikes were allowed on all trains and in all stations at all times but not on the first three cars of trains during commute hours (7:00 to 9:00 AM and 4:30 to 6:30 PM).

These pilots were evaluated through customer surveys and by soliciting feedback from the Accessibility Task Force, the Bicycle Advisory Task Force and BART staff. Based on these evaluations, staff concluded that the majority of riders supported allowing bikes on BART during commute periods. Findings from these two pilots were presented to the BART Board on May 23, 2013. At that meeting, the Board requested an extended trial to further test the impacts of modifying the bike rules. The extended trial began the first week of July 2013 and is scheduled to continue through December 1, 2013.

For the extended trial, staff and task force observations have been consistent with earlier pilots: bikes on BART during the commute period have not impeded train operations or delayed service.

To gauge overall rider sentiment, a random sample rider survey was fielded between September 24 and October 4, 2014. It was sent via email and 1,774 completed surveys were returned and analyzed. The survey results from the extended trial show that most riders support allowing bikes on BART during commute periods. Key findings of the survey include:

Most respondents feel unaffected by bikes on BART during peak commute times

- 81% indicated no impact on decision to ride
- 76% indicated little or no effect on their trip or makes their trip better

Some respondents expressed concerns with bikes onboard during commute periods

- 22% reported problems during the extended trial mainly related to crowding
- 25% reported trains were too crowded to accommodate bikes during commute

Most respondents support bikes onboard during commute periods

- 79% of all respondents favored modifying the bike restrictions during commute periods
- 22% much more or somewhat more likely to ride BART during commute period

Although most riders support expanding bike access during commute periods, there have been comments from riders that not all bicyclists are following the bike rules or etiquette. The comments range from bikes blocking doors or seats, cyclists boarding crowded trains, bikes bumping into other passengers and cyclists using escalators. Continued efforts will be needed on the part of BART and the bike coalitions to educate and remind cyclists of rules and etiquette

To respond to these concerns, staff has implemented or is implementing the following complementary improvements:

- Car interiors have been reconfigured to improve circulation and add space
- Train crowding information is available as part of the trip planner on www.bart.gov
- Bike rules and etiquette car cards are being rotated on trains as part of an ongoing campaign
- More prominent signage is being installed on escalators to ensure bicyclists are aware of safety restrictions
- Bicycle waiting zone and customer queuing decals on platforms at 12th and 19th Street stations to facilitate boarding for all customers are being installed
- Expanded secure bike parking is being added throughout the system as a longer-term strategy to minimize the need to bring bikes on trains, and
- Bike sharing is being studied for potential implementation at a future date

The proposed Bike Rules modifications will simplify and streamline the existing Bike Rules. Among the changes proposed, staff recommends that current rules restricting bikes onboard during commute periods be replaced with the following: *"During non-commute hours, bikes are allowed on all trains except the first car or any crowded car. During commute hours (7:00 to 9:00 am & 4:30 to 6:30 pm) bikes are not allowed in the first three cars of any train or any crowded car."* The new rules will apply system-wide including the Richmond/Fremont line which currently has no time-based restrictions.

Staff recommend adopting the proposed modifications to the Bike Rules effective December 1, 2013.

ALTERNATIVE

No rule change. Commute period restrictions remain in place prohibiting bikes onboard during the commute period on peak direction trains. This alternative may limit the number of bicycle commuters who choose to use BART. Or, potential bike commuters may only be able to access BART by car. With parking and transit access options constrained, bicycle access represents an option that will help keep BART ridership growing in an environmentally sustainable manner

FISCAL IMPACT

For the recommended action, total implementation costs are estimated at \$195,000 for the design, production, and deployment of customer information materials including brochures, schedule displays and website reprogramming. Funds for the recommended action are included in the FY 14 operating budget.

RECOMMENDATION

Adopt the following motion effective December 1, 2013.

MOTION

The General Manager is authorized to modify the Bike Rules, as attached, effective December 1, 2013 allowing bikes on all trains, except for the first three cars, and in all stations during commute periods.

Revised Bike Rules--Redline

October 2013

- ~~Bikes are allowed on all trains except those trains shown in highlighted areas of the BART Fares and Schedules brochure. It is the rider's responsibility to refer to BART schedules.~~
- ~~Bikes are allowed in any car but the first car of a train.~~
- During non-commute hours, bikes are allowed on all trains except the first car or any crowded car.
- During commute hours (7:00 to 9:00 am and 4:30 to 6:30 pm), bikes are not allowed in the first three cars of any train.
- Folded bikes are allowed on the trains at all times.
- Regardless of any other rule, bikes are never allowed on crowded cars. Use your good judgment and only board cars that can comfortably accommodate you and your bicycle.
- Bicyclists must ~~Hold~~ their ~~your~~ bikes while on the trains.
- Bicyclists must use elevators or stairs, not escalators, and always walk bikes.
- Bicyclists must yield priority seating to seniors and people with disabilities, yield to other passengers, and not block aisles or doors ~~or seat seats~~.
- In case of an evacuation, leave your bike on the train and do not let it block aisles or doors.
- Bicyclists under 14 years old must be accompanied by an adult.
- Gas powered vehicles are never permitted.
- On BART property, bikes must be parked in racks and lockers. ~~Call (510) 464-7133 for locker availability.~~ Bikes parked against poles, fences or railings will be removed.

COMMUTE HOURS

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

- ~~During morning commute hours, bikes are allowed in the Embarcadero Station only for trips to the East Bay (as indicated by the Fares and Schedules brochure).~~
- ~~During evening commute hours, bicyclists traveling from the East Bay must exit at the Embarcadero Station (as indicated by the Fares and Schedules brochure).~~
- ~~Bikes cannot enter or exit 12th and 19th Street Oakland Stations on weekdays between 6:56–8:50 am and 4:35–6:40 pm. (as indicated by the Fares and Schedules brochure).~~
- ~~During commute hours, folding bikes must be folded before entering the paid area at the Embarcadero, Montgomery, Powell, and Civic Center San Francisco Stations, and the 12th and 19th Street Oakland Stations. At all other stations, they may be folded on the platform, but must be folded before boarding a train.~~

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



1. As a test, from July 1 to December 1, BART is allowing bikes on all trains including during the normally restricted commute hours (weekdays 7:00AM - 9:00AM and 4:30PM - 6:30PM). Were you aware of this? (N=1,710)

- Yes 74%
- No 26%

If answer is "No", SKIP to Q11

2. Are you aware that during this bike test, bikes are not allowed on the first three cars during commute hours? (N=1,233)

- Yes 68%
- No 32%

3. What effect has this bike test had on your decision to ride BART during commute hours from July 1 - December 1? (N=1,245)

- It has no effect on my decision to ride BART 81%
- I avoid taking BART at those times because of the bikes 3%
- I ride in one of the first three cars to avoid bikes 11%
- I bring my bike on BART 6%

If answer is "I bring my bike on BART" respondent answers Q5, all others skip the question

4. Have you ridden BART during the commute since July 1? (N=1,251)

- Yes 94%
- No 6%

If answer is "No", SKIP to Q10

5. You indicated that you brought your bike on BART during the test period. Which of the following best describes what you would have done if bikes were not allowed on the train? (N=90)

<input type="checkbox"/> Driven to BART and taken the train	7%
<input type="checkbox"/> Carpooled to BART and taken the train	0%
<input type="checkbox"/> Walked to BART and taken the train	9%
<input type="checkbox"/> Taken the bus to BART and taken the train	6%
<input type="checkbox"/> Parked my bike at the BART station and taken the train	15%
<input type="checkbox"/> Ridden my bike all the way to my destination	9%
<input type="checkbox"/> Taken a BART train at a time that bikes are allowed	13%
<input type="checkbox"/> Taken my bike on the train anyway (violated the rule)	11%
<input type="checkbox"/> Taken my folding bike on train	4%
<input type="checkbox"/> Taken the bus or other transit with my bike to my destination	11%
<input type="checkbox"/> Taken the bus or other transit without my bike	0%
<input type="checkbox"/> Driven my car to my destination	13%
<input type="checkbox"/> Carpooled to my destination	0%
<input type="checkbox"/> Telecommuted/worked at home	0%
<input type="checkbox"/> Other _____	3%

6. Based on your experience, do you think there is enough room to accommodate bikes and passengers during the commute period? (N=1,173)

<input type="checkbox"/> Yes, there is enough room	22%
<input type="checkbox"/> It is a little crowded, but okay	54%
<input type="checkbox"/> It is too crowded	25%

7. Based on your experience, how does allowing bikes on all BART trains during the commute period affect your BART trip? (N=1,171)

<input type="checkbox"/> It has little or no effect	68%
<input type="checkbox"/> It makes my trip better	8%
<input type="checkbox"/> It makes my trip worse	24%

8. Have you personally experienced any problems at the station, on the platform, or on the train related to the bike test? If yes, please explain. (N=1,161)

<input type="checkbox"/> Yes _____	22%
<input type="checkbox"/> No	78%

Most frequent problems encountered

- Bikes on escalators
- Platforms too crowded
- Trains too crowded
- Cyclists boarding crowded trains
- Lack of rule enforcement
- People with bikes using seats intended for seniors or people with disabilities
- Bikes in the first three cars

9. Would you be more or less likely to ride BART during commute periods in the future if bikes are allowed? (N=1,162)

<input type="checkbox"/> I would be much more likely to ride BART	16%
<input type="checkbox"/> I would be somewhat more likely to ride BART	6%
<input type="checkbox"/> I would be equally as likely to ride BART	63%
<input type="checkbox"/> I would be somewhat less likely to ride BART	6%
<input type="checkbox"/> I would be much less likely to ride BART	4%
<input type="checkbox"/> I don't know	5%

10. The official bike policy restricts bikes on BART trains during commute hours. BART is considering changing the official rule to allow bikes on all trains at all times (except the first three cars during commute hours). Which would you be most in favor of? (N=1,238)

<input type="checkbox"/> No bikes on trains during commute hours (same as the official bike policy)	21%
<input type="checkbox"/> Allowing bikes on trains at all times, except for in the first three cars during commute hours (same as the test)	79%

11. Do you have any comments or suggestions about bringing bikes on BART during the commute periods?

Representative comments:

- *It's too crowded for bikes during commute times*
- *I notice that a lot more people have been bringing their bikes on BART and I really support it. However, there needs to be more education about not using escalators with a bike, as well as enforcement. I've personally seen people with their bikes come down the escalator at the Fremont BART station; the station agents see them and don't say anything. I think the newbies do not know that this is BART policy and they need to be educated. Simply telling them ""no bikes on the escalator next time,"" would help.*
- *I personally don't mind, I feel that folks with bikes need to get to work on too just like the rest of us. It also helps that there are fewer cars on the roads.*
- *I don't think they should be allowed. They take up too much space*
- *There needs to be more enforcement of the ""no bikes on crowded cars"" rule. Now that they're allowed during commute hours, the bike riders want to be able to get on even when the trains are too crowded - but honestly, for most lines, there just isn't room*
- *Could there be one car that is reserved primarily for bikes? Maybe last car?*
- *I don't think bikes should be allowed on BART during commute periods. They take up too much space on already crowded trains*
- *Even if the cyclists are responsible and well-intentioned, there is simply not enough room for a bicycle during commute hours. There isn't proper room for people on BART train cars during commute hours.*
- *BART never enforced the current rules regarding bicycles on BART during commute periods, so BART might as well throw in the towel. A rule that is not enforced is really not a valid rule.*
- *Provided the bikes are not impeding commuters they should be allowed all the time on all trains. I've never brought a bike on the system, but on one occasion when I wanted to it was too confusing to determine what time BART thought I should be allowed to travel."*
- *There should be a rule for NO BIKES ON THE ESCALATORS! It can be dangerous if the bikes slip from the owners hands, or if they hit people with parts of the bike*
- *Any options to reduce amount of congestion on roads to avoid a commute situation like LA traffic is welcomed. BART influenced my decision to move to the SF Bay Area instead of staying in the LA area where there is not a adequate and comparable option to BART*

- *They should have more cages for bikes at the stations*
- *I believe that allowing Bike on the Bart truly promotes BART as a more user "friendlier" environment for all riders. I love that*
- *Personally, I think the trains are already too crowded during commute periods. Biker's also have trouble carrying their bikes on the escalators - kind of hazardous*
- *"BART workers MUST enforce NO BIKE ALLOWED ON ESCALATORS! They aren't stopping anyone from taking their bikes on the escalators. This creates horrible traffic, not to mention a very dangerous situation*
- *I've been riding BART every weekday for commute purposes for the past 3 years. In my experience, I noted that bikers usually block the disabled seating and some bikers sit at the disabled seating with their bike blocking the other disabled seat when the disabled seating should be made available for those who are in need. Therefore, I oppose to making changes to BART's current official rule of not allowing bikers during commute hours."*
- *Enforce the restriction of allowing bikes on crowded trains. I am not opposed to bikes but having them on crowded trains puts the public at risk of injury.*
- *Better and more communication would be helpful to understand and disseminate the policy*
- *I am not a bike rider, but I think that the passengers who bring their bikes are doing something beneficial for themselves as well as the environment. I have no issues with bikes on BART*
- *The trains are way too full. Many times you guys are running trains that have too few cars as is and we are packed like sardines. Adding bikes will make it worse*
- *Equal access. I don't ride a bike but if/when I do I would appreciate this and thus do not take issue with others bringing their bikes onboard*
- *In theory, I think it is a good idea to allow bikes on BART during commute periods in case people work or live within biking distance of a BART station.*
- *I don't mind as long as people with bikes aren't obnoxious.*

Any respondent who was unaware of the pilot (Q1), had not ridden at commute time during the pilot (Q4), or brought a bike on the train (Q3) skipped Q 12 – 17.

12. Since July 1, have you ridden on a commute period train in which a bike was in the general area near where you were sitting or standing? (N=1,075)

- | | |
|---------------------------------------|-----|
| <input type="checkbox"/> Yes | 90% |
| <input type="checkbox"/> No | 6% |
| <input type="checkbox"/> I don't know | 4% |

If answer is “no” or “I don’t know”, respondent skips Q 13- Q17

13. During your most recent ride on a commute period train in which a bike was near where you were sitting or standing, how crowded was the train? (N=965)

- | | |
|---|-----|
| <input type="checkbox"/> There were seats available | 17% |
| <input type="checkbox"/> It was standing room only, but passengers could move around easily | 31% |
| <input type="checkbox"/> It was standing room only and hard to move around | 35% |
| <input type="checkbox"/> The car was filled to capacity, no room to move around | 17% |

14. During that ride, how many bikes were near where you were sitting or standing? (N=965)

- | | |
|---|-----|
| <input type="checkbox"/> 1 | 29% |
| <input type="checkbox"/> 2 | 45% |
| <input type="checkbox"/> 3 | 16% |
| <input type="checkbox"/> 4 | 5% |
| <input type="checkbox"/> I don't remember | 5% |

15. How close was the bike which was closest to you on that train ride? (N=965)

- | | |
|--|-----|
| <input type="checkbox"/> Touching me | 10% |
| <input type="checkbox"/> Right next to me | 32% |
| <input type="checkbox"/> about 1-3 feet away | 39% |
| <input type="checkbox"/> About 4-6 feet away | 14% |
| <input type="checkbox"/> More than 6 feet away | 5% |

16. Thinking about that most recent ride during the commute period with bikes on the train near where you were sitting or standing, did you experience any problems related to the bike test? (N=965)

- | | |
|------------------------------|-----|
| <input type="checkbox"/> Yes | 19% |
| <input type="checkbox"/> No | 81% |

17. What type of problem did you experience during that ride? (you may choose one or more) (N=187)

<input type="checkbox"/> A bike got in the way of passengers trying to exit	73%
<input type="checkbox"/> A bike blocked one or more seats	50%
<input type="checkbox"/> A bike bumped into one or more passengers	60%
<input type="checkbox"/> Other (please specify) _____	19%

Other verbatim:

- *Time needed to alight patron and bike, slowing dispatch of train*
- *The passenger with the bike had extreme difficulty exiting*
- *The bike owner's bag wacked me.*
- *The bike falling cause propped up in the side handles*
- *They also got in the way of people trying to enter the car.*
- *Handle bars almost sexual assault !!!!!!!!!!!!!!!!!!!!!!! I am not even close to kidding!!!!!! I asked him to move it somehow and he turned an faced the other way {REALY THAT IS WHAT HE DID} I managed to remove it from between my butt cheeks but it still*
- *Grease from the chain got on my pants*
- *Slows down egress from station*
- *Bike got in way of passengers trying to position themselves in car before train departed*
- *Bikes were not stored in the designated area within the train.*

18. At which BART station do you normally board (home station)? (N=1,646)

12th Street Oakland/City Center	2%	16th Street Mission	2%
19th Street Oakland	3%	24th Street Mission	3%
Ashby	2%	Balboa Park	2%
Bay Fair	2%	Castro Valley	2%
Civic Center/UN Plaza	4%	Coliseum/Oakland Airport	2%
Colma	2%	Concord	4%
Daly City	2%	Downtown Berkeley	3%
Dublin/Pleasanton	3%	El Cerrito del Norte	5%
El Cerrito Plaza	3%	Embarcadero	2%
Fremont	6%	Fruitvale	3%
Glen Park	2%	Hayward	2%
Lafayette	1%	Lake Merritt	2%
MacArthur	2%	Millbrae	2%
Montgomery Street	2%	North Berkeley	2%
North Concord/Martinez	1%	Orinda	1%
Pittsburg/Bay Point	3%	Pleasant Hill/Contra Costa Centre	3%
Powell Street	2%	Richmond	1%
Rockridge	2%	San Bruno	1%
San Francisco International Airport	<1%	San Leandro	2%
South Hayward	2%	South San Francisco	1%
Union City	3%	Walnut Creek	3%
West Dublin/Pleasanton	2%	West Oakland	1%

19. At which station do you normally exit (destination station)? (N=1,646)

12th Street Oakland/City Center	4%	16th Street Mission	2%
19th Street Oakland	5%	24th Street Mission	2%
Ashby	1%	Balboa Park	2%
Bay Fair	2%	Castro Valley	<1%
Civic Center/UN Plaza	9%	Coliseum/Oakland Airport	2%
Colma	<1%	Concord	1%
Daly City	2%	Downtown Berkeley	6%
Dublin/Pleasanton	<1%	El Cerrito del Norte	1%
El Cerrito Plaza	<1%	Embarcadero	18%
Fremont	2%	Fruitvale	1%
Glen Park	1%	Hayward	1%
Lafayette	<1%	Lake Merritt	1%
MacArthur	2%	Millbrae	1%
Montgomery Street	16%	North Berkeley	<1%
North Concord/Martinez	<1%	Orinda	<1%
Pittsburg/Bay Point	<1%	Pleasant Hill/Contra Costa Centre	1%
Powell Street	10%	Richmond	<1%
Rockridge	1%	San Bruno	1%
San Francisco International Airport	2%	San Leandro	1%
South Hayward	<1%	South San Francisco	1%
Union City	<1%	Walnut Creek	1%
West Dublin/Pleasanton	<1%	West Oakland	<1%

20. How do you normally travel between home and the BART station? (N=1,658)

<input type="checkbox"/> Walk all the way to BART	31%
<input type="checkbox"/> Ride my bike	5%
<input type="checkbox"/> Bus/transit	17%
<input type="checkbox"/> Drive alone	29%
<input type="checkbox"/> Carpool	6%
<input type="checkbox"/> Get dropped off	10%
<input type="checkbox"/> Other _____	2%

21. What is the most common trip purpose for which you use BART? (N=1,648)

<input type="checkbox"/> Commute to/from work	73%
<input type="checkbox"/> School	7%
<input type="checkbox"/> Airplane trip	2%
<input type="checkbox"/> Sports event	2%
<input type="checkbox"/> Visit family/friends	6%
<input type="checkbox"/> Medical/dental appointment	1%
<input type="checkbox"/> Shopping	3%
<input type="checkbox"/> Restaurant	1%
<input type="checkbox"/> Theater/concert	2%
<input type="checkbox"/> Other _____	4%

22. How long have you been riding BART? (N=1,651)

<input type="checkbox"/> Less than 6 months	2%
<input type="checkbox"/> More than 6 months, less than a year	3%
<input type="checkbox"/> 1-2 years	14%
<input type="checkbox"/> 3-5 years	16%
<input type="checkbox"/> More than 5 years	65%

23. How often do you currently ride BART? (N=1,651)

<input type="checkbox"/> 6-7 days a week	15%
<input type="checkbox"/> 5 days a week	41%
<input type="checkbox"/> 3-4 days a week	19%
<input type="checkbox"/> 1-2 days a week	9%
<input type="checkbox"/> 1-3 days a month	11%
<input type="checkbox"/> Less than once a month but at least once a year	4%
<input type="checkbox"/> Less than once a year	0%

24. Gender: (N=1,641)

- Male 44%
- Female 56%

25 Age: (N=1,643)

- 12 or younger 0%
- 13-17 <1%
- 18-24 8%
- 25-34 27%
- 35-44 21%
- 45-54 20%
- 55-64 15%
- 65 and older 8%

26. Are you of Hispanic, Latino or Spanish origin? (N=1,642)

- Yes 14%
- No 86%

27. What is your race or ethnic identification? Check one or more. (N=1,564)

- White 58%
- Black/African American 12%
- Asian or Pacific Islander 24%
- American Indian or Alaska Native 3%
- Other _____ 8%

28. What is your total annual household income before taxes? (N=1,566)

- Under \$15,000 8%
- \$15,000 - \$24,999 7%
- \$25,000 - \$49,999 17%
- \$50,000 - \$74,999 17%
- \$75,000 - \$99,999 15%
- \$100,000 - \$149,999 19%
- \$150,000 - \$199,999 8%
- \$200,000 and over 7%

29. Including yourself, how many people live in your household? (N=1,612)

1	21%
2	36%
3	20%
4	14%
5	4%
6+	4%

Thank you for completing the survey. Enter your name and email address for a chance to win one of four \$50 Clipper cards.

Name _____
email Address _____

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: October 18, 2013

FROM: General Manager

SUBJECT: PPAAL Agenda Item #5.B: 2013 State Legislative Summary – For Information

The last day for Governor Brown to sign bills into law was October 13, 2013. Attached please find a summary of the key bills that BART staff and advocates actively worked on and monitored in Sacramento this session.

There will be a brief summary of these activities and a review of the Board's legislative priorities at the next Board of Directors meeting on October 24th.

If you have any questions, please contact Paul Fadelli at (510) 464-6159 or Kerry Hamill at (510) 464-6153.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

2013 LEGISLATIVE SUMMARY

Below is a summary of the final status of the key bills the BART Board sponsored, supported or watched.

The 2013 legislative session began on a positive note compared to recent years in Sacramento -- partly as a result of Proposition 30 (supported by the BART Board) which raised tax revenue and allowed the state to eliminate what seemed to be an unending state deficit. With greater revenues, the Legislature didn't need to primarily focus on finding available funding (including transit) to relieve a debt and was able to move on to other important policy issues such as prison reform, minimum wage increase, and driving licenses for undocumented citizens.

In Sacramento, BART staff and state advocates worked on many issues impacting transit systems, such as Cap & Trade, "modernization" of the California Environmental Quality Act (CEQA) and PEPR. Staff also actively followed legislation of interest to the Board, which sponsored two bills to provide local financing tools for transit projects.

2013 LEGISLATION OF INTEREST

- **BART SPONSORED BILLS**

SB 142 (DeSauliner) Transit Benefit Assessment Districts: would provide authority for all transit agencies in the state to establish benefit assessment districts.

Status: SB 142 was signed by the Governor on 10/8/13.

Several BART Directors had expressed interest in BART seeking authority to create "benefit assessment districts" in order to collect revenue in circumstances where it can be shown that BART stations increase the value to specific communities. At the request of BART, Senator Mark DeSauliner of Concord, Chair of the Senate Transportation Committee, introduced SB 142 – which passed the Legislature and was signed into law by the Governor. This bill will provide authority for *all* transit agencies in the state to create benefit assessment districts. While still a fairly new and unused process, this new law will allow the Board to establish (by a 2/3 majority) a district where property owners can be assessed to provide additional local financing that might assist with specific station improvements.

SB 628 (Beall) Infrastructure financing: transit priority projects: would allow city or county officials who wish to implement Tax Increment Financing (TIF) by creating an Infrastructure Finance District (IFD) to proceed without the many local elections now required at each stage of the process.

Status: SB 628 passed the legislature. However, this bill was withdrawn from the Governor's desk because the Governor requested that bills of this topic be held for further discussion in the next legislative session.

BART has worked on this issue for several years in order to gain another local financing tool that can help transit and local government more easily recoup the value of transit in a specific community. SB 628, authored by Sen. Beall of San Jose, would expedite local efforts to help finance important infrastructure for transit priority projects around BART transit stations. Consistent with the state's "Sustainable Communities Act," SB 628 would require that at least 25% of the revenue raised through bonds be made available for affordable housing near the transit project. The author also expects this legislation to be used for specific High Speed Rail development projects.

- **BILLS SUPPORTED BY BART**

SB 1 (Steinberg) Sustainable Communities Investment Authority: would authorize local governments to form "Sustainable Communities Investment Authorities" without local votes.

Status: SB 1 was put on the "inactive file" at the request of the author. Like SB 628 (above), this bill has been held for further discussion in the next legislative session.

SB 1, introduced by Senate Pro Tempore Darrell Steinberg, sought to address the post-redevelopment environment in the state by establishing a new process to raise revenue for infrastructure projects -- while also assisting the implementation of SB 375, the "Sustainable Communities and Climate Protection Act." SB 1 would promote development around "transit priority projects" and provide other infrastructure benefits to communities implementing a Sustainable Communities Strategy (SCS). This would allow local communities to include a provision for the receipt of tax increment funds (TIF) -- provided that certain economic development and planning requirements are met.

SB 33 (Wolk) Infrastructure Finance Districts: would revise the broad provisions establishing Infrastructure Financing Districts (IFD) in the state and eliminate the requirement of voter approval for the creation of any IFD.

Status: Bill put on the "inactive file" At the request of the Governor this bill, and several others dealing with IFD's, have been held for further discussion in the next legislative session.

This bill was similar to BART's SB 628 (above) but would apply to all transit (and non-transit) IFD projects in the state with some exceptions (box stores and car dealerships). For an IFD to finance a transit project, this bill would require the project to be consistent with a Sustainable Community Strategy (SCS) and assist SB 375 implementation toward its goal of helping to reduce Green House Gas (GHG) emissions.

SB 391 (DeSauliner) California Homes and Jobs Act of 2013: would impose a \$75 statewide fee to be paid at the time of the recording of most real estate documents or notices required by law. The revenue would go to support a variety of affordable housing programs in the state.

Status: SB 391 was put on the “Suspense file” in the Assembly Appropriations Committee. The author’s staff has said they anticipate moving this bill “in some form” in the next legislative session.

The state’s affordable housing funding level has dissipated over recent years. The “California Homes and Jobs Act” would help restore the State’s past housing investment levels by creating an ongoing pay-as-you-go source of funding dedicated to affordable housing development. The revenues raised would be able to leverage an additional \$2.78 billion in federal and local funding and bank loans to build affordable homes in California communities through a successful private/public partnership model.

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

Status: Both Senate Constitutional Amendments (SCA) passed policy committees but are presently in the Senate Appropriations Committee awaiting action next year because legislative leadership made it clear that these measures would not move until the 2014 legislative session.

These Senate Constitutional Amendments (SCA) would allow that any imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects would require a 55% approval vote, rather than the existing 2/3 vote. SCA 4 (not SCA 8) was amended to put local restrictions on how revenue raised from a 55% ballot measure could be used.

AB 210 (Wieckowski) Transactions and Use Taxes: County of Alameda and the County of Contra Costa: will extend the authority of Alameda County, and provide the authority to Contra Costa County, to impose a new sales tax for countywide transportation programs until December 31, 2020.

Status: AB 210 passed the Legislature was signed into law by the Governor on 8/28/13.

This bill will allow these two counties to place an additional taxing measure on the ballot to assist transportation projects and makes the finding that this special law is necessary because of the unique fiscal issues in both counties with respect to providing essential transportation programs.

AB 417 (Frazier) Bike CEQA Exemption: would exempt from CEQA, until January 1, 2018, any bicycle transportation plan for an urbanized area, but require that the local agency file a notice of the determination with the county clerk.

Status: AB 417 passed the Legislature and was signed by the Governor on 10/7/13.

The exemption created by AB 417 would include those bicycle plans that include restriping of streets and highways, bicycle parking and storage, signal timing, and related signage. In determining that a plan is exempt, this bill would require that public hearings be conducted and that measures occur to mitigate potential bicycle and pedestrian safety impacts

AB 574 (Lowenthal) Cap and Trade: Gas Reduction Fund: would have established a regional approach through a competitive grant program, using Cap and Trade revenues, to finance the most effective methods to reduce GHG.

Status: This legislation, along with the alternative Cap & Trade bill (AB 1051 Bocanegra), was held by legislative leadership in Appropriations Committee due, in part, to the Governor's budget proposal which asked that Cap & Trade funds be made available instead as a loan to the General Fund. Efforts by the Legislature to spend a portion of the \$500 Million Cap & Trade funds in the Brown budget failed. Efforts to develop a state program for Cap & Trade funds will possibly continue into the next session.

This legislative approach to Cap & Trade funding would have focused primarily on transit projects by requiring CARB, in consultation with the California Transportation Commission (CTC) and the Strategic Growth Council (SGC), to establish standards for the use of moneys allocated from the Greenhouse Gas Reduction Fund for sustainable communities' projects. The California Air Resources Board (CARB) would have been required to establish the criteria for the development and implementation of regional grant programs to achieve a *performance based* program (with funding distributed by the local MPOs) that would have directly used auction revenue from fuels to reduce GHG emissions from transportation.

- **BART BILLS TO “WATCH”**

SB 731 (Steinberg) California Environmental Quality Act and Sustainable Communities Strategy: would have made changes to “modernize” CEQA

Status: SB 731 did not get through its final policy committee at the request of the author who decided instead to focus on a bill to expedite the CEQA process for a Sacramento arena.

SB 731 was the much anticipated legislation by Sen. Steinberg to “modernize” the California Environmental Quality Act (CEQA). The bill’s goal was to make the CEQA process less restrictive to projects that do not negatively impact the environment. Along its legislative path this year, the bill was always viewed as an incomplete work-in-progress and met

resistance from both environmentalists and from those who criticized it for being too weak. At the end of the session, the author decided *not* to move the bill. Instead, he folded two of the bill's provisions involving parking and "level of service" issues (which BART and other transit agencies supported) into another bill (SB 743) which, now signed by the Governor, will expedite the CEQA process for a basketball arena in Downtown Sacramento.

SB 380 (Padilla) Statewide Cellular Service Dsrupcion Policy: would require certain procedures to interrupt cellular service in an emergency.

Status: SB 380 was signed into law on 9/26/13.

Similar to legislation he carried last session that was vetoed by the Governor (SB 1160), Senator Padilla authored SB 380 this session to again prohibit a governmental entity, like BART, from interrupting communications services when dealing with an emergency unless a court order is obtained. Last year, BART worked with the author to amend SB 1160 in ways that would have allowed additional time after dealing with an emergency to seek such a court order. BART ended up supporting that bill because it included a 6 hour window for such an action. This year the author re-introduced the bill, but without the provisions BART and others had supported – so the whole effort to seek amendments had to begin again. Several amendments were accepted in various committees (including adding a 24 hour window to seek a court order). However, because the bill was also amended to include a sunset clause to allow an after-the fact court order -- which BART had worked to increase from 5 years to 7 years -- BART remained neutral on the bill that was sent to the Governor.

AB 160 (Alejo) Transit employee exemptions to California Public Employees' Pension Reform Act of 2013: would have allowed certain transit employees to be exempt from state's new retirement program

Status: AB 160 was put on the Suspense file of the Senate Appropriations Committee after an urgency clause was added and is dead for the session.

As amended, AB 160 would have exempted current and future transit union employees in California from the Public Employees' Pension Reform Act (PEPRA) of 2013, if the U.S. Department of Labor (DOL) determined that PEPRA was in conflict with federal law encouraging collective bargaining. This bill stalled as the conflict between the state and the DOL continued over whether PEPRA violated the Federal Transit Act Section 13(c) in ways that infringed on collective bargaining of transit employees. In the final days of the Session a deal was agreed to by the Governor, unions and DOL that resulted in legislation (AB 1222-Bloom) to exempt transit union workers from PEPRA for one year *until* a federal court can rule on whether collective bargaining is actually disrupted by PEPRA. Passage of this bill will allow federal formula funds to be distributed to state transit agencies. The Governor's support for AB 1222 was based on his hope that the federal court will find no obstruction of collective bargaining resulting from PEPRA.

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

Status: AB 179 was enrolled and sent to the Governor on 9/19/13 and he signed it into law on 9/27/13.

Current law involving auto tolls requires transportation agencies to discard “personally identifiable” payment information within 4 1/2 years. AB 179, as originally introduced, would have required an information discard policy for transit systems using electronic fare collection systems (such as the Clipper Card) after only 6 months. Concerns were raised by BART, MTC and others concerning the importance of information resulting from Clipper and the need to not be hasty in discarding specific consumer information that might be helpful for a variety of reasons. Working with CTA, BART and other transit agencies were able to persuade the author to amend the bill back to the 4 1/2 years discard date. As the accounting agency for Clipper, MTC agreed with this amendment. The bill was also amended to require that personally identifiable information could only be given to law enforcement agencies with a court order. BART and other agencies had concerns with these amendments. The author eventually amended his bill to (1) allow a bypass of a court order requirement if a peace officer has cause to believe a delay could result in an adverse result in a criminal investigation, and (2) to not include “photo or video footage” within the definition of “personally identifiable information” requiring such an order.

AB 1002 (Bloom) Vehicles Registration Fee: sustainable communities strategies

Status: Author held the bill in its first Assembly policy hearing.

AB 1002 would have raised the existing vehicle surcharge from its current \$4 level to \$10 in those metropolitan planning organizations (MPOs) that are required to prepare a “sustainable communities strategy” (SCS). The funds would have been collected by the Department of Motor Vehicles (DMV), appropriated by the state legislature and distributed in a variety of ways (primarily to transit) to assist SB 375 goals. The author stated his purpose this year was to get the idea of his legislation out for discussion and would probably work to move the bill in the next session.

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

Status: Bill put on “suspense file” and held in the Assembly Appropriations Committee.

AB 1051 was the other significant bill (see AB 547, above) focusing on developing a plan for expending revenues that will eventually be collected from Cap and Trade auctions to help reduce GHG emissions and implement AB 32. Called the “Sustainable Communities for All

Program,” this bill was supported by a coalition of land use, environmental, housing and transit interests and would have focused any funding on existing programs to primarily assist disadvantaged communities and emphasize affordable housing development near public transit.

AB 1051 and AB 547 were both got caught in the path of the Governor’s priority to seek available Cap & Trade revenue through the budget for a loan to the General Fund. The Governor did not specify his own priorities for expenditures of Cap and Trade revenues, and this and other cap and trade bills were deemed premature to move in the last session.



CAPITOL CORRIDOR JOINT POWERS AUTHORITY
MEETING OF THE BOARD OF DIRECTORS
 Wednesday November 20, 2013
10:00 a.m.
 City Council Chambers
 Suisun City Hall
 701 Civic Center Blvd., City of Suisun City, CA
 (see attached map)

DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the September 18, 2013 Meeting *Action*
- V. Consent Calendar *Action*
 - 1. CCJPA Board 2014 Meeting Schedule
- VI. Action and Discussion Items
 - 1. Capitol Corridor Annual Performance Report (FY 2013) *Action*
 - 2. Legislative Matters *Action*
 - 3. Routing Options for CCJPA Oakland-San Jose Phase 2 Project *Action*
 - 4. Installation of 480-Volt Power Cabinets at Auburn Station Layover Facility *Action*
 - 5. Procurement of At-Station Bicycle Facilities Program *Action*
 - 6. Safety Improvements to Oakland-Jack London Square/Embarcadero Street *Action*
 - 7. Consultant Support for Vision and Service Planning Ad Hoc Committee *Action*
 - 8. Managing Director's Report *Info*
 - 9. Work Completed *Info*
 - a. CCJPA/Amtrak FY 2014 Fixed Price Operating Agreement
 - b. Marketing Activities (September – October 2013)
 - 10. Work in Progress *Info*
 - a. Status of CCJPA Bicycle Access Program
 - b. Sacramento-Roseville 3rd Track Environmental Review/Preliminary Engineering
 - c. Proposition 1B Transit Safety/Security Improvement Projects
 - d. Positive Train Control Update
 - e. Proposed Extension of Capitol Corridor Trains to Salinas
 - f. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comment
- IX. Adjournment. Next Meeting Date: 10:00 a.m., February 19, 2014 at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

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

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