

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

February 8, 2007

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, February 8, 2007, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of January 18, 2007 (Special), and (6)
January 25, 2007 (Regular).* Board requested to authorize.

- B. Fiscal Year 2007 Second Quarter Financial Report.* For information. (12)

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

- A. CONTINUED from January 11, 2007, Board Meeting
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Oakland Airport Connector
District Negotiators: Teresa E. Murphy, Assistant General
Manager – Administration; and Kathleen
Mayo, Deputy Executive Manager – Transit
System Development
Negotiating Parties: Port of Oakland and San Francisco Bay
Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION. Significant exposure to litigation pursuant to subdivision
(b) of Government Code Section 54956.9: one potential case.
- C. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:
Agency Negotiators: Directors Keller, Sweet, and Ward Allen
Titles: General Manager
General Counsel
Controller/Treasurer
District Secretary
Gov't. Code Sections: 54957 and 54957.6

RECESS TO STANDING COMMITTEES

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

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Agreement No. 6M4031 with Universal Field Services, Inc. and (1)
Agreement No. 6M4054 with Paragon Partners Ltd., for Real Property
Comprehensive Acquisition and Relocation Services.* Board requested
to authorize.
- A-2. Agreement No. 6M4037 with Charles D. Bailey and Associates, (1)
Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture and Agreement No.
6M4058 with Smith & Associates, Inc., for Real Property Appraisal
Services.* Board requested to authorize.

A-3. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Agreement with Stevens & Associates for General Engineering Services for the Dismantling of Lake Merritt Administration Building (Agreement No. 6M8010).* Board requested to authorize. (15)
- B-2. General Engineering Services Agreements for BART Projects:* Agreement No. 6M8006 with PGH Wong Engineering Inc. Agreement No. 6M8007 with Kal Krishnan Consulting Services, Inc. Agreement No. 6M8008 with Jacobs Engineering Group, Inc. Board requested to authorize. (15)
- B-3. Oakland International Airport Connector Project: Project Changes and Addendum to FEIR/FEIS.* Board requested to authorize. (16)
- B-4. Status of Daily Paid Parking Program.* For information. (12)
- B-5. Smart Card Parking and Fare Solutions.* For information. (15)
- B-6. Quarterly Performance Report, Quarter Fiscal Year 2007 - Service Performance Review.* For information. (11)
- B-7. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Radulovich, Chairperson

- C-1. Proposed 2007 State and Federal Legislative Advocacy Program.* Board requested to authorize. (4)
- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

4. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

5. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. Agreement No. 6M4031 with Universal Field Services, Inc. and Agreement No. 6M4054 with Paragon Partners Ltd., for Real Property Comprehensive Acquisition and Relocation Services.* Board requested to authorize. (1)
- A-2. Agreement No. 6M4037 with Charles D. Bailey and Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture and Agreement No. 6M4058 with Smith & Associates, Inc., for Real Property Appraisal Services.* Board requested to authorize. (1)

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Agreement with Stevens & Associates for General Engineering Services for the Dismantling of Lake Merritt Administration Building (Agreement No. 6M8010).* Board requested to authorize. (15)
- B-2. General Engineering Services Agreements for BART Projects:* Agreement No. 6M8006 with PGH Wong Engineering Inc. Agreement No. 6M8007 with Kal Krishnan Consulting Services, Inc. Agreement No. 6M8008 with Jacobs Engineering Group, Inc. Board requested to authorize. (15)
- B-3. Oakland International Airport Connector Project: Project Changes and Addendum to FEIR/FEIS.* Board requested to authorize. (16)
- B-4. Status of Daily Paid Parking Program.* For information. (12)
- B-5. Smart Card Parking and Fare Solutions.* For information. (15)
- B-6. Quarterly Performance Report, Quarter Fiscal Year 2007 - Service Performance Review.* For information. (11)

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

- C-1. Proposed 2007 State and Federal Legislative Advocacy Program.* Board requested to authorize. (4)

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Compensation of Board-Appointed Officers. Board requested to authorize. (17)

- B. Report of the District Security Advocacy Ad Hoc Committee. For information. (10)
- C. Report of the District Organizational Review Ad Hoc Committee. For information. (10)
- D. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

Staff Contacts:

(1)	Teresa E. Murphy	464-6231	Administration
(2)	Gary Gee	464-7022	BART Police Department
(3)	Eugene Skoropowski	464-6990	Capitol Corridor
(4)	Katherine Strehl	464-6425	External Affairs
(5)	Scott Schroeder	464-6070	Office of the Controller/Treasurer
(6)	Kenneth A. Duron	464-6080	Office of the District Secretary
(7)	Sherwood G. Wakeman	464-6010	Office of the General Counsel
(8)	Thomas E. Margro	464-6060	Office of the General Manager
(9)	Dorothy W. Dugger	464-6090	Office of the General Manager
(10)	Marcia deVaughn	464-6126	Office of the General Manager
(11)	Paul Oversier	464-6710	Operations
(12)	Carter Mau	464-6194	Planning and Budget
(13)	Vinod Chopra	874-7481	Silicon Valley Extension
(14)	Marcia deVaughn	464-6110	Transit System Compliance
(15)	Gary LaBonte	287-4809	Transit System Development
(16)	Kathleen Mayo	287-4881	Transit System Development
(17)	John Vickland	464-6025	Office of the General Counsel

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

Board of Directors
Minutes of the 1,498th Meeting
January 18, 2007

A special meeting of the Board of Directors was held January 18, 2007, convening at 9:17 a.m. in the Port of San Francisco Commission Hearing Room, the Ferry Building, Pier 1, The Embarcadero, San Francisco, California. President Sweet presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Fang, Franklin, Luce, Murray, and Sweet.

Absent: Directors Keller and Ward Allen. Directors Blalock and Radulovich entered the meeting later.

President Sweet brought Public Comment before the Board. No comments were received.

President Sweet brought the Strategic Plan Update Workshop before the Board. The Workshop was held.

Director Blalock entered the meeting.

Director Radulovich entered the meeting.

The following people made presentations during the Workshop:

Mr. Thomas E. Margro, General Manager
Mr. Daniel Iacofano, Moore Iacofano Goltsman, Inc.
Ms. Marianne Payne, Department Manager, Planning
Ms. Elaine Kurtz, Department Manager, Human Resources
Mr. Aaron Weinstein, Department Manager, Marketing & Research
Mr. Gregg Marrama, Department Manager, Capital Development and Control

Director Fang exited the meeting.

The Board Meeting adjourned at 12:10 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,499th Meeting
January 25, 2007

A regular meeting of the Board of Directors was held January 25, 2007, convening at 9:20 a.m. in the Board Room, 344 20th Street, Oakland, California. President Sweet presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Ward Allen, and Sweet.

Absent: None. Director Radulovich entered the meeting later.

Consent Calendar items brought before the Board were:

1. Approval of the Minutes of the Meeting of January 11, 2007.
2. Award of Contract No. 6M3044, Station Cleaning Various Locations.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Director Franklin seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Ward Allen, and Sweet. Noes – 0. Absent – 1: Director Radulovich.

1. That the Minutes of the Meeting of January 11, 2007, be approved.
2. That the General Manager be authorized to award Contract No. 6M3044, Station Cleaning Various Locations, to Clean Innovation, for the bid price of \$330,920.00 (Base Bid plus Additive Items 1 and 2), pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Director Radulovich entered the meeting.

President Sweet brought the matter of Authority to Execute Agreement No. 6M5006 for an Availability and Utilization Study for the Bay Area Public Transportation Agencies (BAPT) before the Board. General Manager Thomas E. Margro made a brief presentation on the item.

Director Fang moved that the motion voted on by the Board of Directors on December 7, 2006, authorizing the General Manager to execute Agreement No. 6M5006, with CRA International, to provide services to conduct an Availability and Utilization Study, be rescinded. Director Blalock seconded the motion, which carried. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0.

Director Fang moved that all proposals received in response to the request for Statement of Qualifications No. 6M5006, for Availability and Utilization Study for the Bay Area Public Transportation Agencies, be rejected, and that the General Manager be directed to initiate a new solicitation for a BART only Availability and Utilization Study. Director Blalock seconded the motion, which carried. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0.

President Sweet brought the matter of Ratification of 2007 Standing Committee and Special Appointments before the Board. Director Fang moved that the Board ratify the proposed Standing Committee and Special Appointments for 2007. Director Blalock seconded the motion, which carried. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet. Noes – 0.

President Sweet brought the Report of the District Security Advocacy Ad Hoc Committee before the Board. Chairperson Ward Allen had no report.

President Sweet brought Roll Call for Introductions before the Board. No items were introduced.

The Board Meeting was recessed at 9:30 a.m.

The Board Meeting reconvened at 11:36 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Ward Allen, and Sweet.

Absent: None.

Director Franklin, Chairperson of the Administration Committee, brought the matter of Employee Recruitment and Relocation for the Position of Chief Engineer and Relocation for the Position of Manager, Rail Security Programs before the Board, and moved that the General Manager or his designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates both inside and outside of California for the position of Chief Engineer, Maintenance and Engineering, and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for the position of Chief Engineer and the position of Manager, Rail Security Programs, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement. Director Blalock seconded the motion, which carried. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Murray, Radulovich, Ward Allen, and Sweet. Noes – 1: Director Luce.

Director Fang, Chairperson of the Engineering and Operations Committee, reported that the committee had received and discussed a report on State Investment Bond Strategy (Measure 1B).

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Sweet asked for the General Manager's Report. General Manager Thomas E. Margro, in response to an inquiry from Vice President Murray and Director Blalock briefly described the District's participation in the Spare the Air Day program.

President Sweet called for General Discussion and Public Comment. Mr. Andre Spearman addressed the Board.

President Sweet announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) and Item 8-B (Conference with Labor Negotiators - Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would reconvene in open session under Item 9-A (Compensation of Board-Appointed Officers) of the meeting agenda immediately upon conclusion of the closed session.

The Board Meeting recessed at 11:44 a.m.

The Board entered into closed session at 11:56 a.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, and Ward Allen.

Absent: Directors Fang and Sweet.

Director Luce exited the meeting.

The Board reconvened in open session at 12:36 p.m.

Directors present: Directors Blalock, Franklin, Keller, Murray, Radulovich, and Ward Allen.

Absent: Directors Fang, Luce, and Sweet.

Vice President Murray brought the matter of Compensation of Board-Appointed Officers before the Board.

Director Keller, Chairperson of the Personnel Evaluation Committee, moved that the Board authorize a merit increase of two percent for each of the Board-Appointed Officers, effective January 1, 2007; and that the Board President be authorized to execute amendments to the employment agreements of the Board-Appointed Officers incorporating the compensation changes and such revisions to the arbitration provisions and other non-substantive clarifying amendments as may be recommended by the Associate General Counsel. Director Blalock

seconded the motion, which carried. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Radulovich, and Ward Allen. Noes – 0. Absent – 3: Directors Fang, Luce, and Sweet.

Vice President Murray announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) of the meeting agenda, and that the Board would adjourn immediately upon conclusion of the closed session.

The Board re-entered into closed session at 12:38 p.m.

Directors present: Directors Blalock, Franklin, Murray, Radulovich, and Ward Allen.

Absent: Directors Fang, Keller, Luce, and Sweet.

The Board Meeting adjourned at 12:45 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors

Date: February 2, 2007

FROM: General Manager

SUBJECT: Second Quarter Financial Report

The FY07 Second Quarter Financial Report (October through December, 2006) is attached. Operating revenue performance has been steady and is currently 4.5% over budget year-to-date (YTD). However, sales tax and net financial assistance are 5.3% under budget, while expenses are on budget. Overall, the District is essentially on budget halfway through the year.

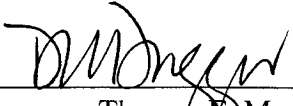
Operating Sources

- **Average Weekday Ridership** was 1.4% favorable to budget. Compared to the first quarter, core system growth over the prior year has slowed (4.4% vs. 5.9%). The SFO extension growth increased to 3.8% higher than FY06, however, still lower than the 5.2% budget for the quarter. Net passenger revenue came in \$2.2 million over budget for the quarter.
- **Sales tax** ended the quarter 0.3% unfavorable with just 2.7% growth over the prior year (the fourth quarter in a row of less than 5% growth). Overall, 5.7% growth is budgeted for FY07, thus growth of 7.8% for the second half will be needed to end the year on budget.
- **Other Financial Assistance** YTD includes the \$10 million unbudgeted STA assistance, that then was paid to MTC via debt service for the \$60 million loan agreement. Other financial assistance is a net of \$1.8 million unfavorable YTD due to timing of assistance payments, but the payments should catch up in the second half of the year. The SamTrans payment for the SFO extension continues to be a negative variance due to the airport rent issue. On the positive side, property tax receipts were \$0.3 million over budget, with strong 10% growth over the first half of FY06.

Operating Uses

- **Expenses** were slightly over budget for the quarter, but are within budget YTD. Labor and benefits were slightly over budget for the quarter and YTD, primarily due to overtime for security-related issues. Non-labor for the quarter was also unfavorable, mainly because of timing of actual expenses occurring in different months than originally budgeted, but is below budget for the year. Overall, operating expenses are very close to budget, favorable by less than 1%.

The second quarter results were mixed. Ridership and passenger revenue continued to grow, and we expect to end the year over budget. However, sales tax is underperforming and will likely be under budget. We will continue to monitor and control expenses, with the goal of ending FY07 on budget.



Thomas E. Margro

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Second Quarter FY07 BUDGET PERFORMANCE REPORT EXECUTIVE SUMMARY

M=million

REVENUE

- Systemwide average weekday ridership for this quarter was 336,191, 1.4% above budget. Compared to same quarter in FY06, core weekday trips experienced a 4.4% growth, a little less than the 5.9% in the first quarter of FY07. SFO Extension weekday trips increased 3.8% compared to the modest gains of 0.9% and 1.5% in the previous two quarters.

- Other operating revenue was \$0.8M over budget this quarter with \$0.6M in advertising bonus revenue, \$0.3M in parking, and \$0.1M interest. Telecommunications lagged the budget by \$0.3M.

EXPENSE

- Net labor was slightly over budget for the quarter and YTD, with the negative variance due to overtime.

- Electric power was \$0.6M (6.0%) favorable this quarter due to a substantial supply of very low-cost hydroelectric power from the federal Western Area Power Administration resulting from exceptional run-off conditions. Year to date, power is \$2.1M (10.8%) favorable.

- Other non-labor was \$1.4M (6.6%) unfavorable this quarter primarily due to correction of timing of actual expenses that were budgeted in the first quarter but occurred in the second.

- Total operating expense YTD is very close to budget, and is now less than 1% favorable.

EXTRAORDINARY ITEMS

- \$22.7M was received for the Rail Car Fund Swap agreement with MTC. The District received a federal preventive maintenance grant, recorded in other financial assistance, and deposited the funds with MTC for the rail car replacement fund.

OPERATING DEFICIT

- Favorable operating revenues offset the under budget expenses, resulting in an Operating Deficit of \$39.4M, \$1.3M less than budgeted.

TAX & FINANCIAL ASSISTANCE

- This quarter sales tax grew only 2.7% over FY06, marking the 4th quarter of under 5% growth. The FY07 budget was based upon 5.7% growth.

- Property tax came in \$0.3M over budget, offset by \$1.4M of STA now due to be paid in the 3rd quarter and \$1.1M for Strategic Maintenance Plan grant reimbursement. Both should be on budget later in the year. YTD other financial assistance total includes the \$22.7M Rail Car grant and unbudgeted \$10M STA funding used to pay down \$60M MTC loan (in debt service).

- SamTrans-SFO variance includes the SFO airport rent (\$0.6M for the quarter).

- Debt service for the quarter was \$0.9M over budget due to \$0.4M unbudgeted interest expense on the \$60M MTC loan and \$0.5M in debt service due to the 2001 refunding (will be credited in January).

NET OPERATING RESULT

- The net operating result for the quarter was \$2.6M negative due to the negative variance in tax & financial assistance. For the year, the net result is favorable to budget, but second half sales tax is a concern and the expense budget is tight.

SYSTEM OPERATING RATIO/RAIL COST PER PASSENGER MILE

- The operating ratio (revenue divided by expense) was favorable for the 2nd quarter because the positive operating revenue variance was greater than the slightly negative expense budget variance.

- Rail cost per passenger mile was unfavorable to budget for the quarter, but is slightly favorable YTD.

CURRENT QUARTER			(\$Millions)*	FISCAL YEAR-TO-DATE		
Budget	Actual	Var.		Budget	Actual	Var.
			REVENUE			
67.4	69.6	3.2% ■	Net Passenger Revenue	136.4	140.8	3.3% ■
6.0	6.8	14.1% ■	Other Operating Revenue	12.0	14.1	18.2% ■
73.4	76.4	4.1% ■	Total Net Operating Revenue	148.3	155.0	4.5% ■
			EXPENSE			
79.3	80.2	-1.2% ■	Net Labor	162.6	164.5	-1.2% ■
10.1	9.5	6.0% ■	Electric Power	20.1	18.0	10.8% ■
3.3	3.3	-0.2% ■	Purchased Transportation	6.5	6.5	0.3% ■
21.5	22.9	-6.6% ■	Other Non Labor	40.8	39.0	4.6% ■
114.1	115.9	-1.5% ■	Total Operating Expense	230.0	227.9	0.9% ■
			EXTRAORDINARY EXPENSES			
22.5	22.7	-0.8% ■	Rail Car Swap	22.5	22.7	-0.8% ■
22.5	22.7		Net Extraordinary Items	22.5	22.7	
(63.2)	(62.1)	1.7% ■	OPERATING DEFICIT	(104.2)	(95.6)	9.0% ■
			TAX & FINANCIAL ASSISTANCE			
52.8	52.6	-0.3% ■	Sales Tax	102.5	101.9	-0.6% ■
41.0	39.2	-4.4% ■	Prop Tax, STA, Other Assistance	42.3	50.5	19.4% ■
2.8	2.0	-26.9% ■	SamTrans SFO	5.4	3.8	-30.9% ■
(15.1)	(16.0)	-6.2% ■	Debt Service	(30.2)	(41.7)	-38.2% ■
(6.5)	(6.5)	0.0% ■	Operating & Capital Allocations	(15.3)	(15.3)	0.0% ■
75.0	71.3	-4.9% ■	Net Financial Assistance	104.8	99.2	-5.3% ■
11.8	9.2		NET OPERATING RESULT	0.6	3.7	
64.3%	66.0%	1.6% ■	System Operating Ratio	64.5%	68.0%	3.5% ■
31.9 ¢	33.6 ¢	-5.2% ■	Rail Cost Per Passenger Mile	32.9 ¢	32.4 ¢	1.6% ■

* Totals may not add due to rounding to the nearest million.

■	No Problem
□	Caution: Potential Problem/Problem Being Addressed
■	Significant Problem

**ADMINISTRATION
COMMITTEE
MATERIAL**



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 2/2/07		BOARD INITIATED ITEM: No	
Originator/Prepared by: Barbara Inaba Dept: Right of Way Management Div. Ext. 6861 Signature/Date: 1/29/07	General Counsel 1/30/07 []	Controller/Treasurer 1/31/07 []	District Secretary []
BARC 1-29-07 []			

NARRATIVE:

Authority to Execute Professional Services Agreement Nos. 6M4031 and 6M4054 for Real Property Comprehensive Acquisition and Relocation Services

PURPOSE:

To obtain Board authorization for the General Manager to execute (1) Agreement No. 6M4031, in an amount not to exceed \$1,000,000 with Universal Field Services, Inc. and (2) Agreement No. 6M4054, in an amount not to exceed \$1,000,000 with Paragon Partners Ltd., for Real Property Comprehensive Acquisition and Relocation Services ("Acquisition and Relocation Services") to support the District's projects for a period of five years each.

DISCUSSION:

Professional Services Agreement No. 7G5030 for Real Property Comprehensive Acquisition and Relocation and Property Management Services expired on December 31, 2006. The Right of Way Management Division has a need for acquisition and relocation services for the District's existing and proposed projects, such as the Earthquake Safety Program, Oakland Airport Connector, Warm Springs Extension and eBART. Accordingly, on July 21, 2006, staff distributed RFP No. 6M4031 to provide acquisition and relocation services to support the District's projects on an as-needed basis. The RFP indicated that two separate Agreements would be awarded to two separate consultants to provide the District with a full range of acquisition, relocation and property management services including, (i) review of acquisition procedures, (ii) property acquisition, (iii) relocation assistance activities and (iv) property management services of property acquired by BART. Assignments under these Agreements will be defined by Work Directives. Each Work Directive will have its own scope, schedule and budget. The term of each Agreement will be for a period of five years. Additionally, the recommendation for award is based on the Best Value method of competitive procurement which allows the District the opportunity to evaluate not only the price of the proposals submitted, but also other criteria which, when assessed together identifies the proposers that offer the best overall value to meet the District's needs.

The RFP was distributed to approximately 34 interested potential proposers. A Pre-Proposal meeting was held on August 15, 2006. On September 5, 2006, proposals were received from the following four firms: Briggs Field Services, Inc.; Overland, Pacific & Cutler, Inc.; Paragon Partners, Ltd.; and Universal Field Services, Inc. The proposals were reviewed by a Source Selection Committee ("the Committee") consisting of staff from the Right of Way Management Division, Transit Systems Development Department, Office of Civil Rights and Procurement

EDD: Authority to Execute Professional Services Agreement Nos. 6M4031 and 6M4054

Department. Proposals were first reviewed to determine if the proposers were considered to be responsible prospective consultants and if the proposers met the District's minimum technical requirements. Subsequently, the proposals were evaluated on the basis of criteria contained in the RFP with respect to qualifications of the firm and proposal team. Thereafter, staff conducted oral interviews on September 25, 2006.

All of the proposers were found to be responsible and to have met the minimum technical requirements. Based on written and oral evaluations and on a Best Value analysis, which included cost data, the Committee determined that Paragon Partners, Ltd. and Universal Field Services, Inc. are the two proposers that offer the best overall value to the District.

BART's Right of Way Management Division has made an affirmative determination that Paragon Partners, Ltd. and Universal Field Services, Inc. are capable of performance and that the firms' team organization, past performance, business experience and financial status are satisfactory.

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

FISCAL IMPACT:

Agreement No. 6M4031 has a not-to-exceed cost limit of \$1,000,000 and Agreement No. 6M4054 has a not-to-exceed cost limit of \$1,000,000. District financial obligations pursuant to each Agreement will be subject to a series of Work Directives. Each Work Directive will have a defined scope of services and a separate schedule and budget. Any Work Directive assigned for funding under a State or Federal grant will include state or federal requirements. Work Directives will be approved only if Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each Work Directive.

Authority to issue Work Directives and administration of Agreement Nos. 6M4031 and 6M4054 will reside with BART's Manager, Right of Way Management Division.

Funding for individual Work Directives will be provided from the Capital Budget and/or Operating Budget accounts as evidenced by the issuance of related work orders.

ALTERNATIVE:

1. Not to engage these services at this time will adversely affect the completion of existing and future District projects.
2. To contract with various firms to provide acquisition, relocation and property management on an as needed individual basis would be more time consuming than issuing Work Directives to a firm under an existing agreement and would reduce BART's control and management of acquisition, relocation and property management for large or complex projects.

RECOMMENDATION:

On the basis of analysis and evaluation by staff, it is recommended that the Board adopt the

EDD: Authority to Execute Professional Services Agreement Nos. 6M4031 and 6M4054

following Motion.

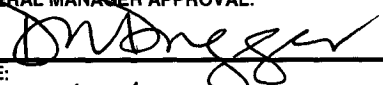
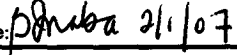
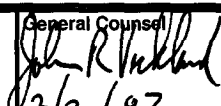
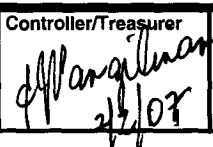
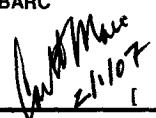
MOTION:

The General Manager is authorized to execute (1) Agreement No. 6M4031 with Universal Field Services, Inc. to provide real property acquisition, relocation and property management services in an amount not to exceed \$1,000,000 and (2) Agreement No. 6M4054 with Paragon Partners Ltd. to provide real property acquisition, relocation and property management services in an amount not to exceed \$1,000,000, each subject to notification by the General Manager and compliance with the District's protest procedures and the FTA requirements related to protest procedures.

**ENGINEERING
AND
OPERATIONS
COMMITTEE
MATERIAL**



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 2/2/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Barbara Inaba Dept: Right of Way Management Ext. 6861 Signature/Date:  2/1/07	General Counsel  2/2/07 []	Controller/Treasurer  2/2/07	District Secretary []	BARC  2/1/07 []

NARRATIVE:

Authority to Execute Professional Services Agreement Nos. 6M4037 and 6M4058 for Real Property Appraisal Services

PURPOSE:

To obtain Board authorization for the General Manager to execute (1) Agreement No. 6M4037, in an amount not to exceed \$750,000 with Charles D. Bailey & Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture and (2) Agreement No. 6M4058, in an amount not to exceed \$750,000 with Smith & Associates, Inc., for Real Property Appraisal Services ("Appraisal Services") to support the District's projects for a period of five years each.

DISCUSSION:

Professional Services Agreement No. 7G5025 for Real Property Appraisal Services expired on December 31, 2006. The Right of Way Management Division has a need for appraisal services for the District's existing and proposed projects, such as the Earthquake Safety Program, Oakland Airport Connector, Warm Springs Extension and eBART. Accordingly, on October 30, 2006, staff distributed RFP No. 6M4037 to provide appraisal services to support the District's projects on an as-needed basis. The RFP indicated that two separate Agreements could be awarded to two separate consultants to provide the District with a full range of appraisal services, including appraisals for (i) real property, including full and partial take, fee and easement interest, and rent and leasehold values, (ii) furniture, fixtures and equipment, and (iii) loss of business goodwill. Assignments under these Agreements will be defined by Work Directives. Each Work Directive will have its own scope, schedule and budget. The term of each Agreement will be for a period of five years. Additionally, the recommendation for award is based on the Best Value method of competitive procurement which allows the District the opportunity to evaluate not only the price of the proposals submitted, but also other criteria which, when assessed together identifies the proposers that offer the best overall value to meet the District's needs.

The RFP was distributed to approximately 54 interested potential proposers. A Pre-Proposal meeting was held on November 15, 2006. On December 19, 2006, proposals were received from the following four firms: Associated Right of Way Services, Inc.; Charles B. Warren, ASA; Smith & Associates, Inc.; and Charles D. Bailey & Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture. The proposals were reviewed by a Source Selection Committee ("the Committee") consisting of staff from the Right of Way Management Division, Joint Development Division, Office of Civil Rights and Procurement Department. Proposals were first

EDD: Authority to Execute Professional Services Agreement Nos. 6M4037 and 6M4058

reviewed to determine if the proposers were considered to be responsible prospective consultants and if the proposers met the District's minimum technical requirements. Subsequently, the proposals were evaluated on the basis of criteria contained in the RFP with respect to qualifications of the firm and proposal team. Thereafter, staff conducted oral interviews on January 9, 2007.

All of the proposers were found to be responsible and to have met the minimum technical requirements. Based on written and oral evaluations and on a Best Value analysis, which included cost data, the Committee determined that Charles D. Bailey & Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture and Smith & Associates, Inc. are the two proposers that offer the best overall value to the District.

BART's Right of Way Management Division has made an affirmative determination that Charles D. Bailey & Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture and Smith & Associates, Inc. are capable of performance and that the firms' team organization, past performance, business experience and financial status are satisfactory.

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

FISCAL IMPACT:

Agreement No. 6M4037 has a not-to-exceed cost limit of \$750,000 and Agreement No. 6M4058 has a not-to-exceed cost limit of \$750,000. District financial obligations pursuant to each Agreement will be subject to a series of Work Directives. Each Work Directive will have a defined scope of services and a separate schedule and budget. Any Work Directive assigned for funding under a State or Federal grant will include state or federal requirements. Work Directives will be approved only if Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each Work Directive.

Authority to issue Work Directives and administration of Agreement Nos. 6M4037 and 6M4058 will reside with BART's Manager, Right of Way Management Division.

Funding for individual Work Directives will be provided from the Capital Budget and/or Operating Budget accounts as evidenced by the issuance of related work orders.

ALTERNATIVE:

1. Not to engage these services at this time will adversely affect the completion of existing and future District projects.
2. To contract with various firms to provide appraisals on an as needed individual basis would be more time consuming than issuing Work Directives to a firm under an existing agreement and would reduce BART's control and management of appraisals for large or complex projects.

RECOMMENDATION:

On the basis of analysis and evaluation by staff, it is recommended that the Board adopt the

EDD: Authority to Execute Professional Services Agreement Nos. 6M4037 and 6M4058

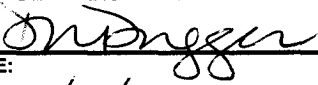

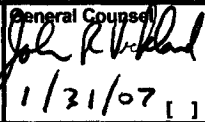

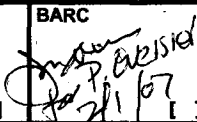
following Motion.

MOTION:

The General Manager is authorized to execute (1) Agreement No. 6M4037 with Charles D. Bailey & Associates, Inc./Diaz, Diaz and Boyd, Inc., A Joint Venture to provide appraisal services in an amount not to exceed \$750,000 and (2) Agreement No. 6M4058 with Smith & Associates, Inc. to provide appraisal services in an amount not to exceed \$750,000, each subject to notification by the General Manager and compliance with the District's protest procedures and the FTA requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/2/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Keith Fullington Dept: Transit System Development 4756 Signature/Date:  1/29/07	General Counsel  1/31/07 []	Controller/Treasurer  1/31/07 []	District Secretary []	BARC  2/1/07 []

NARRATIVE:

AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M8010 FOR THE DISMANTLING OF THE LAKE MERRITT ADMINISTRATION BUILDING

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M8010 with Stevens & Associates to provide General Engineering Services for the dismantling of the Lake Merritt Administration Building.

DISCUSSION:

On November 8, 2006, the District issued a Request for Statement of Qualifications for General Engineering Services for the Dismantling of Lake Merritt Administration Building. The purpose of this procurement action is to provide the District with engineering and design services to support the Earthquake Safety Program.

The total cost for providing all of the services contemplated under this agreement shall not exceed Six Hundred Fifty Thousand Dollars (\$650,000). The services performed under this agreement will be paid for on a cost-plus-fixed-fee basis. The term of the Agreement will be for three (3) years.

The District has initiated an Earthquake Safety Program for the purpose of upgrading the original system that was built more than 30 years ago. The goal of this program is to develop prudent and cost-effective seismic retrofit solutions to ensure the safety of both BART patrons and employees during and after a major seismic event in the San Francisco Bay Area.

The Lake Merritt Administration Building ("LMA") in downtown Oakland was designed in the late 1960's. LMA is immediately adjacent to BART's Lake Merritt Station. The administration building does not meet current seismic codes. The building also contains hazardous materials, including asbestos used to fireproof the structural steel. These and other

EDD: AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M

issues have led to the decision to dismantle the building rather than to seismically retrofit the building to meet current standards. Concourse and platform levels under the footprint of the building contain critical facilities that will remain in operation both during and after the dismantling.

As part of the District's Earthquake Safety Program, professional services have been sought to provide engineering and design work, together with preparation of the contract documents for the dismantling of LMA. The request for Statement of Qualifications ("SOQ") was issued on November 8, 2006 to solicit proposals for these services. A Pre-Submittal Meeting was held on November 21, 2006 to describe the scope of work and procurement process. Two proposals were received on December 7, 2006. The Proposers were:

- | | |
|--------------------------|--------------------|
| 1. Stevens & Associates | San Francisco, Ca. |
| 2. Grossman Design Group | San Francisco, Ca. |

The Selection Committee, consisting of four BART staff members, first evaluated the proposals as to the responsiveness to the requirements of the SOQ and responsibility of the Proposer. The proposals were reviewed and scored based on evaluation criteria established in the SOQ with respect to qualifications and experience of the Proposer's key personnel and project team. Subsequent to the evaluation, the two proposing firms were invited to participate in the oral presentation phase of the selection process. Oral interviews were conducted on December 18 and 19, 2006. Based on the written and oral materials presented, Stevens & Associates has been determined to be the most qualified firm. Accordingly, the Committee recommends award of Agreement No. 6M8010 to Stevens & Associates. The Office of General Counsel will approve the Agreement as to form.

FISCAL IMPACT:

The not-to-exceed amount of Six Hundred Fifty Thousand Dollars (\$650,000) for this Agreement will come from the Earthquake Safety Program under project 17BJ - Lake Merritt Building Dismantling. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

Fund Source Description F/G 01F – Earthquake Safety General Obligation Bond \$650,000

As of month ending 12/31/06, \$7,000,000 is available for commitment from this fund source for this project, and \$2,064,878 has been committed by BART to date. There are pending commitments of \$2,115,153 in BART's financial management system. This action will commit an additional \$650,000.00, leaving an uncommitted balance of \$2,169,969 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

EDD: AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M

ALTERNATIVES:

Not award the Agreement. If the Agreement is not awarded, Staff will have to issue a new request for Statement of Qualifications and restart the selection process. In that event, the schedule for awarding construction contracts and actual work to dismantle the LMA building would be delayed.

RECOMMENDATION:

Adoption the following motion.

MOTION:

The Board of Directors hereby authorizes the General Manager to award the General Engineering Services Agreement No. 6M8010 for the dismantling of the Lake Merritt Administration Building to Stevens & Associates in an amount not to exceed Six Hundred Fifty Thousand Dollars (\$650,000), pursuant to notification by the General Manager, and subject to the District's protest procedures.

GENERAL ENGINEERING SERVICES FOR THE DISMANTLING OF THE LAKE MERRITT ADMINISTRATION BUILDING

- **Introduction**

The San Francisco Bay Area Rapid Transit District has initiated an Earthquake Safety Program for the purpose of upgrading the original system that was built more than 30 years ago. The goal of this program is to develop prudent and cost-effective seismic retrofit solutions that ensure the safety of both BART patrons and employees during and after a major earthquake in the San Francisco Bay Area.

The Lake Merritt Administration building (“LMA”) in downtown Oakland was designed in the late 1960s. It is immediately adjacent to BART’s Lake Merritt Station. The administration building does not meet current seismic codes. The building also contains asbestos used to fireproof the structural steel. These and other issues have led to the decision to dismantle the building above grade rather than to seismically retrofit the building to meet current design standards. Below grade in the concourse and platform levels are critical facilities that will remain in operation both during and after the dismantling.

The professional services to be provided by the Consultant include preparation of the contract documents required for the dismantling of LMA above grade structure.

A request for Statement of Qualifications (“SOQ”) No. 6M8010 was issued to provide the District with these required services. The RFP:

- described the detailed, objective selection process to be used; and
- indicated the criteria for making the selection;

- **Scope of Services**

- Engineering Services
- Hazardous Materials Abatement Plan
- Fire Alarm Control Panel plans and specifications
- Project Risk Analysis
- Mitigate Safety and Security Measures
- Monitoring Services during Project Construction
- Prepare Contract Specifications consistent with sustainability and recycling practices
- Coordinate and Interface with other agencies and permitting authorities

- **Selection Process**

Using the data submitted in the statement of qualifications, the SF 330 and the organization chart, proposers were evaluated based on the qualifications of the proposed team, including subconsultants. Oral presentations were conducted for the short listed firms.

- Proposers were evaluated on the basis of their qualifications, both written and oral;
- The highest scoring Proposer, was deemed most qualified and selected to enter negotiations of the terms and conditions of the agreement and fair and reasonable compensation.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposer; therefore, staff recommends awarding the agreement as outlined below

RECOMMENDED AWARD

- **Agreement No. 6M8010**

Stevens + Associates, San Francisco, California for a three year period for a total not to exceed amount of \$650,000.

- **Subconsultants**

Subconsultant Name and Location

Professional Service Industries, Oakland, CA

Degenkolb Engineers, San Francisco, CA

McGinnis Chen Associates, Inc., San Francisco, CA

MHC Engineers, Inc., San Francisco, CA

Acumen Building Enterprise, Inc., Oakland, CA

Swinerton Management & Consulting, San Francisco, CA

Services

Environmental Engineering Remediation

Structural Engineering

Forensic Architects

Mechanical, Electrical Plumbing

Construction Management

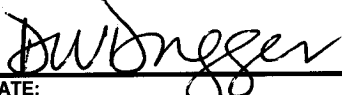

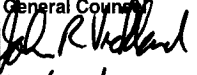

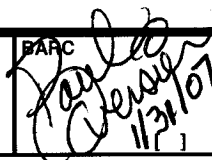
Construction Management, Estimating

- **Reason for Selection**

- Strong demonstrated experience and knowledge relevant to BART's Scope of Work
- Knowledge in demolition planning remediation and hazardous materials abatement
- Consistent strength of management and excellent technical responses in oral interview



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the February 8, 2007, E&O Committee Meeting		
DATE: 2/2/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Marvin E Snow Dept: Transit System Development Ext. 287.4971 Signature/Date:  1/31/07	General Counsel:  1/31/07 []	Controller/Treasurer:  1/31/07 []	District Secretary: []	BARC:  1/31/07 []

NARRATIVE:

**AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS NO.
6M8006, 6M8007, and 6M8008,
GENERAL ENGINEERING SERVICES FOR BART PROJECTS**

PURPOSE: Request the Board to authorize the General Manager to execute Agreement No. 6M8006 with PGH Wong Engineering, Inc.; Agreement No. 6M8007 with Kal Krishnan Consulting Services, Inc.; and Agreement No. 6M8008 with Jacobs Engineering Group Inc., to provide General Engineering Services for BART Projects.

DISCUSSION: On June 28, 2001 the Board authorized the General Manager to execute Agreement No. 6H3113 with MWK Team, Agreement No. 6H3112 with PGH Wong Engineering Inc., and Agreement No. 6H3028 with Sverdrup Civil Inc. to provide General Engineering Services for BART Projects. Each Agreement was for an amount not to exceed \$15 Million and for a term of up to five years. All engineering services available under these Agreements have either been utilized or otherwise scheduled. Therefore, new agreements are now needed to provide the District with these essential engineering services and as a result the District issued Request for Proposal (RFP) No. 6M8006 on November 7, 2006 to provide the District with engineering services for BART projects.

RFP No. 6M8006 provided for the award of three separate agreements herein referred to as 6M8006, 6M8007, and 6M8008. Work Plans (WPs) under each agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget.

The RFP was sent to engineering consultant firms having expertise in the pertinent technical fields. Advertisements soliciting interest were placed in a number of publications including DBE/MBE/WBE publications. A pre-proposal meeting for this RFP was held on November 17, 2006. The RFP was distributed to all interested potential Proposers.

On December 18, 2006, proposals were received from the following five firms: Carter & Burgess Inc.; Parsons in association with HNTB; PGH Wong Engineering Inc.; Jacobs Engineering Group Inc.; and Kal Krishnan Consulting Services, Inc. The proposals were reviewed by a

EDD: AUTHORITY TO EXECUTE AGREEMENTS NO. 6M8006, 6M8007, and 6M8008

Selection Committee (Committee) consisting of BART staff from Transit System Development, Maintenance and Engineering, Office of Civil Rights, and Contract Administration. Proposals were first reviewed to determine if the Proposers were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the proposing firms and the project team, including key personnel. All proposals were short-listed for oral presentations. The Committee conducted oral interviews on January 16, 2007.

Based on the oral and written evaluations, the Committee determined that the three most qualified firms were:

1. PGH Wong Engineering, Inc. of San Francisco, California.
2. Kal Krishnan Consulting Services, Inc. of Oakland, California.
3. Jacobs Engineering Group, Inc. of Walnut Creek, California.

After making this determination, negotiations were entered into with PGH Wong Engineering, Inc., Kal Krishnan Consulting Services, Inc. and Jacobs Engineering Group, Inc. BART Contract Administration, with support from Internal Audit and Transit System Development, evaluated and discussed the rates and mark-ups (for a cost-plus-fixed-fee rate agreement) received from the Proposers. These discussions were concluded on terms favorable to all parties. Staff determined that the recommended rate structures are fair and reasonable, and that PGH Wong Engineering Inc., Kal Krishnan Consulting Services Inc., and Jacobs Engineering Group, Inc. are responsible organizations. Caltrans currently requires a pre-award audit, the results of which will be incorporated into the executed Agreements, as appropriate.

Accordingly, the Committee recommends three awards under RFP No. 6M8006, one to each of the following three firms in an amount not to exceed \$15,000,000 each.

1. PGH Wong Engineering, Inc. of San Francisco, California.
2. Kal Krishnan Consulting Services, Inc. of Oakland, California.
3. Jacobs Engineering Group, Inc. of Walnut Creek, California.

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

FISCAL IMPACT: Each of the three Agreements has a not-to-exceed limit of \$15,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Re-issuing the RFP would adversely impact the implementation of BART's Capital Program.

EDD: AUTHORITY TO EXECUTE AGREEMENTS NO. 6M8006, 6M8007, and 6M8008

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

MOTION: The General Manager is authorized to execute:

1. Agreement No. 6M8006 with PGH Wong Engineering Inc., of San Francisco, California.
2. Agreement No. 6M8007 with Kal Krishnan Consulting Services, Inc. of Oakland, California.
3. Agreement No. 6M8008 with Jacobs Engineering Group, Inc. of Walnut Creek, California.

Each Agreement will be for a term not to exceed five years and each in an amount not to exceed \$15,000,000, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to the District's protest procedures and FTA's requirements related to protest procedures.

GENERAL ENGINEERING SERVICES FOR BART PROJECTS

- **Introduction**

The San Francisco Bay Area Rapid Transit District requires a full range of general engineering services over the next five years to support its Capital Improvement Program and other BART Projects.

Professional services to be provided by the Consultants under the three awarded Agreements include engineering and procurement activities and related work associated with BART projects. Consultants shall manage and work in conjunction with other consultant team members and BART staff to support BART projects. Services provided shall comply with the latest edition of all applicable codes, ordinances, criteria, standards, regulations, and other applicable laws.

Request for Proposal No. 6M8006 was issued to provide the District with the required services. The RFP:

- described the detailed, objective selection process to be used;
- indicated the criteria for making the selection;
- stated the District intended to award three agreements for these services.

- **Scope of Services**

- Facilities (Stations and Buildings)
- Train Control Systems
- Traction Power Systems
- Controls and Communications
- Mainline and Yard Infrastructure
- Automatic Fare Collection
- Parking and Inter-modal Access
- Computer Hardware and Software

- **Selection Process**

Followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural & Engineering services in which:

- Proposers are first evaluated on the basis of their qualifications, both written and oral;
- Upon determining the most qualified proposers, terms and conditions of the agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposers; therefore, staff recommends awarding three agreements as outlined on the following pages.

RECOMMENDED AWARD

- **Agreement No. 6M8006**

PGH Wong, Engineering, Inc. San Francisco, California for a five year period for a total not to exceed amount of \$15,000,000.

- **Subconsultants**

Name and Location

Acumen Building Enterprise, Inc., Oakland, CA

Arup Fire, San Francisco, CA

Beyas & Patel, Inc. Walnut Creek, CA

Bob Murphy Consulting, Orinda, CA

Corrpro Companies, Inc. San Leandro, CA

F.W. Associates, Inc., San Francisco, CA

Greg Roja Associates, Inc., San Francisco, CA

Kirsen Technologies, Berkeley, CA

Moffat & Nichol, Walnut Creek, CA

Parikh Consultants, Inc., Milpitas, CA

Robin Chiang & Co., San Francisco, CA

Shiralian Management Group, Inc., Berkeley, CA

Towill, Concord, CA

Transportation Decision Systems, Inc., Los Altos, CA

Willie J. Robinson and Associates, Inc., San Francisco, CA

Services

Fare Collection Support

Fire Protection Modifications

Underground & Overhead Structures and Facilities

Controls and Communications

Cathodic Protection and Structural Coatings

Electrical

Architecture; Passenger Stations, ADA and Title 24, & Inter-modal Facilities

Technology Development, Prototype Development & Security Systems

Underground and Overhead Structures, Additional Storage Facilities,

Garage and Parking Lot

Geotechnical

Architecture; Passenger Stations, ADA & Title 4, & Inter-modal Facilities

Scheduling Support

Survey

Technology Development, and Prototype Development

Cost Estimating

- **Reason for Selection**

- Strong demonstrated experience and knowledge relevant to BART's Scope of Services
- High qualification of proposed engineers
- Consistent strength of management and excellent technical responses in oral interview

RECOMMENDED AWARD

- **Agreement No. 6M8007**

Kal Krishnan Consulting Services, Inc., Oakland, CA for a five year period for a total not to exceed amount of \$15,000,000.

- **Subconsultants**

Name and Location

Acumen Building Enterprise, Oakland, CA
AGS, Inc. Oakland, CA
Auriga Corporation, Milpitas, CA
B&C Transit Consultants, Inc., San Leandro, CA
Booz Allen & Hamilton, San Francisco, CA
Cornerstone Transportation Consulting, Inc., San Francisco, CA
Earth Tech, Oakland, CA
Elite Reprographics, Oakland, CA
FMG Architects, Oakland, CA
Liftech Consultants, Inc., Oakland, CA
Noll & Tam Architects, Berkeley, CA
Parikh Consultants, Inc., Milpitas, CA
PB Americas, San Francisco, CA
QUEST, Wellington, MO
Robin Chiang & Company, San Francisco, CA
Sierra Engineering, Oakland, CA
Stevens & Associates, San Francisco, CA
Structus, Inc., San Francisco, CA
Studio L'Image, Berkeley, CA
Systems Micro Technologies, Berkeley, CA
Wyle Laboratories/TPSS, Camarillo, CA
YEI Engineers, Inc., Oakland, CA

Services

Automatic Fare Collection & Smart Card Systems
Geotechnical Engineering
IT, Telecommunications, Software & Automatic Fare Collection
Systems/Communication Engineering
Automatic Fare Collection, Smart Card Systems; Credit/Debit Systems
Transportation Design
Transit Systems; Traction Power
Reprographics, printing
Architects
Seismic and Structural
Architects
Geotechnical, Environmental, Materials Testing, Construction Inspection
Civil/Traction Power Engineering
Train Control, Systems
Architectural Engineering
Structural Engineering
Architectural/Civil Engineering
Structural Engineering
Constructability Studies
Security Systems & Surveillance
Strategic Maintenance Program
Electrical/Mechanical Engineering

- **Reason for Selection**

- Excellent oral presentation and command of issues
- Strong experience relevant to BART's Scope of Services
- Experience in Strategic Management Programs

RECOMMENDED AWARD

- **Agreement No. 6M8008**

Jacobs Engineering Group, Inc., Walnut Creek, CA, for a five year period for a total not to exceed amount of \$15,000,000.

- **Subconsultants**

Name and Location

B& C Transit Consultants, San Leandro, CA

Booz Allen Hamilton, Inc., San Francisco, CA

M. Lee Corporation, San Francisco, CA

Nelson Nygaard Consulting Assoc., Inc., San Francisco, CA

QUEST, Wellington, MO

YEI Engineers, Inc., Oakland, CA

Kirsen Technologies, Berkeley, CA

Jong and Jong, Berkeley, CA

Hall Architects, Inc., Charlotte, NC

Frame Design Group, Oakland, CA

Chaudhary & Associates, Napa, CA

Geomatics, Inc., Dublin, CA

Studio L'Image, Berkeley, CA

Wilson Ihrig & Associates, Oakland, CA

Merrill Morris Partners, San Francisco, CA

Washington Group Int., Oakland, CA

Thomas Jee & Associates, San Francisco, CA

V&A Consulting Engineers, Oakland, CA

Vicki Reynolds, Covelo, CA

Services

Train Control, Transit Power, C and C, Hardware and Software Engineering

AFC, Smart Card, Magnetic Encoding, Credit and Debit Systems

Scheduling and Cost Estimating

Transit-Oriented Development, Station Area Planning, Public Participation

Safety – Critical Electronics, VATC, Circuit Board Engineering

Mechanical Engineering

High Tech Security

Architectural

Specifications

Parking Garage Design

Survey, ROW, Mapping

Survey

Graphic Design

Noise and Vibration

Landscape

Civil, Structural, Systems

Structural –Special Structures

Corrosion

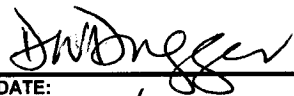
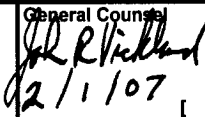
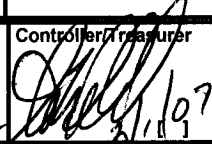
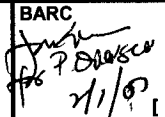
Wetlands Environmental

- **Reason for Selection**

- Complimentary blend of BART/other transit experience
- Strong oral presentation and interaction of team members
- Composition and depth of team



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the February 8, 2007 E & O Committee Meeting		
DATE: 2/2/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tom Parker Dept: Transit System Development Ext. 4919 Signature/Date:	General Counsel:  2/1/07 []	Controller/Treasurer:  2/1/07 []	District Secretary: []	BARC:  2/1/07 []

NARRATIVE:

PROJECT CHANGES AND ADDENDUM TO THE BART-OAKLAND INTERNATIONAL AIRPORT CONNECTOR PROJECT FEIR/FEIS

PURPOSE

To approve changes to the BART-Oakland International Airport Connector Project, adopt an Addendum to the FEIR/FEIS pursuant to the California Environmental Quality Act (CEQA) evaluating the potential environmental impacts of the project changes, and find that a subsequent or supplemental environmental impact report is not necessary, based upon the evaluation presented in the Addendum.

DISCUSSION

On March 28, 2002, the BART Board of Directors (Board) certified the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) and adopted the BART-Oakland International Airport Project, which consisted of an Automatic Guideway Transit (AGT) system connecting the Coliseum BART station to Oakland International Airport (OIA) by a 3.2 mile long exclusive guideway with two intermediate stations (the Adopted Project). Based on the FEIR/FEIS, the Federal Transit Administration (FTA) issued the Record of Decision (ROD) for the Adopted Project on July 16, 2002.

As described in the FEIR/FEIS, the Adopted Project includes an alignment for the AGT, which is largely in the Hegenberger Road corridor and would run on an aerial guideway between the Coliseum BART Station and Doolittle Drive, then at-grade adjacent to Airport Drive. Between the Coliseum BART Station and Interstate 880 (I-880), the AGT alignment would be located over the west-side curb lane of Hegenberger Road. Between I-880 and Doolittle Drive, the alignment would be located largely in the median of Hegenberger Road. Between Doolittle Drive and Oakland International Airport, the alignment would pass under Doolittle Drive and run at-grade adjacent to the Airport Drive. South of Air Cargo Road, in the airport terminal area, the alignment would be an aerial guideway over the airport parking area. The AGT would include two terminal stations: one at the Coliseum BART Station and one at the airport terminal. The Adopted Project also included two intermediate stops: one near the intersection of Hegenberger Road/Edgewater Road, and the second near the intersection of Doolittle Drive/Hegenberger Road.

EDD: PROJECT CHANGES AND ADDENDUM TO THE BART-OAC CONNECTOR PR

In order to respond to the changes in the airport's development plan, as well as to additional engineering and other changed circumstances, the project design has evolved since the Adopted Project was approved in 2002. CEQA allows a lead agency to adopt project changes based on an addendum to a previously certified EIR, rather than a subsequent or supplemental EIR (SEIR), so long as certain conditions are met: neither the project changes nor changed circumstances involve new or substantially more severe environmental impacts, and there is no new information regarding new impacts, more severe impacts, or the feasibility or effectiveness of mitigation measures. Similarly, FTA may determine that a supplemental EIS (SEIS) is not necessary to address changes to a project, new information or changed circumstances, based on an appropriate environmental study.

There are five areas of the AGT alignment where there have been substantial changes compared to the Adopted Project (the Project Changes). The Project Changes are:

1. Revised location for the Airport AGT Station within the airport terminal area.
2. Maintenance and storage facility (MSF) relocated to Doolittle Drive site. (The MSF was originally located at the Coliseum BART Station.)
3. Elimination of the Edgewater intermediate stop and revised alignment on Hegenberger Road at Edgewater Drive.
4. Revised median alignment between Coliseum Way and Elmhurst Channel
5. Changes at the Coliseum Station.

The Project Changes are described in detail in Section 2 of the Addendum.

In November of 2006 staff completed an Addendum to the FEIR/FEIS which revisited the analysis conducted in the FEIR/FEIS and evaluated the potential effects of the Project Changes compared to the Adopted Project. The Project Changes were evaluated for all the disciplines analyzed in the original document (transportation, land use, socioeconomic, visual quality, etc.). The analysis did not identify substantial changes in the existing environment and did not identify any new or more severe impacts not identified in the FEIR/FEIS. FTA has informally reviewed the Addendum and requested that the Board take action on the Addendum, prior to FTA's formal determination whether an SEIS is necessary.

Based upon the evaluation presented in the Addendum, none of the conditions requiring the preparation of an SEIR have occurred. Therefore, under the CEQA Guidelines, an EIR addendum is appropriate.

FISCAL IMPACT

There is no fiscal impact to the Adopted Project or the estimated capital cost of \$232 million (in 2001 dollars). The Project Changes have essentially no effect on the preliminary engineering estimate as the length and the height of the guideway is not significantly affected. The cost of extending the Airport Station slightly closer to the airport terminal is offset by the relocation of the MSF facility near Doolittle Drive, which substantially reduces the height of the MSF and the

EDD: PROJECT CHANGES AND ADDENDUM TO THE BART-OAC CONNECTOR PR

overall length of guideway leading to the MSF.

ALTERNATIVES

The alternative is to do nothing and not approve the Addendum to the FEIR/FEIS. This would leave the project unable to respond to the changes in the airport's development plan, as well as to other changed circumstances that required the design to evolve since the Adopted Project was approved in 2002 and therefore not able to continue the current procurement process.

RECOMMENDATION

It is recommended that the Board adopt the attached Resolution.

Attachments

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

**In the matter of adopting modifications to the
BART-Oakland International Airport Connector Project
and an Addendum to the FEIR/FEIS**

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the BART Board of Directors on March 28, 2002, certified the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) and adopted the BART-Oakland International Airport Project which consisted of an Automatic Guideway Transit (AGT) system connecting the Coliseum BART station to Oakland International Airport (OIA) by a 3.2 mile long exclusive guideway with two intermediate stations (the Adopted Project); and

WHEREAS, the Adopted Project as described in the FEIR/FEIS includes an alignment for the AGT, which is largely in the Hegenberger Road corridor and runs on an aerial guideway between the Coliseum BART Station and Doolittle Drive, then at-grade adjacent to Airport Drive; and then on an aerial guideway over the airport parking area; and

WHEREAS, the Adopted Project includes two terminal stations, one at the Coliseum BART Station and one at the airport terminal, as well as two intermediate stops: one near the intersection of Hegenberger Road/Edgewater Road, and the second near the intersection of Doolittle Drive/Hegenberger Road; and

WHEREAS, in order to respond to the changes in the airport's development plan, as well as to additional engineering and other changed circumstances, the project design has evolved since the Adopted Project was approved in 2002 (the Revised Project); and

WHEREAS, there have been substantial changes in five areas of the Revised Project compared to the Adopted Project (the Project Changes), to wit:

1. Revised location for the Airport AGT Station within the airport terminal area.
2. Maintenance and storage facility (MSF) relocated to Doolittle Drive site.
3. Elimination of the Edgewater intermediate stop and revised alignment on Hegenberger Road at Edgewater Drive.
4. Revised median alignment between Coliseum Way and Elmhurst Channel
5. Changes at the Coliseum Station.

EDD: PROJECT CHANGES AND ADDENDUM TO THE BART-OAC CONNECTOR PR

WHEREAS, Section 15164 of the CEQA Guidelines allows a lead agency to prepare an addendum to a previously certified EIR, rather than a subsequent or supplemental EIR (SEIR), if some changes or additions to a project are necessary, as long as none of the conditions described in Section 15162 requiring the preparation of an SEIR have occurred. Section 15162 states that, when an EIR has been certified, no SEIR needs to be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that there are substantial changes proposed in the project which require major revisions of the previous EIR, substantial changes occur with respect to the circumstances under which the project is undertaken, or there is new information of substantial importance regarding new significant effects, more severe effects, or the feasibility or effectiveness of mitigation measures.

WHEREAS, in November of 2006 staff completed an Addendum to the FEIR/FEIS which revisited the analysis conducted in the FEIR/FEIS and evaluated the potential effects of the Project Changes, surrounding circumstances and new information; and

WHEREAS, based upon the evaluation presented in the Addendum, none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of an SEIR have occurred; and therefore an addendum is appropriate; and

WHEREAS, CEQA Guidelines Section 15164(c) provides that the lead agency's decision-making body shall consider an addendum with the final EIR prior to making a decision on the project.

THEREFORE, BE IT RESOLVED, that the BART Board of Directors, having reviewed and considered the information contained in the Addendum and the FEIR/FEIS for the BART-Oakland International Airport Connector Project:

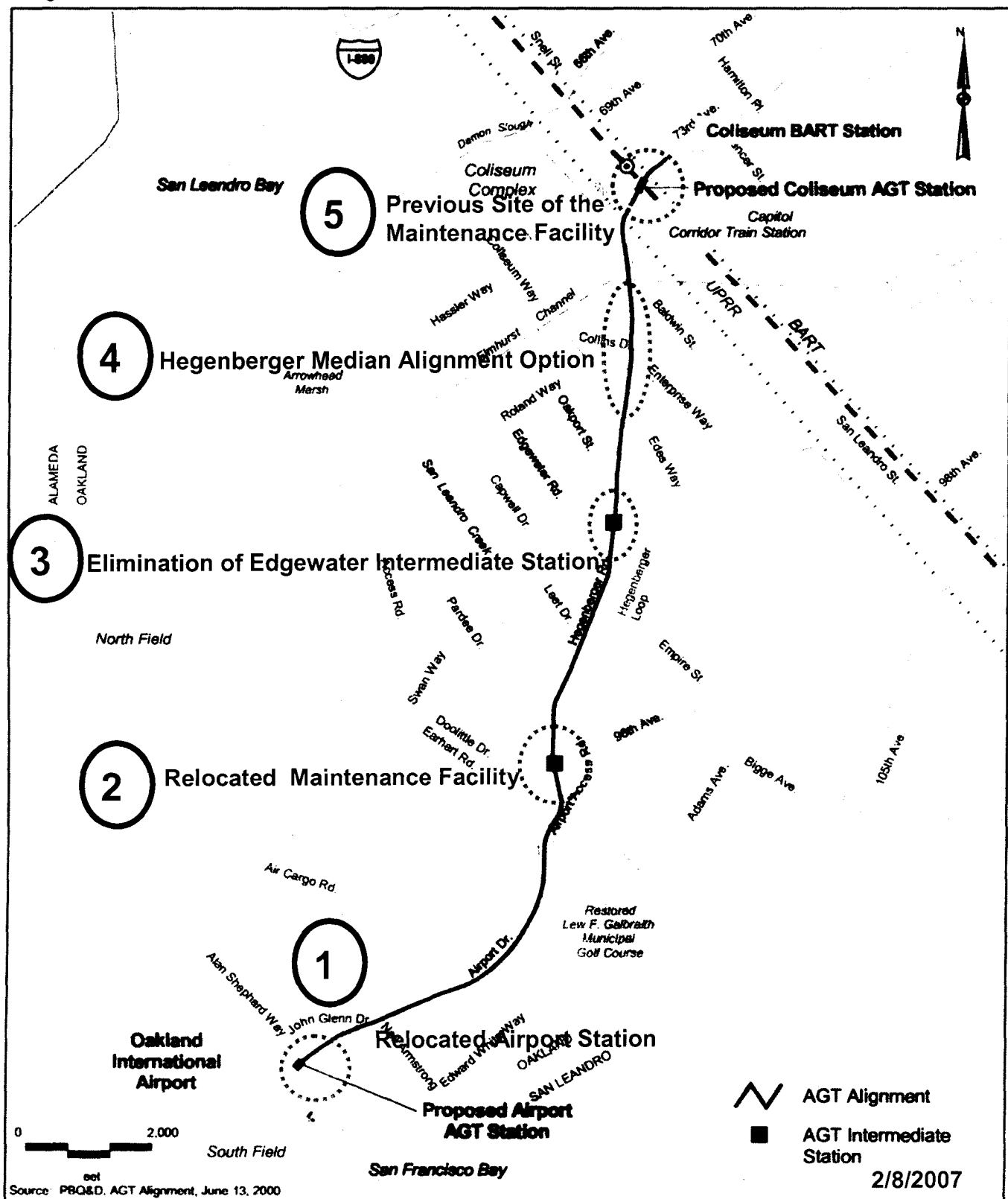
- 1) Adopts the Addendum and;
- 2) Finds that, on the basis of substantial evidence contained in the FEIR/FEIS and Addendum and in the light of the whole record, that;
 - (a) there are no substantial changes proposed in the Revised Project which will require major revisions of the FEIR/FEIS due to the involvement of new or substantially more severe significant environmental effects;
 - (b) there are no substantial changes with respect to the circumstances under which the Revised Project is undertaken which will require major revisions of the FEIR/FEIS due to the involvement of new or substantially more severe significant environmental effects; and
 - (c) there is no new information of substantial importance, which was not known at the time the FEIR/FEIS was certified, showing that;
 - (i) the Revised Project will have new or substantially more severe significant effects,
 - (ii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce significant effects of the Revised Project, or
 - (iii) mitigation measures or alternatives considerably different from those

EDD: PROJECT CHANGES AND ADDENDUM TO THE BART-OAC CONNECTOR PR

analyzed in the FEIR/FEIS would substantially reduce significant effects of the Revised Project, and

3) Approves the Project Changes to the BART-Oakland International Airport Connector Project.

Figure 1-2
Alignment of Preferred Alternative



Areas of Project modifications



Daily Paid Parking Program

Status Report

BART Board of Directors Meeting



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Parking Fee Criteria

In May 2005 the BART Board approved a criteria for which daily parking fees would be implemented:

- Station parking fills three or more times a week
and
- A minimum of 15% of the station parking is utilized for
Monthly Reserved Permit Parking
OR
- The city or county jurisdiction in which the station is
located requests BART to implement a parking fee

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Program Implementation Dates of Stations Meeting Criteria

■ Lake Merritt	October 31
■ West Oakland	December 12
■ MacArthur	January 18
■ Rockridge	January 30
■ Orinda	April 24
■ Lafayette	May 8
■ Walnut Creek	May 22
■ Dublin/ Pleasanton	June 5
■ North Berkeley	June 19
■ Ashby	July 10

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Daily Fee Collection Method

- Remember parking stall number
- Enter stall number into parking add/fare validation machine inside station
- Pay for parking with BART ticket and/or cash

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Implementation Strategy

- Individual station rollout
- Internal BART Team coordination
- Patron communication & education
- Community notification
- New signage and installation of addition collection equipment
- On-site staffing assistance
- Assessment and adjustments

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Revenue Results

Daily parking fees:

- Generated \$ 1,300,000 in new revenue for FY06
- Projected to generate \$2,700,000 for FY07

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Parking Studies

- BART Impact Analysis
- UC Berkeley Impact Analysis

Project Studies- BART Impact Analysis

DAS Analysis of Station Entries

- Entry data were compared for the two weeks prior to implementation with the two weeks after implementation
- Holiday and weekends were excluded from the analysis
- Adjustments for system-wide changes in ridership during the same period
- Comparison of entries by hour between 4:00 am and 10:00 am

Project Studies- BART Impact Analysis

Before and After Daily Station Entries

Station (total parking spaces)	Before (two-week average)	After (two-week average)	Difference	<i>Roll Out Date</i>
Lake Merritt (207)	5,298	5,299	+1	<i>Oct 05</i>
West Oakland (441)	4,886	4,831	-55	<i>Dec 05</i>
MacArthur (611)	6,498	6,375	-123	<i>Jan 06</i>
Rockridge (871)	4,427	4,430	+3	<i>Jan 06</i>
Orinda (1,406)	2,480	2,497	+17	<i>Apr 06</i>
Lafayette (1,529)	3,185	3,137	-48	<i>May 06</i>
Walnut Creek (2,089)	5,952	5,975	+23	<i>May 06</i>
Dublin/Pleasanton (3,031)	7,483	7,667	+184	<i>Jun 06</i>
North Berkeley (821)	3,418	3,395	-23	<i>Jun 06</i>
Ashby (600)	4,319	4,361	+42	<i>Jul 06</i>
Total (11,606)	47,946	47,967	21	

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Station Access Mode

Hypothesis: If the parking fee were negatively impacting ridership, one would anticipate seeing the greatest decrease in ridership at the stations with more riders driving to the station

- No correlation observed
- Stations with highest drive access had increase in ridership:
 - Orinda—89% drive access (+0.7% ridership)
 - Dublin/Pleasanton—89% drive access (+2.5% ridership)

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Conclusions

- Daily parking fees did not negatively impact ridership
- Stations with higher percentage of patrons accessing the station by car did not show a bigger impact from the parking fee
- There is some evidence of later arrivals or diverting to other stations (primarily at West Oakland)

Project Studies- BART Impact Analysis

Long-term Average Weekday Ridership Change

Station (total parking spaces)	<u>Before</u> Aug. – Dec 2004	<u>After</u> Aug. – Dec 2006	Percent Change
Lake Merritt (207)	4808	5253	+9.2%
West Oakland (441)	4266	4680	+9.7%
MacArthur (611)	6176	6867	+11.2%
Rockridge (871)	4557	4904	+7.6%
Orinda (1,406)	2621	2700	+3.0%
Lafayette (1,529)	3034	3093	+5.8%
Walnut Creek (2,089)	5605	5897	+4.9%
Dublin/Pleasanton (3,031)	6552	7406	+13.0%
North Berkeley (821)	3517	3800	+8.1%
Ashby (600)	3877	4236	+9.2%
Total	45,014	48,935	+8.7%
System-wide	310,495	337,536	+8.7%

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UC Berkeley Impact Analysis: West Oakland & MacArthur

Study Goals

- Determine the influence of parking fees on access mode, frequency of use, and time of arrival at the station
- Determine if parking charges lead riders to shift to another station, to on-street parking, or to an alternate mode of travel instead of BART

UC Berkeley Impact Analysis: West Oakland & MacArthur

Research Approach

<i>Research Method</i>	<i>Description</i>	<i>Dates Conducted</i>		<i>Sample Size and Response</i>	<i>Stations Surveyed</i>
		<i>Before Fees</i>	<i>After Fees</i>		
License Plate Survey	Collect occupancy data on series of typical weekdays. Identify vehicles present before/after fee implementation, including vehicle disappearance.	Nov-05	Mar-06	9,476	El Cerrito Plaza MacArthur West Oakland
Parking User Survey	Mail-back Questionnaire distributed to all vehicles on full weekday.	Nov-05	Mar-06	2,027 33.2%	MacArthur West Oakland
Parking User Focus Groups	Recruited representative parkers through flyers on vehicles and screening questions. Facilitator led small discussion groups to elicit input from passengers on implementation of parking fee program.	--	Apr-06	23	MacArthur West Oakland

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UC Berkeley Impact Analysis: West Oakland & MacArthur

License Plate Survey Findings

- Day to day variation in cars parked at BART is high
- A much larger share of license plates “disappeared” from West Oakland in comparison to MacArthur and El Cerrito Plaza
- Larger fee and competitive private parking supply are likely explanations

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UC Berkeley Impact Analysis: West Oakland & MacArthur

Parking User Survey Findings

- The large majority of parker travel behavior patterns and demographics studied were unchanged by the imposition of parking fees
- Survey documented many interesting relationships, very few relate to fees
- Patrons heard of parking fees from multiple means
- Later station entry times for parkers observed after fees at both stations
- The primary conclusion is that the fee did not have much of an impact

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UC Berkeley Impact Analysis: West Oakland & MacArthur

Qualitative Focus Group Findings

Majority of Participants:

- Choose BART over driving for travel time and cost savings
- Use different stations regularly
- Drive to stations farther from home for time savings, parking supply
- Value BART parking over street parking for safety, convenience, security
- Did not change BART usage in response to parking fee
- Find current fee reasonable

UC Berkeley Impact Analysis: West Oakland & MacArthur

Conclusions

- No evidence was found that the fees have altered how parkers access BART or frequency of use of BART
- The users studied are realizing benefits from parking at BART that outweigh the costs of new fees and other transportation alternatives, traffic congestion, etc.
- The fees imposed were reasonable, as indicated by the 100% lot occupancy and customer feedback

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Future Collection of Daily Parking Fees Issues

- More stations are meeting criteria
- Equipment availability to continue present payment method
- Desire for more convenient payment methods

Station Survey

Station	Spaces Station Parking	Available Total Permit Spaces	August 2006 Permits Sold	Station Spaces Percentage of Total	October 06 Monthly Parking Fee
West Oakland	441	110	111	25.2%	\$115.50
Orinda	1406	352	402	28.6%	\$84.00
Rockridge	871	218	235	27.0%	\$84.00
Lake Merritt	207	52	55	26.6%	\$84.00
Lafayette	1529	382	386	25.2%	\$84.00
MacArthur	611	153	154	25.2%	\$84.00
Dublin / Pleasanton	3031	758	725	23.9%	\$63.00
Walnut Creek	2089	522	389	18.6%	\$63.00
North Berkeley	821	205	133	16.2%	\$63.00
Ashby	600	150	73	12.2%	\$63.00
Union City	1199	300	269	22.4%	\$63.00
Fruitvale	871	218	193	22.2%	\$63.00
El Cerrito Plaza	753	188	140	18.6%	\$63.00
Fremont	2105	526	370	17.6%	\$63.00

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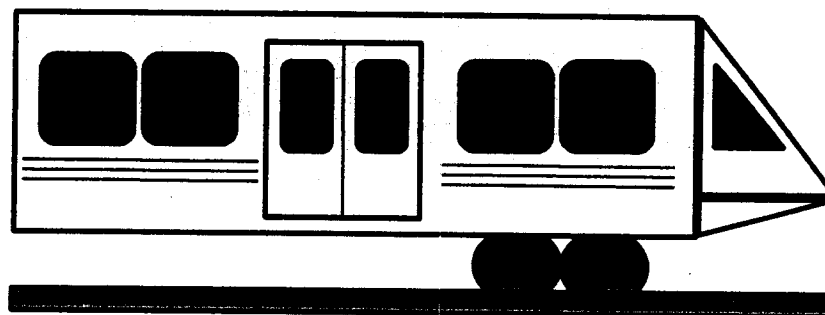
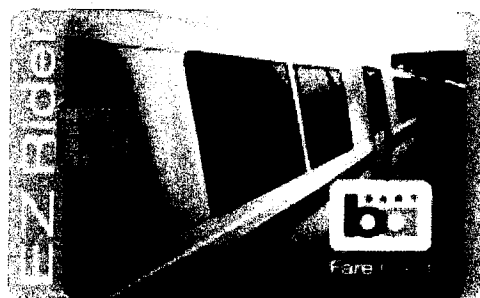
Proposed Next Steps

- Implement daily parking fees at Fruitvale Station (Spring 2007)
- Reallocate existing add/fare machines to Fremont and El Cerrito Plaza Stations and begin daily parking fee program (Summer 2007)
- Delay implementation of fees at Union City Station until completion of parking area renovations

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Proposed Long Term Solution

- Develop and implement parking component to BART Only Smart Card
- Transition BART Only Smart Card function to Translink card
- Relocate underutilized add/fare machines to future stations when they meet criteria for daily paid parking



SMARTCARD SOLUTIONS

January 2007



PARKING

|| Current Status

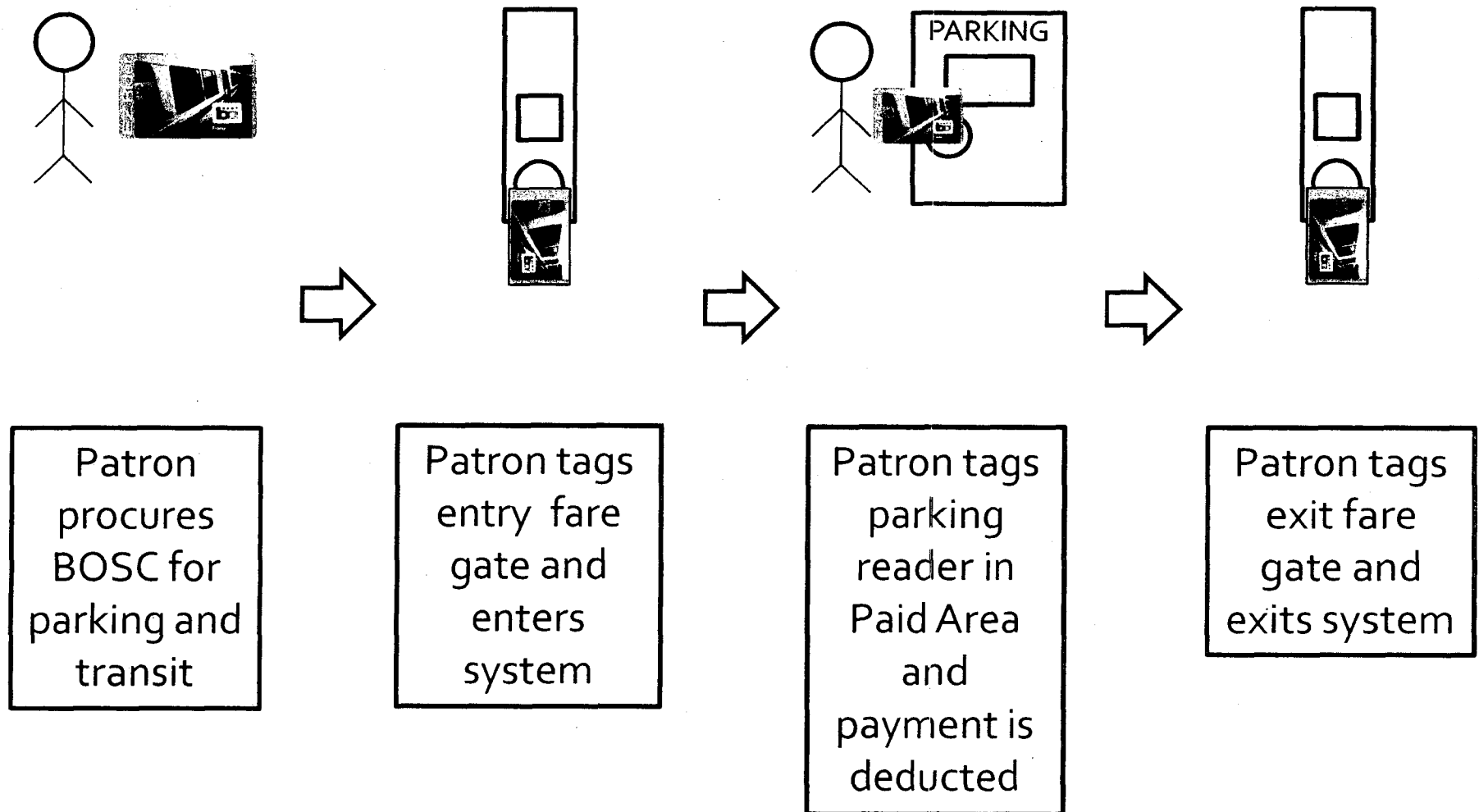
- At present, BART administers two flavors of parking at BART stations – free and paid
- Paid parking is divided into four categories:
 - Monthly reserved program
 - Airport long term program
 - Single day reserved program
 - Daily paid parking program
- Daily paid parking program requires patron to remember a stall number
- Adding a parking component to the BART Only Smart Card (BOSC) offers an opportunity to facilitate parking payment and satisfies a parking need expressed by the pilot users

|| How To Obtain A BOSC For Parking

A BART patron would:

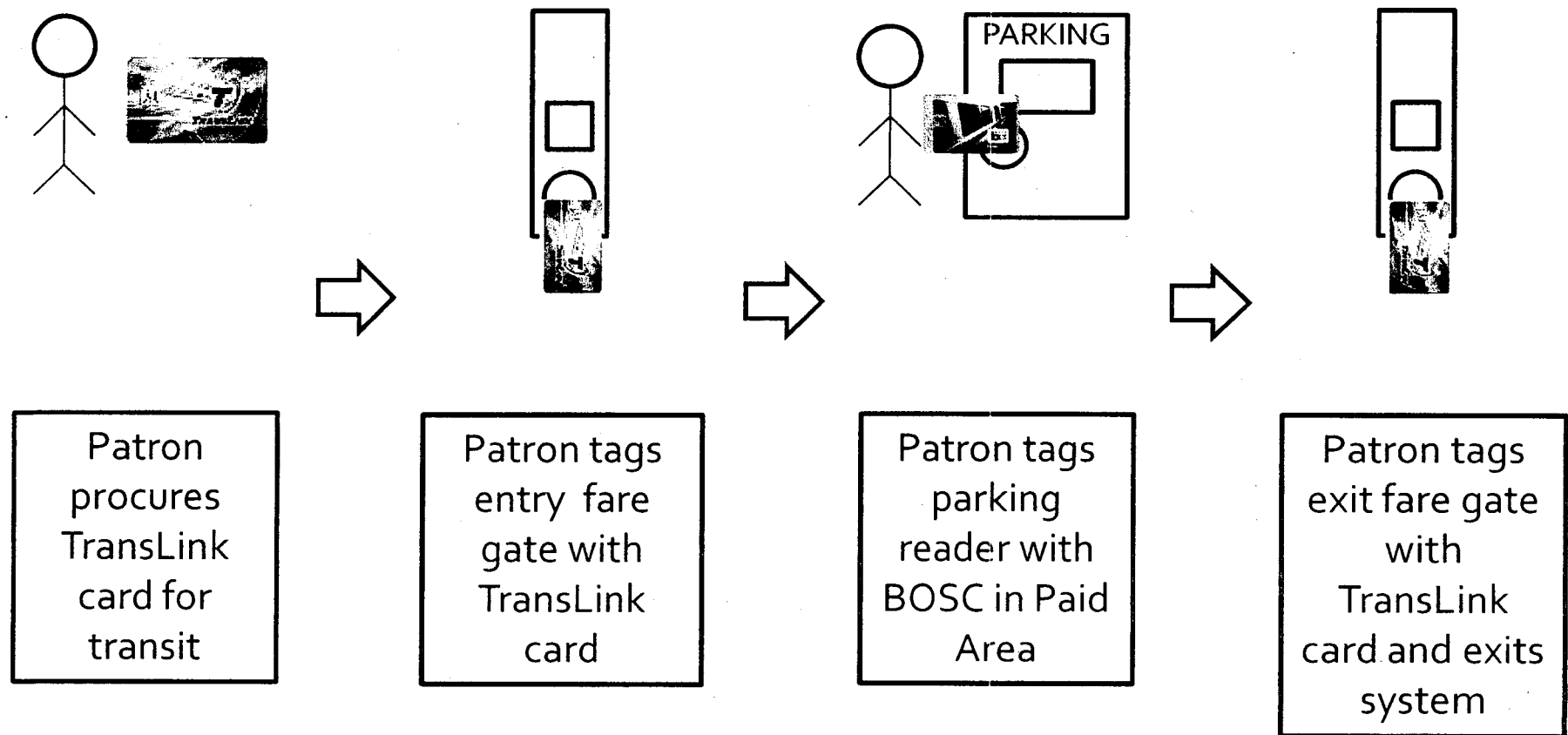
- Obtain application for BOSC from website
- Complete application for BOSC procurement and checks box that indicates parking need
- Submit application via website to BART Treasury for processing
- Receive BOSC and portable parking tag with unique identifier in mail

|| BOSC Parking



|| BOSC Transition To TransLink

- Two card solution when TransLink launches:
(TransLink will not have a parking application)



- One card solution in the future if TransLink develops a parking application

Next Steps

- Request program funding for FY08 capital budget
- Request Board approval in April 2007 to execute change order to Cubic for smart card reader procurement

SYSTEMWIDE

|| Looking Ahead

Parking is only one of many reasons for making a transition from magnetic stripe media to a smart card system

- Fare media security
- Customer security
- Simplified maintenance
- Improved system reliability
- More flexibility

All these factors mean better customer service!

What Will A Smart Card Only System Do For BART?

- Reduce revenue losses due to fraud, ticket demagnetization
- Reduce AFC equipment maintenance through eliminating magnetic ticket transport, resulting in better equipment reliability and performance
- Provide better convenience for elderly and disabled customers, who currently can only purchase their discount tickets through retail outlets
- Eliminate different ticket types, special products will be able to be encoded on smart cards
- Offer special products such as promotional discounts, special event offers, loyalty bonuses, etc.
- Eliminate ticket sales through retail outlets

Smart Card Basics

Permanent Smart Card

- Durable hard plastic "credit card" material
- Microprocessor chip on the card offers many functions, fare flexibility, and features
- Suitable for regular BART users, and discount customers
- Higher cost: \$3 to \$4 each

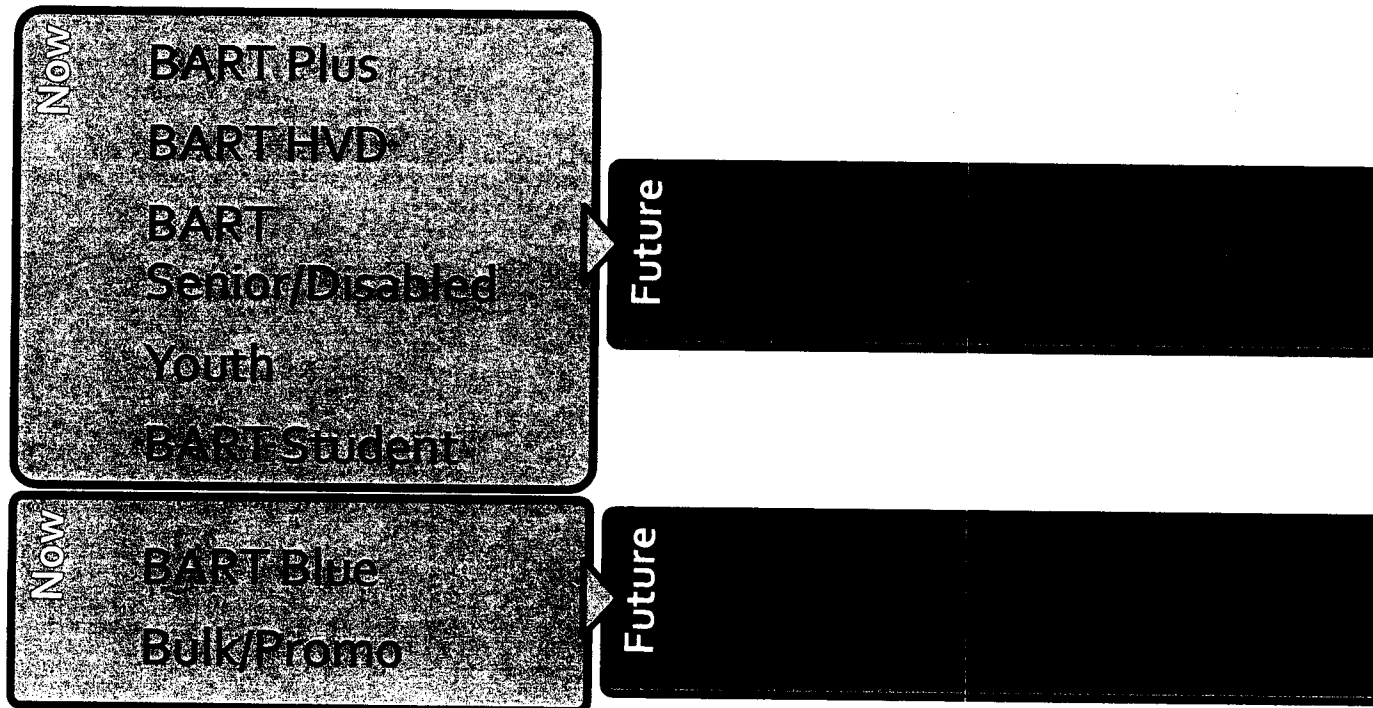
Limited Use Smart Card

- Thin flexible paper or plasticized material
- Memory chip on the card provides for simple single fare or basic store function only
- Suitable for occasional customers, single-use special fares, limited promotions, and low value purchases
- Lower cost: 25¢ to 40¢ each

These two types of smart cards can replace all of the magnetic ticket media currently used by BART

|| Reduce And Simplify

Transitioning to a smart card only system reduces and simplifies our fare media



|| What About TransLink?

- When launched, the TransLink system will encompass BART Blue, BART High Value Discount, Elderly, Disabled, and Youth ticket types on its permanent smart card medium, and will replace the BOSC currently being used for transit by BART customers
- TransLink has contemplated but not yet implemented:
 - Limited use (low value/short term) smart card application. Roughly 370,000 magnetic tickets are vended each week in TVMs system wide, at an average value of less than \$6.00 each
 - Promotions, special events, loyalty bonuses, etc.
 - Parking validation/payment applications for BART, though this could be implemented in the future

It's a benefit to BART and its customers to replace magnetic tickets and transition to a limited use smart card to supplement the TransLink implementation

Next Steps

- Develop technical transition requirements
- Evaluate costs and benefits
- Establish funding requirements and request initial program funding from FY08 capital budget
- Request Board approval in April 2007 to execute change order to Cubic to commence smart card transition preliminary development

Quarterly Service Performance Review
Second Quarter FY07
October - December, 2006
Engineering & Operations Committee
February 8, 2007

PERFORMANCE INDICATORS	SUMMARY CHART - 2nd QUARTER FY 2007									
	CURRENT QUARTER				PRIOR QTR ACTUALS		YEAR TO DATE			
	ACTUAL	STANDARD	STATUS		LAST QUARTER	THIS QTR LAST YEAR	ACTUAL	STANDARD	STATUS	
Average Ridership - Weekday	336,191	331,645	MET		338,897	322,218	337,577	331,732	MET	
Customers on Time										
Peak	94.13%	94.00%	MET		95.01%	92.03%	94.57%	94.00%	MET	
Daily	95.32%	94.00%	MET		95.48%	94.57%	95.40%	94.00%	MET	
Trains on Time										
Peak	91.14%	N/A	N/A		91.07%	90.04%	91.10%	N/A	N/A	
Daily	92.06%	95.00%	NOT MET		92.21%	91.67%	92.14%	95.0%	NOT MET	
Peak Period Transbay Car Throughput										
AM Peak	99.02%	97.50%	MET		99.30%	99.57%	99.16%	97.50%	MET	
PM Peak	99.08%	97.50%	MET		98.99%	99.30%	99.03%	97.50%	MET	
Car Availability at 4 AM (0400)	572	559	MET		571	579	572	559	MET	
Mean Time Between Failures	2,647	2,150	MET		3,331	2,358	2,989	2,150	MET	
Elevators in Service										
Station	98.80%	98.00%	MET		99.00%	99.30%	98.90%	98.00%	MET	
Garage	98.03%	98.00%	MET		98.30%	98.87%	98.17%	98.00%	MET	
Escalators in Service										
Street	96.20%	97.00%	NOT MET		96.40%	97.80%	96.30%	97.00%	NOT MET	
Platform	98.50%	97.00%	MET		98.23%	97.20%	98.37%	97.00%	MET	
Automatic Fare Collection										
Gates	98.67%	97.00%	MET		99.07%	99.17%	98.87%	97.00%	MET	
Vendors	95.27%	93.00%	MET		95.37%	95.65%	95.32%	93.00%	MET	
Environment Outside Stations	4.77	4.43	MET		4.87	4.80	4.82	4.43	MET	
Environment Inside Stations	5.90	5.52	MET		5.90	5.78	5.90	5.52	MET	
Station Vandalism	5.80	5.70	MET		5.80	5.75	5.80	5.70	MET	
Station Service Personnel	96.33%	90.67%	MET		96.33%	93.67%	96.33%	90.67%	MET	
Train P.A. Announcements	83.33%	87.33%	NOT MET		84.67%	84.67%	84.00%	87.33%	NOT MET	
Train Vandalism	7.00	6.90	MET		7.00	7.00	7.00	6.90	MET	
Train Cleanliness	5.90	6.30	NOT MET		6.00	5.70	5.95	6.30	NOT MET	
Customer Complaints										
Complaints per 100,000 Passenger Trips	3.92	5.07	MET		4.00	4.93	3.96	5.07	MET	
Current DBE Contract Performance	29.13%	22.99%	MET		28.68%	28.71%	28.90%	22.88%	MET	
Safety										
Station Incidents/Million Patrons	4.70	8.75	MET		4.18	4.71	4.44	8.75	MET	
Vehicle Incidents/Million Patrons	0.99	3.00	MET		0.63	0.95	0.81	3.00	MET	
Lost Time Injuries/Illnesses/Per OSHA	4.31	9.60	MET		5.70	3.39	5.01	9.60	MET	
OSHA Recordable Injuries/Per OSHA	12.21	13.30	MET		13.07	10.47	12.64	13.30	MET	
Unscheduled Door Openings/Million Car Miles	0.000	0.300	MET		0.122	0.195	0.061	0.300	MET	
Rule Violations Summary/Million Car Miles	0.312	0.750	MET		0.183	0.584	0.248	0.750	MET	
Police										
BART Police Presence	7.67%	13.67%	NOT MET		9.00%	9.00%	8.33%	13.67%	NOT MET	
Quality of Life per million riders	27.62	N/A	N/A		29.05	60.37	28.33	N/A	N/A	
Crimes Against Persons per million riders	1.95	2.00	MET		1.95	2.19	1.95	2.00	MET	
Auto Theft and Burglaries per 1,000 parking spaces	9.35	8.00	NOT MET		9.58	10.22	9.46	8.00	NOT MET	
Police Response Time per Emergency Incident (Minutes)	4.03	4.00	NOT MET		3.90	4.40	3.97	4.00	MET	

LEGEND: Appropriate Trend

Watch the Trend

Negative Trend

FY07 Second Quarter Overview...

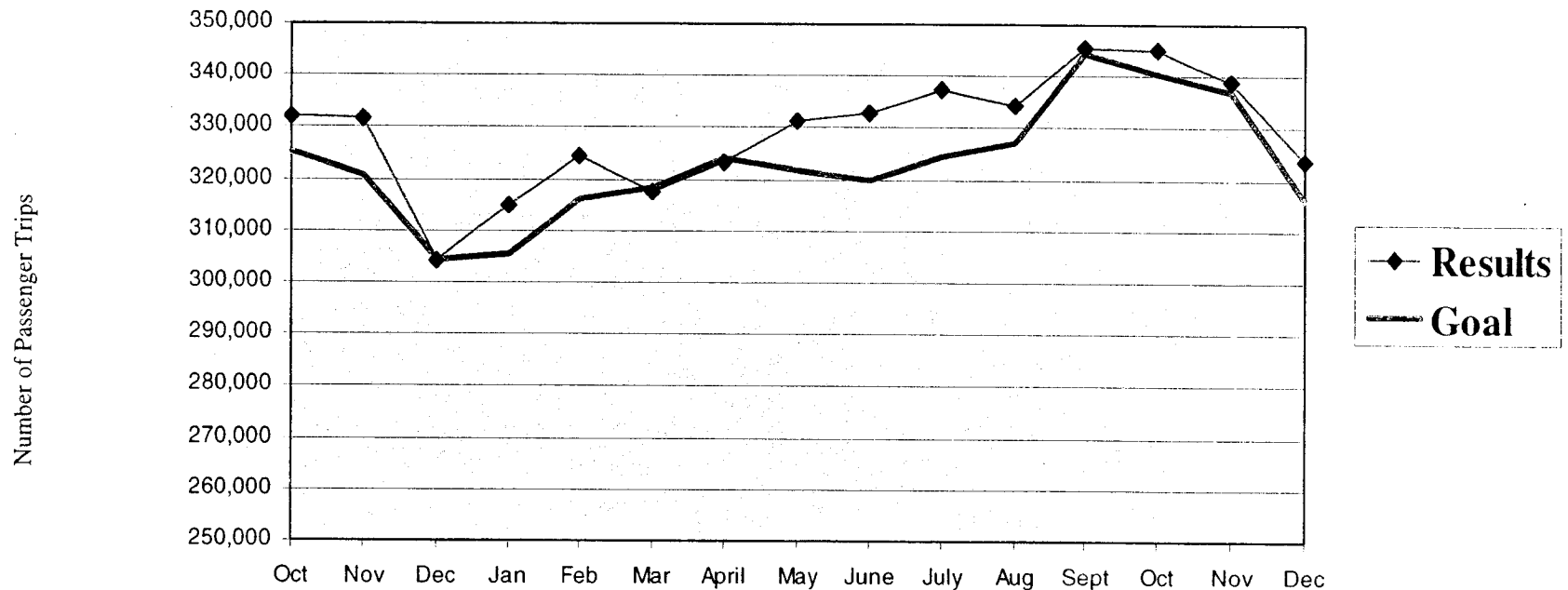
- ✓ Both average weekday and weekend ridership up 4.3% from same quarter last year
- ✓ Customer on-time service above goal; train on-time service below goal
- ✓ Car reliability and all availability indicators above goal, except for street escalators
- ✓ Passenger Environment Survey indicators at or above goal except for train cleanliness and train announcements
- ✓ Customer complaints declined by 3.7% from last quarter and 13.4% from same quarter last year



SERVICE : How are we doing?



Customer Ridership



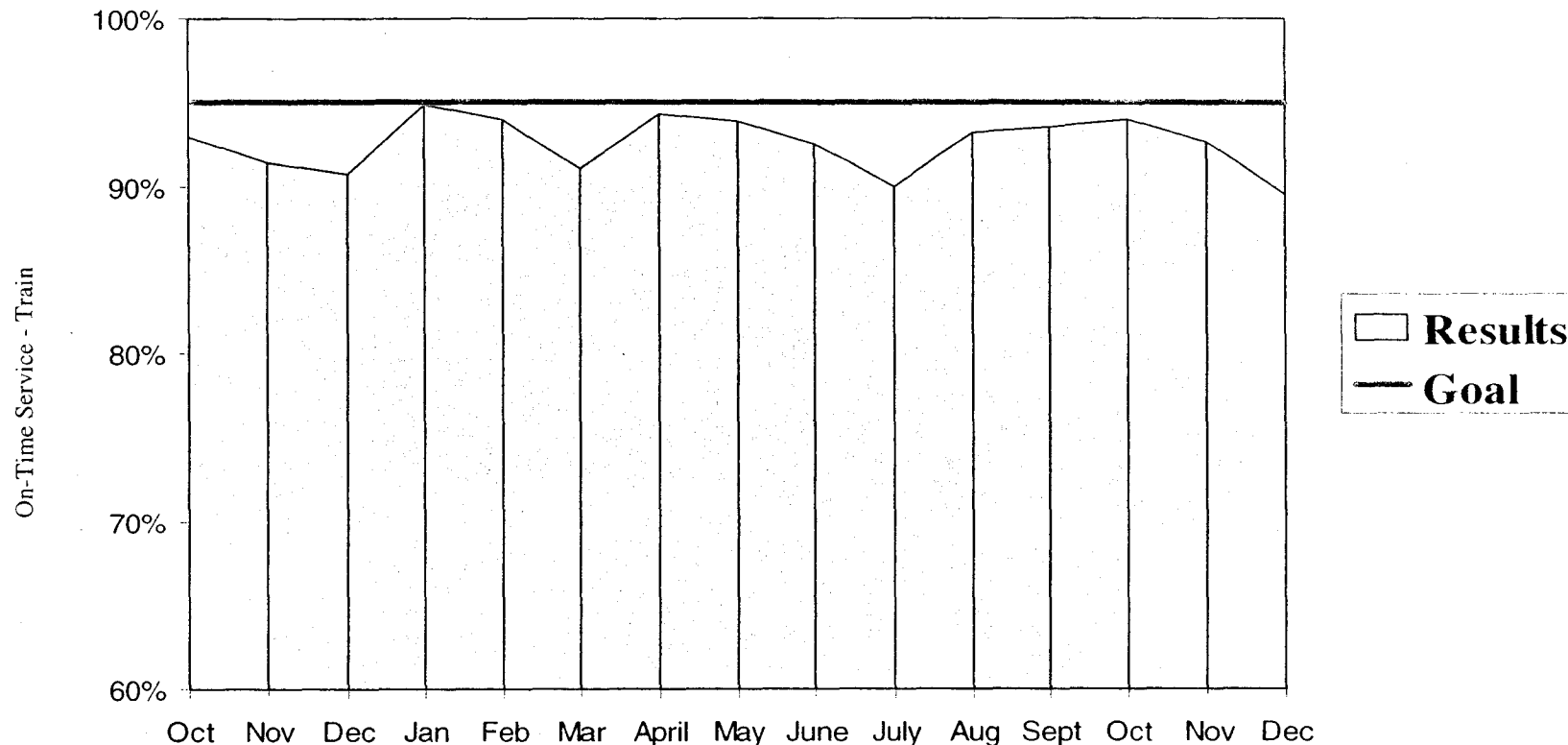
- ✓ Total ridership 1.1% above budget and 3.8% over same quarter last year
- ✓ Average weekday ridership up 4.3% over same quarter last year; core weekday ridership up by 4.4% and SFOX weekday ridership up by 3.8%
- ✓ Average Saturday and Sunday ridership increased 5.4% and 2.8%, respectively, from same quarter last year



SERVICE : How are we doing?



On-Time Service - Train



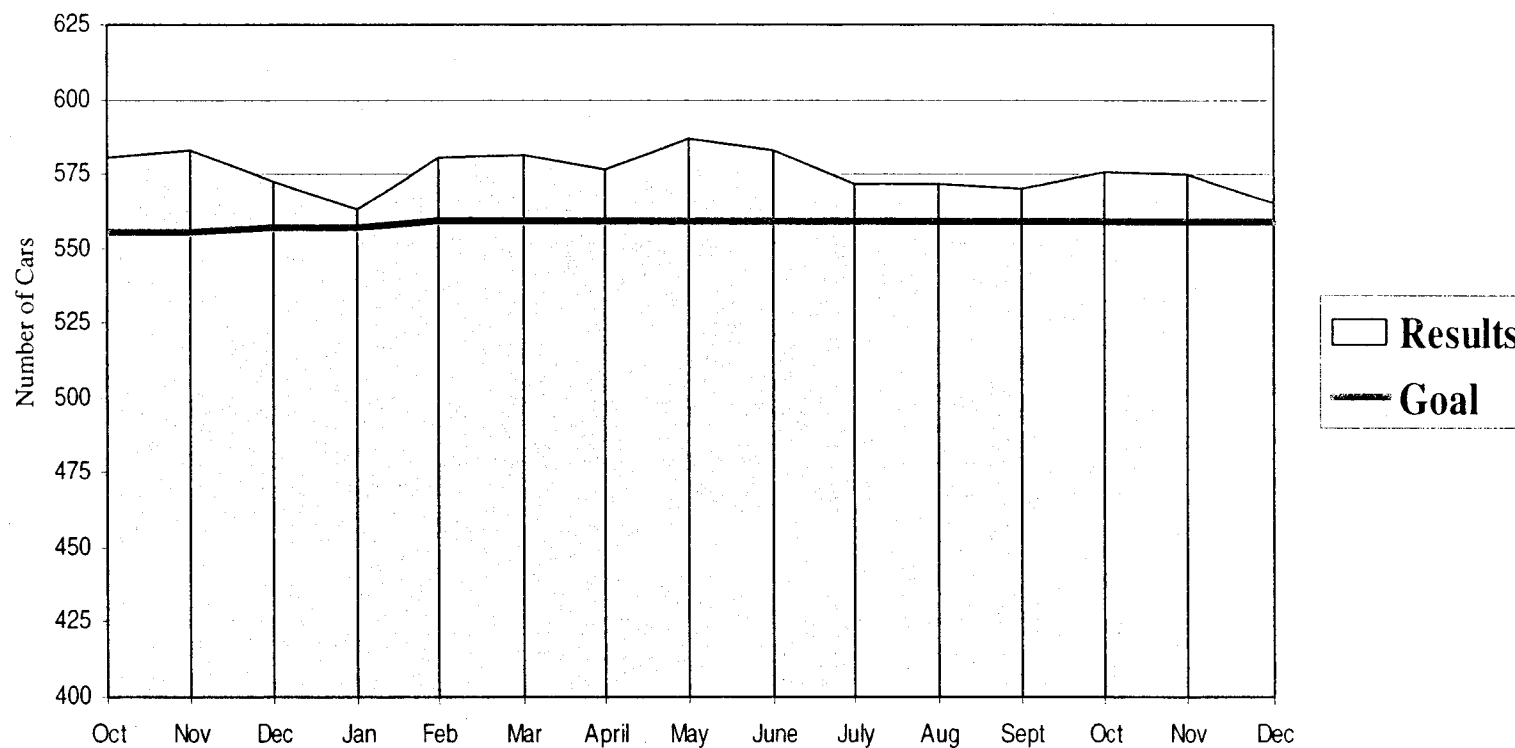
- ✓ Performance below goal, but slight improvement over last year
- ✓ Over 40% of the quarters' late trains were classified as being caused by "Miscellaneous"
- ✓ 33.9% and 16.7% of the quarters' late trains were attributed to Wayside and Vehicle causes, respectively



SERVICE : How are we doing?



Car Equipment - Availability @ 0400 hours



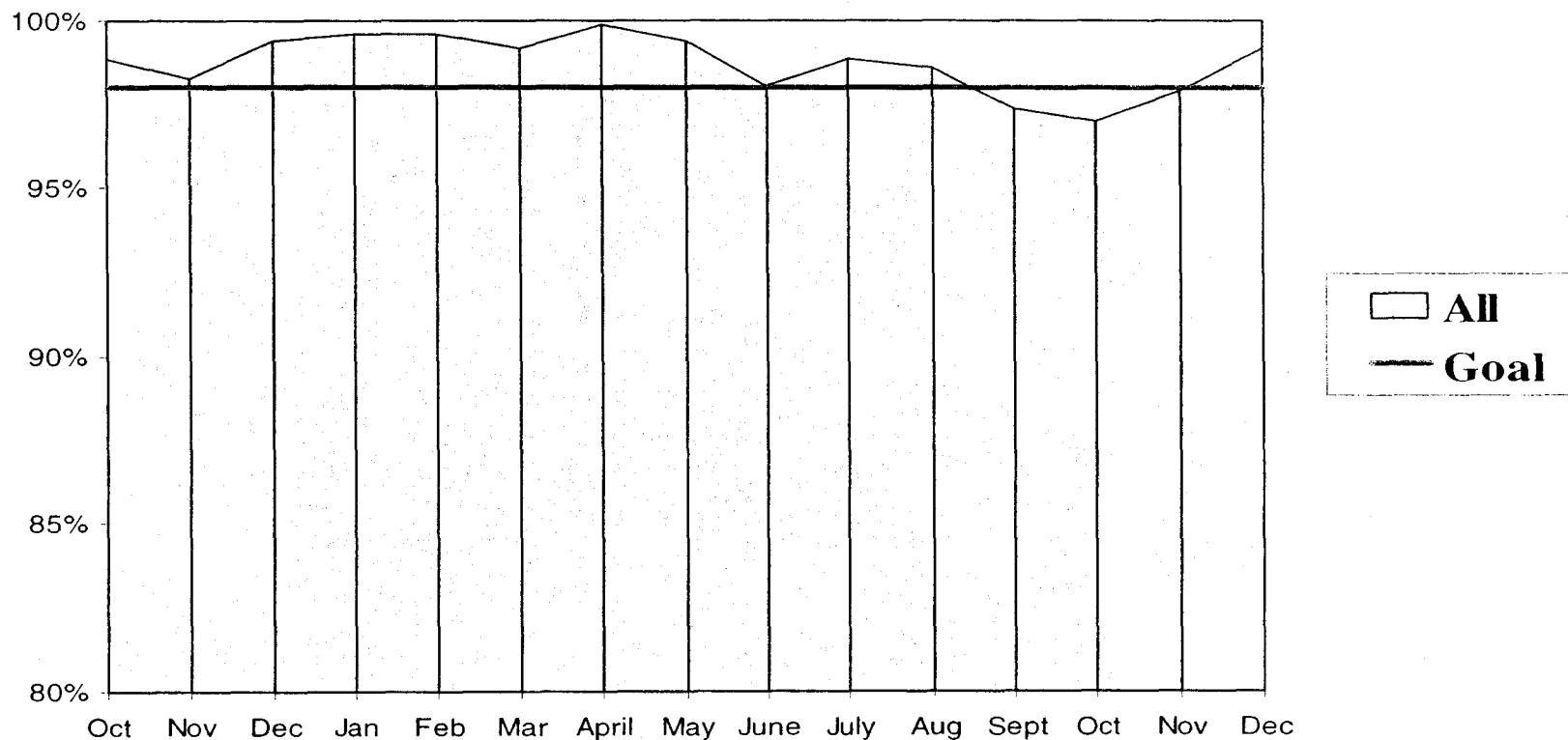
✓ Availability remains above goal



SERVICE : How are we doing?



Elevator Availability - Garage



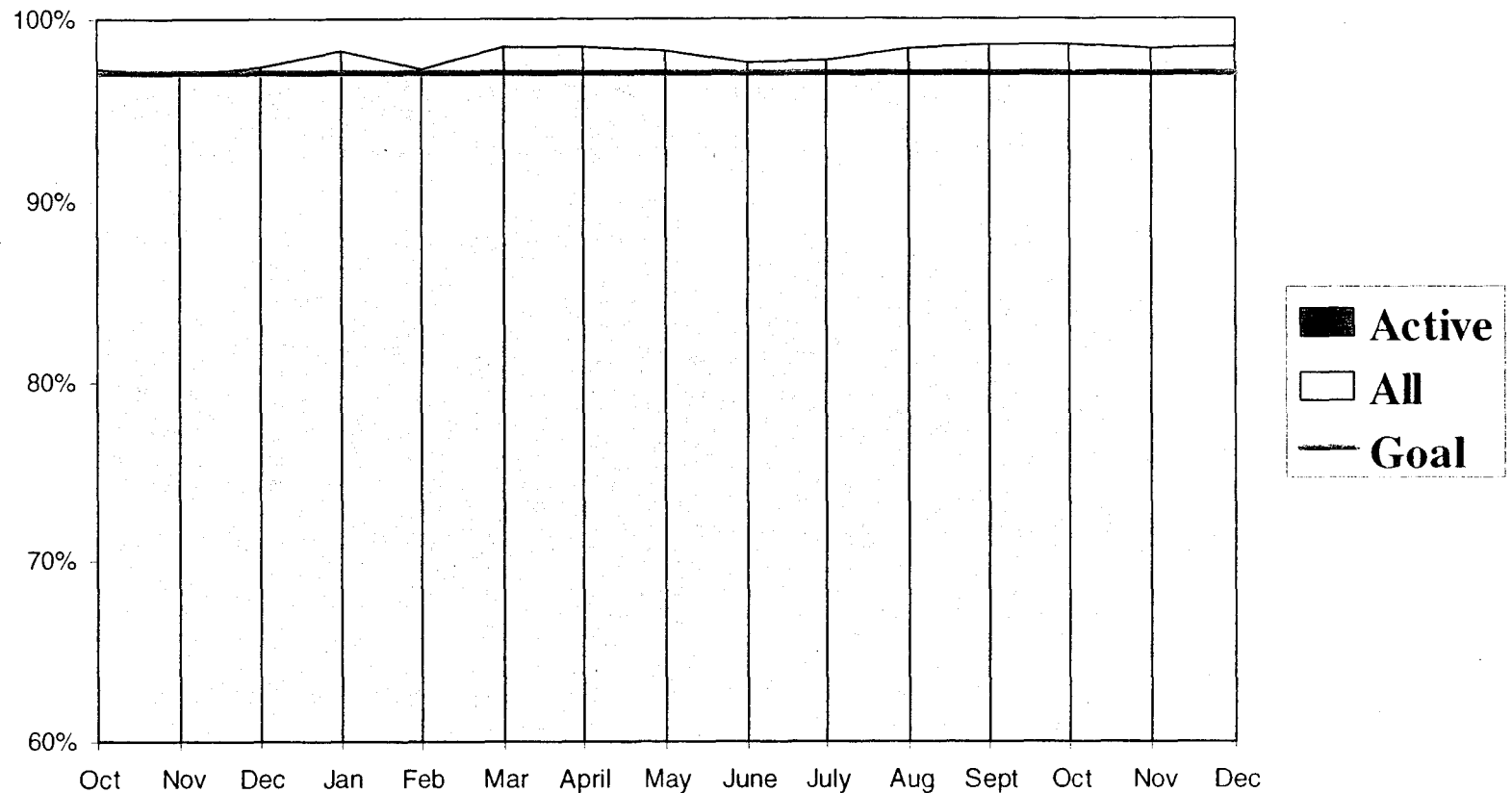
- ✓ Goal met
- ✓ Intermittent controller and mother board chip problems at Pleasant Hill impacted results



SERVICE : How are we doing?



Escalator Availability - Platform

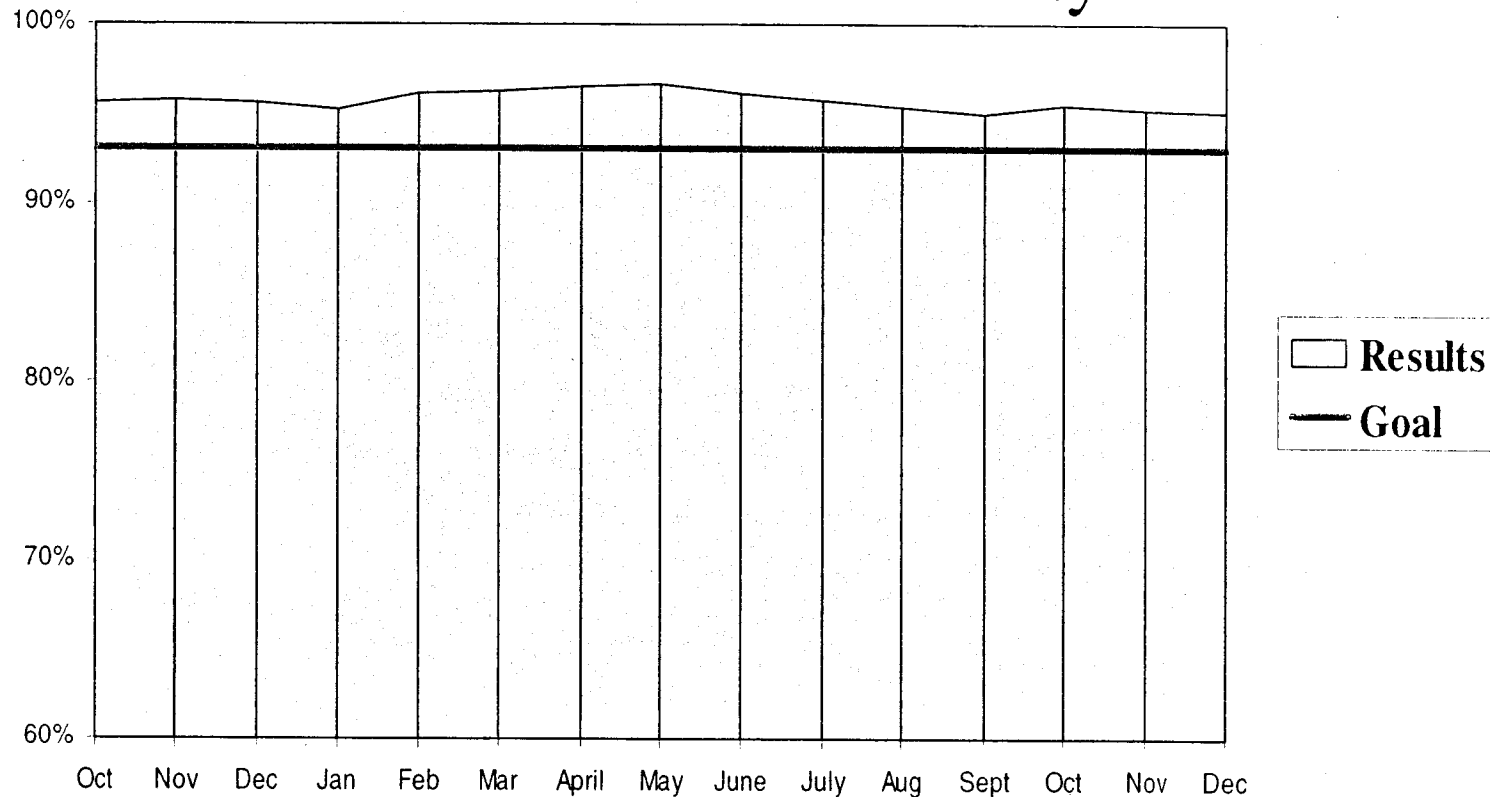


- ✓ Continued above goal and improved performance
- ✓ Field splice failed causing delays in replacing North Concord handrail



SERVICE : How are we doing?

AFC Vendor Availability



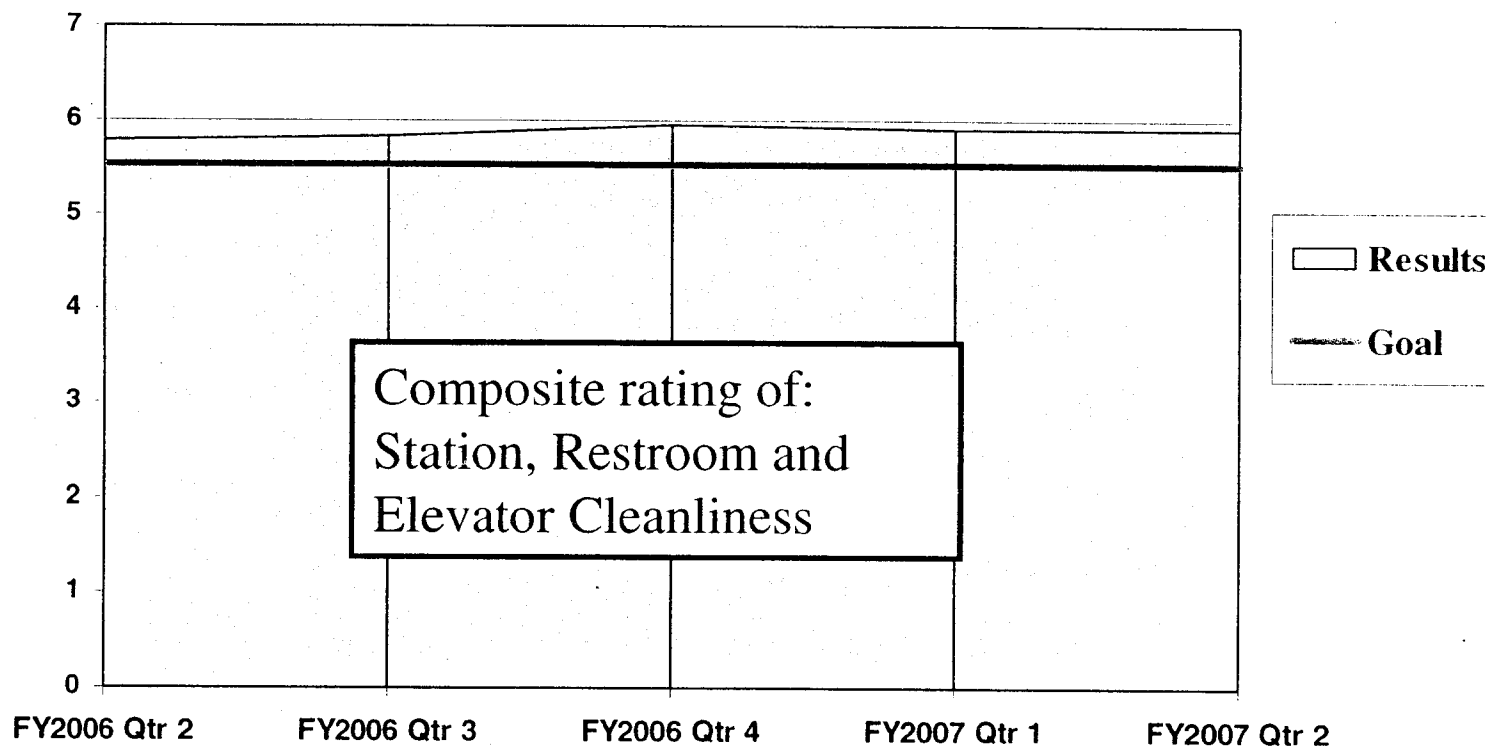
- ✓ Steady, above goal performance
- ✓ Performance for Add Fare/Parking machines above goal
- ✓ PM completion 100%, aided by transaction based maintenance
- ✓ Continued work with Cubic on replacement of "End of Lifetime" parts
- ✓ Component level upgrades continuing



SERVICE : How are we doing?



Environment - Inside Station



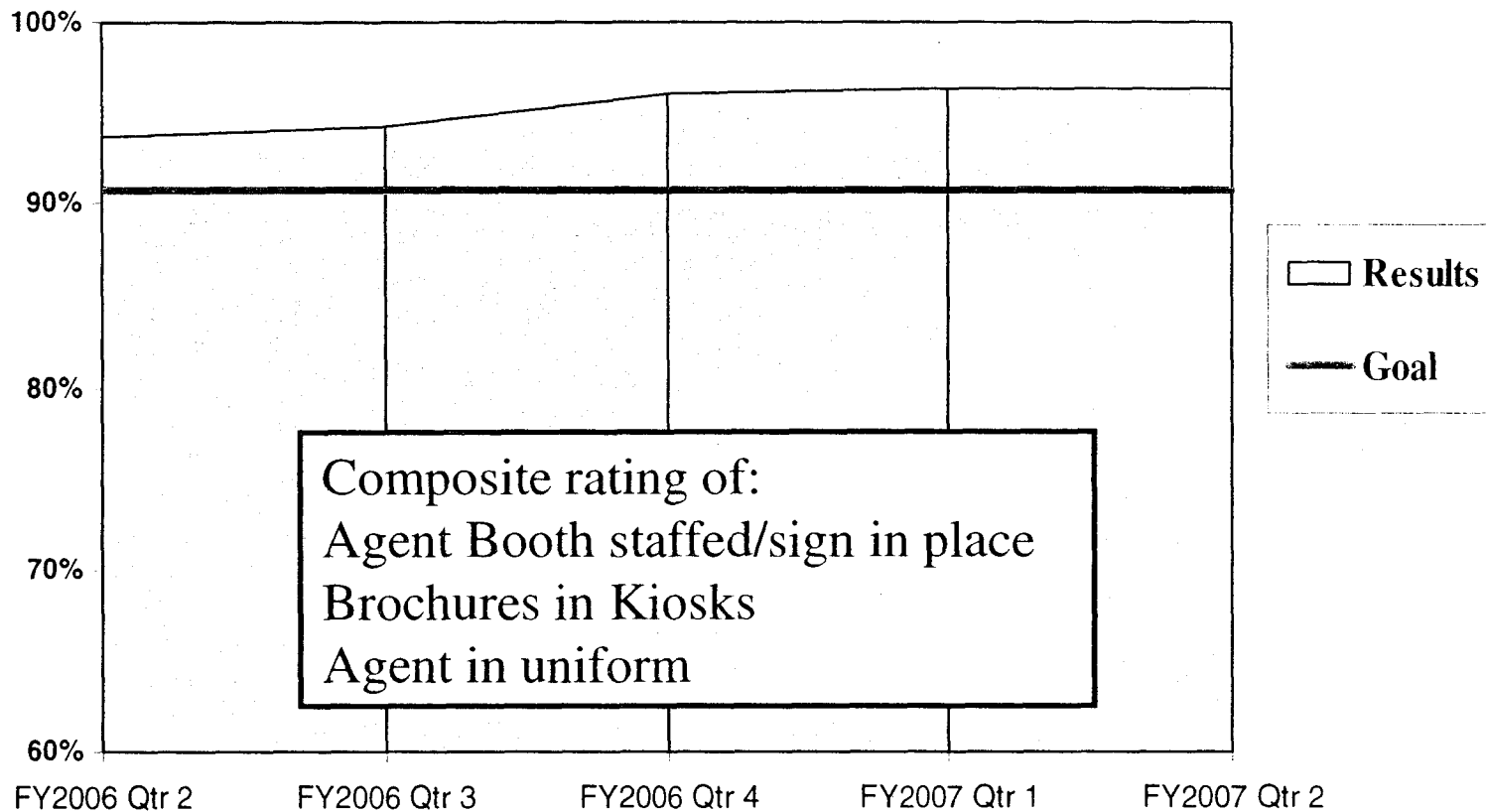
- ✓ Continued above goal performance
- ✓ All three components of the rating were above goal



SERVICE : How are we doing?

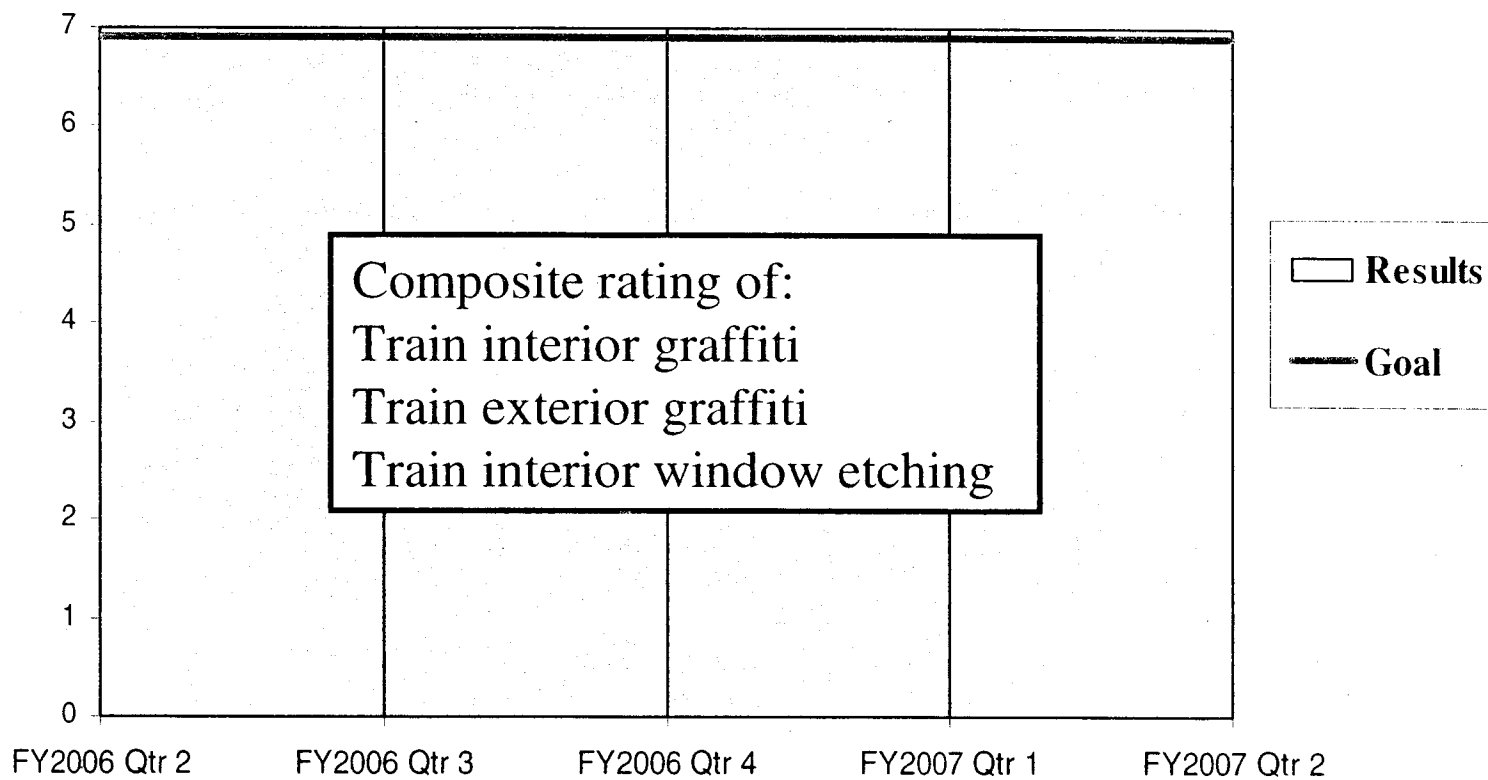


Station Service Personnel



- ✓ Continued above goal performance for all three indicators
- ✓ Composite all time record level achieved last quarter repeated this quarter

Train Vandalism



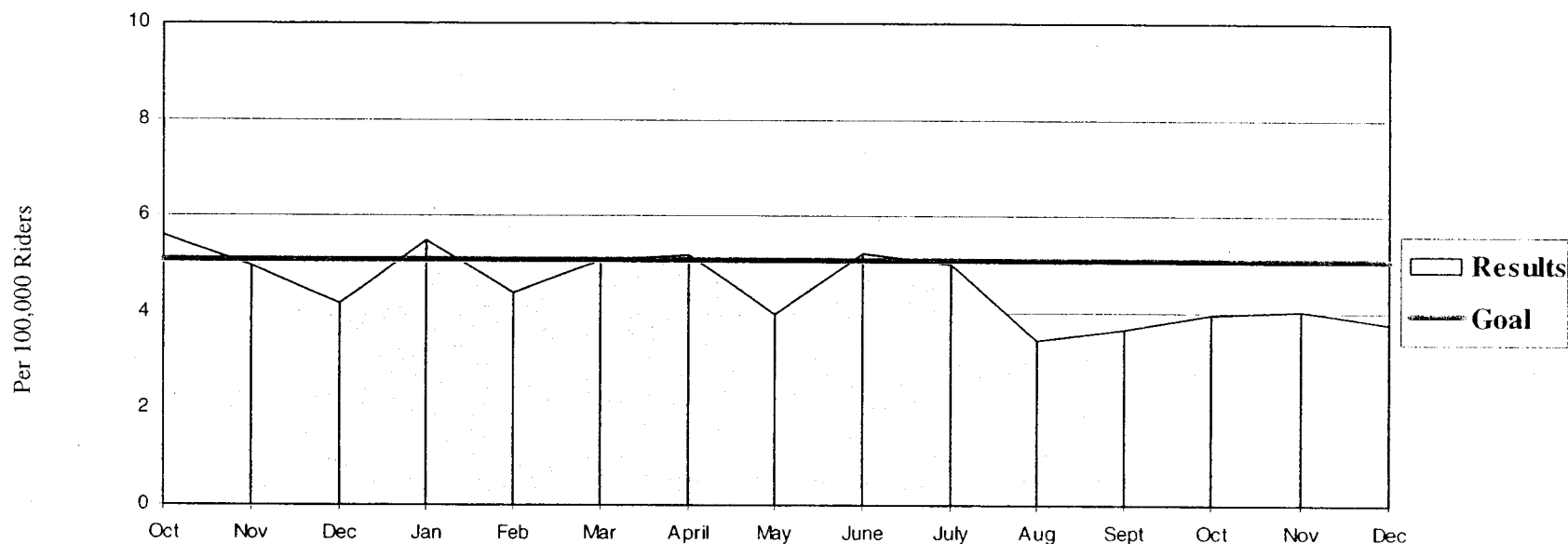
✓ Goal met, continued 7.0 rating



SERVICE : How are we doing?



Customer Complaints

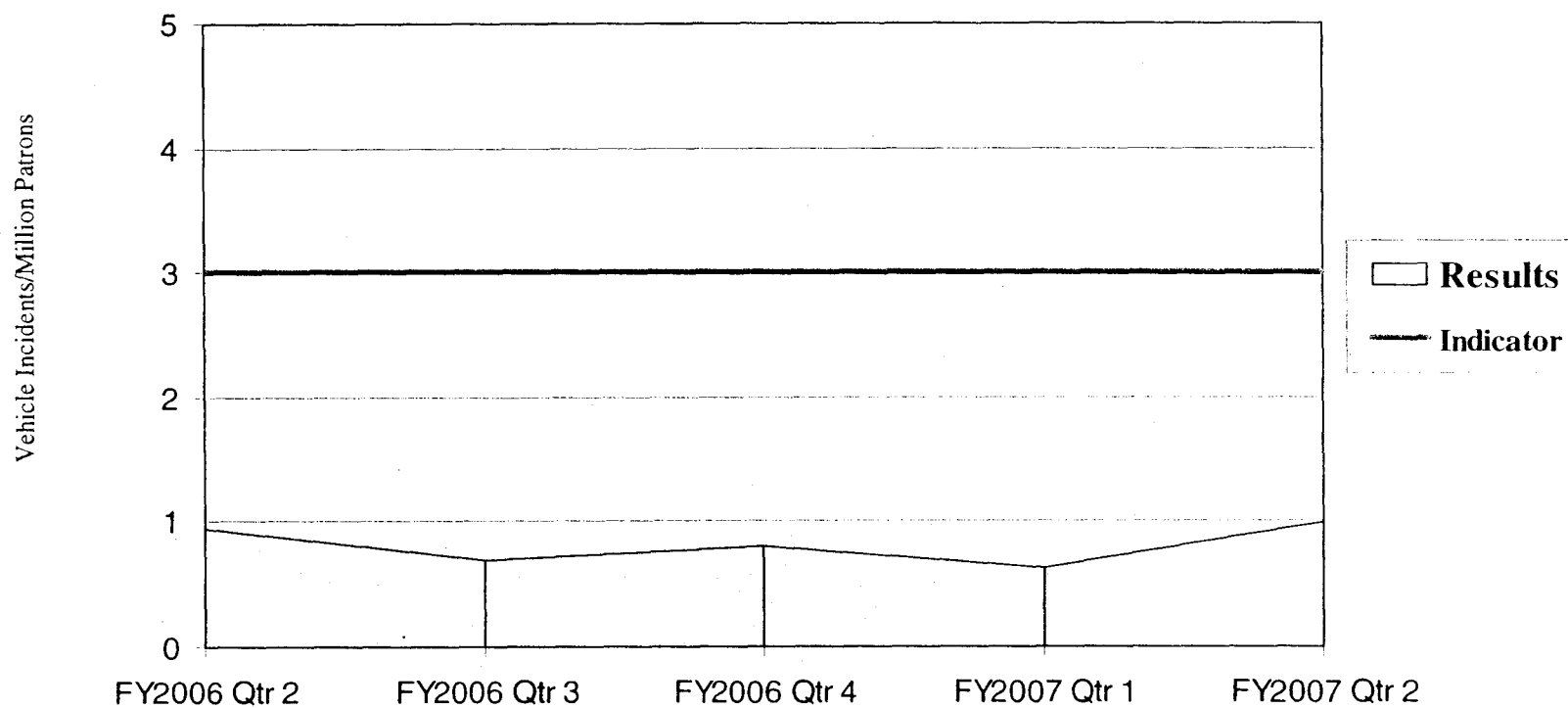


- ✓ Total complaints decreased 3.7% from last quarter and 13.4% from same quarter last year
- ✓ In the five major categories, complaints increased for AFC, M&E, and Service, while complaints decreased for Parking and Personnel issues
- ✓ In the five main categories, complaints dropped 14% and 31% from last quarter and the same quarter last year, respectively



Patron Safety

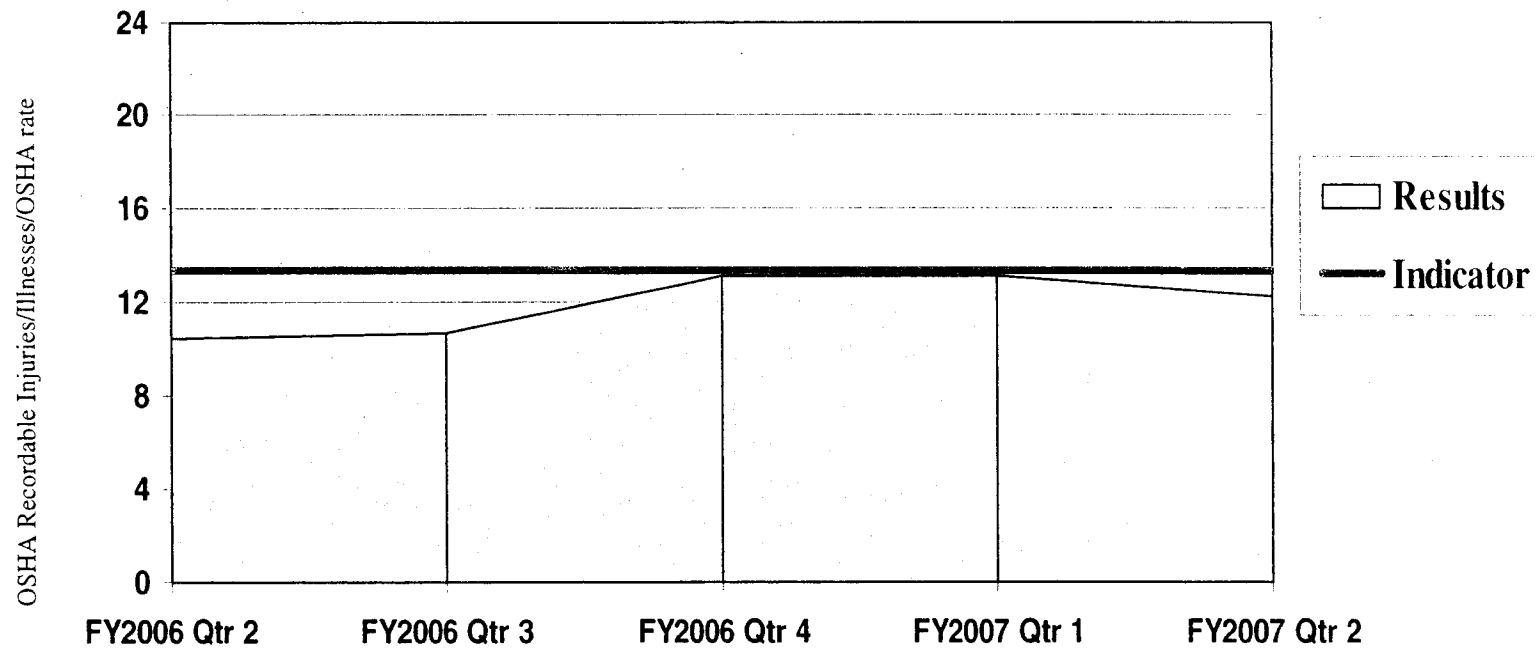
Vehicle Incidents per Million Patrons



✓ Up



Employee Safety: OSHA-Recordable Injuries/Illnesses per OSHA Incidence Rate

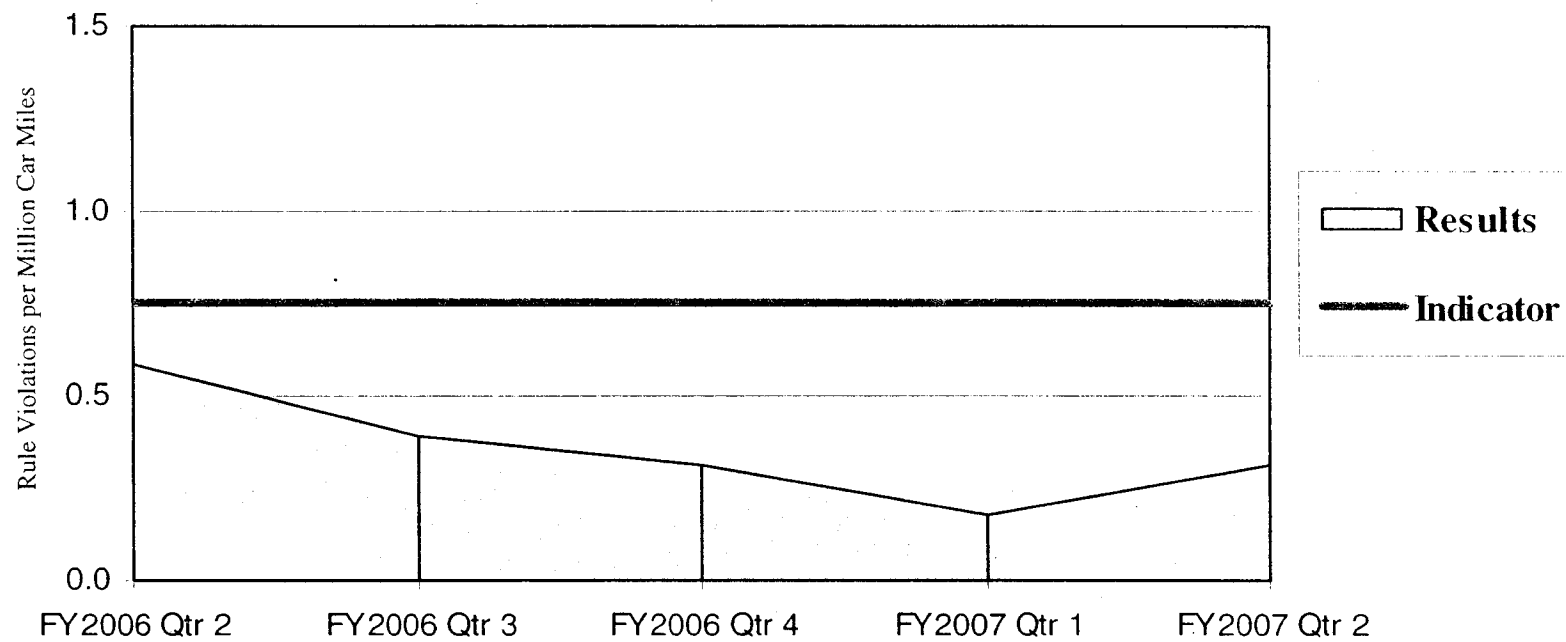


✓ Down

*Note: Rates for FY2006 Quarter 4 and FY2007 Quarter 1 were estimated



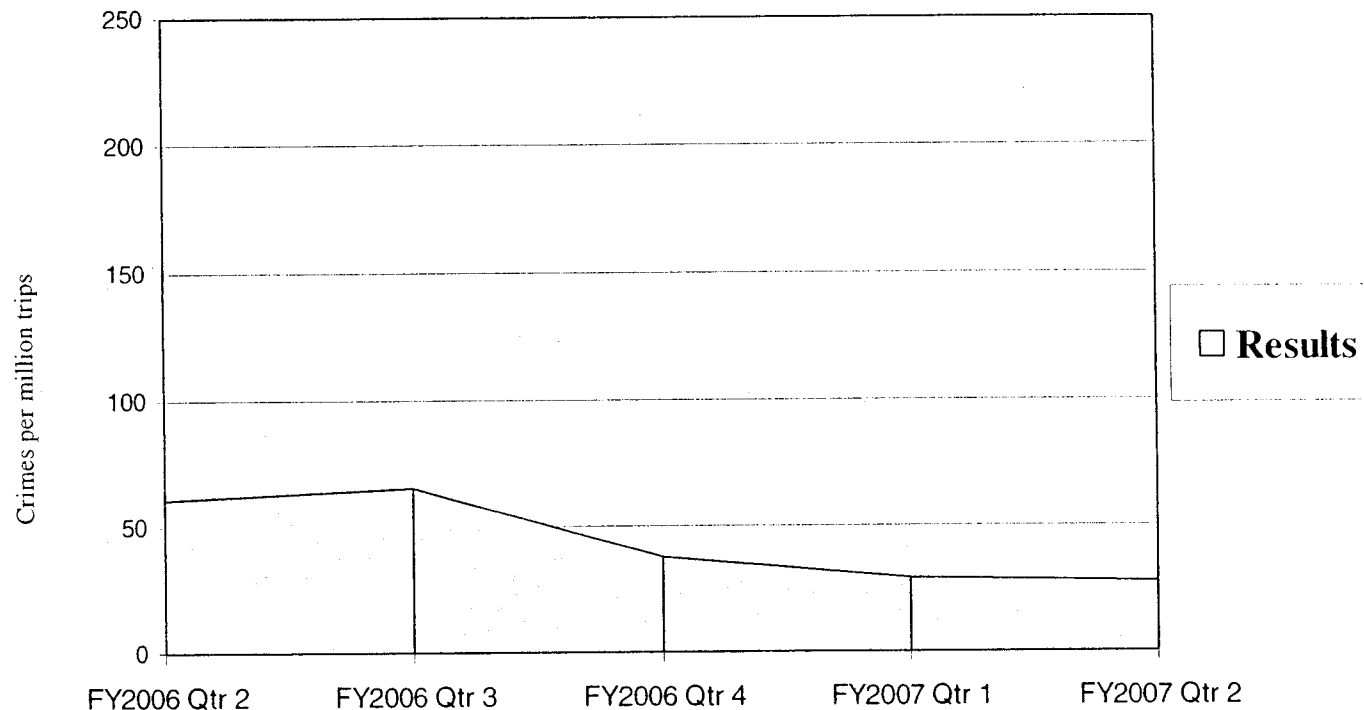
Operating Safety: Rule Violations per Million Car Miles



✓ Slightly up



Quality of Life*

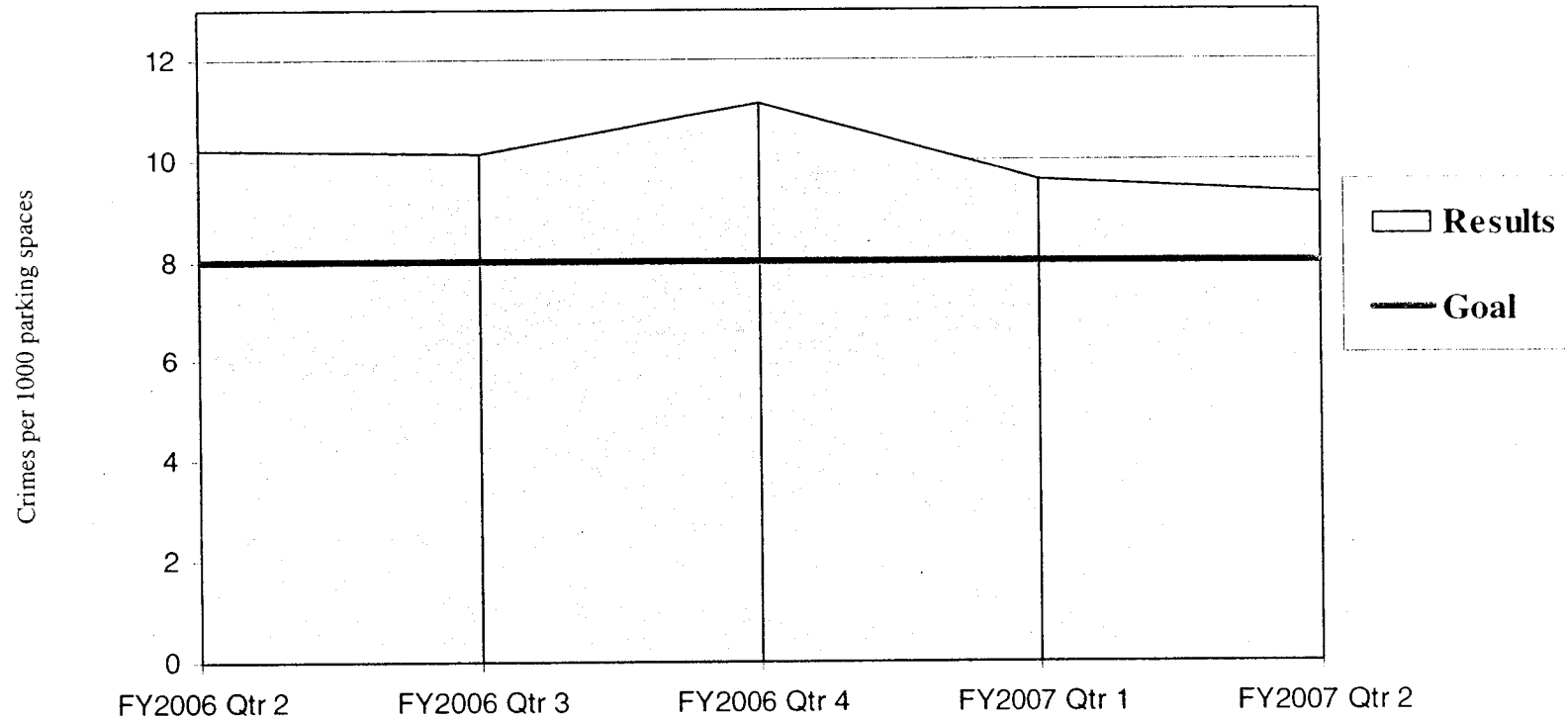


- ✓ Statistics may differ from past reports because they are handled differently in the new system. Regardless of whether the violator was cited, warned, or contacted, the old system counted every quality of life violation report (fare evasion, eat/drink/smoking etc.) as an arrest. Therefore, the numbers for total arrests would look to be lower.
- ✓ The rate of quality of life arrests per million trips decreased 4.93% from the previous quarter and decreased 54.26% from the corresponding quarter of the prior fiscal year.

*Quality of Life Violations include: Disturbing the Peace, Vagrancy, Public Urination, Fare Evasion, Loud Music/Radios, Smoking, Eating/Drinking and Expectoration



Auto Theft and Burglary





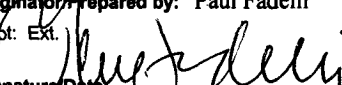


- ✓ The rate of crimes per thousand parking spaces decreased 2.44% from the previous quarter and decreased 8.52% from the corresponding quarter of the prior fiscal year.

**PLANNING,
PUBLIC AFFAIRS,
ACCESS, AND
LEGISLATION
COMMITTEE
MATERIAL**



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: 2/2/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli	General Counsel  1/31/07	Controller/Treasurer  1/31/07	District Secretary	BARC  1/31/07
Dept: Ext.	Signature: 			
Signature Date:				

NARRATIVE:

Proposed 2007 State and Federal Legislative Advocacy Program

PURPOSE: To review and approve the District's proposed state and federal Legislative Advocacy Program.

DISCUSSION: After reviewing BART goals and needs and the changing political environment in Sacramento and Washington, DC staff outlines the following objectives for the year ahead.

The following is the proposed state Legislative Advocacy Program for BART:

- **Monitor and respond to BART needs involving the state/legislative processes to implement Infrastructure Bonds (primarily Propositions 1B and 1C).** This opportune time could result in new sources of funding for a variety of BART programs/projects and will involve continual monitoring of state and legislative processes, timelines, deadlines and advocacy with key decision makers. In addition, working to craft supportive trailer and budget legislation to implement bond funding – as needed – will be important to guarantee adequate funding for BART. It will be important to identify clear BART priorities for these new revenue sources to assist staff, Board members and state advocates in pursuing funding goals in Sacramento.
- **Advance BART funding needs through CTA legislative goals.** Also important to securing additional funding opportunities for BART will be working in the new session with other transit agencies to achieve the legislative priorities outlined by the California Transit Association (CTA) in the State Capitol.
These legislative efforts include:
 - Protecting established transit funding (State Transit Assistance [STA], etc.) in state budget. The recent budget proposed significant cuts to programs that support BART.
 - Devising a risk-based formula to secure transit security funding from Proposition 1B.
 - Developing the best approach to secure a reliable source of transit funding from the state's "spillover" account.
 - Changing Proposition 42 Public Transit Account funding to favor STA projects.

EDD: Proposed 2007 State and Federal Legislative Advocacy Program

- **Respond to BART-specific state issues**

This should include:

- Securing a technical amendment for recently enacted BART procurement legislation to delete the federal indexing of limits. (SB 1687).
- Supporting efforts that may enhance Transit Oriented Development.
- Supporting legislation to enhance local transit revenue sources (i.e. vehicle license fees).
- Transferring “Steele Ranch” property from BART ownership to the State Park system.
- Memorializing BART's significant legislative (50th) and service (35th) anniversaries in 2007.

The following is the proposed **federal** Legislative Advocacy Program for BART:

- **Pursue new long-term funding for BART’s seismic retrofit efforts.** This may include working to pass authorization, budgetary or appropriations legislation to further this goal in the new Congress.
- **Seek new increased funding sources for transit security needs.** This effort may include working with new Congressional leadership to support grants and appropriations that can respond to open transit systems most at risk of terrorist attacks.
- **Respond to BART- specific federal issues.**

This should include:

- Participating in the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) reauthorization process in ways that would shore up BART's core capacity.
- Pursuing greater funding through Homeland Security programs.
- Working to resolve tax issues such as Sale In/Lease Out (SILO) or LeaseIn/LeaseOut (LILO) that could detrimentally impact BART.
- Securing final appropriation for BART to SFO.

FISCAL IMPACT:

N/A. See Attachment.

ALTERNATIVE:

Decline to adopt the proposed legislative program or make changes/additions as appropriate.

RECOMMENDATION:

That the Board approves the following two motions:

EDD: Proposed 2007 State and Federal Legislative Advocacy Program

MOTION:

1). The Board approves the following basic components of a **state** legislative program to:

- Monitor and respond to the state and legislative processes involving the implementation of funds from the recently passed Infrastructure Bonds.
- Advance BART/CTA legislative goals, which include responding to transit cuts included in '07-'08 budget.
- Respond to specific BART state issues in on-going legislative and Administration proceedings.

2). The Board also approves the following basic components of a **federal** legislative program to:

- Pursue new long-term funding for transit seismic retrofit efforts.
- Secure final appropriation for BART to SFO.
- Seek new sources for transit security funding.
- Respond to BART-specific federal issues in on-going legislative and Administration proceedings.

I. BART State Program -- Infrastructure Bonds and State Budget are the Primary Focus

Last year's general election resulted in a major shift of power that will obviously impact most government actions at the state and federal levels. While the national election resulted in a dramatic shift from Republican to Democrats on Capitol Hill – the results in Sacramento were more subtle -- but no less significant.

The State Legislature remained Democratic. In winning a landslide on election night, Arnold Schwarzenegger brought Republicans the only bit of good news in the nation with a statehouse victory in the most populous state. Many read the results as vindicating those less extreme, middle-leaning politicians who herald the need for greater bipartisanship among elected officials.

On December 4, 2006 the California Legislature began its '07 session and Governor Schwarzenegger and other California elected officials fully embraced the need to work together in a more bipartisan fashion. As the session began, one of the achievements that was referred to repeatedly was how both parties had worked together on behalf of citizens to support efforts to reinvest in the state's aging infrastructure. The passage of the Infrastructure Bonds legislation -- and the subsequent approval of the propositions by state voters -- were acknowledged as bipartisan accomplishments worthy of repeating in the new Legislative session. Implementation of the bond funding, however, and responding to the Governor's budget proposals which would seriously cut transit funding, may pose a difficult path in the Legislature.

A. Difficult Road Toward Bond Implementation

The difficult road that now confronts policymakers in Sacramento is how to fashion a system to implement the bonds and keep the goals espoused by legislators when they pushed for the bond legislation. Many questions will have to be answered in the first half of 2007: What language should go into the "trailer" bills that must be passed to implement various funding sources? What is the best approach for selling bonds to assist construction of capital projects? Which state agency/agencies will oversee project approval for funds? What will be best for BART in any new oversight, guidelines and legislation that may result this session?

Because of this uncertainty and confusion among key transit stakeholders, the California Transit Agency (CTA) formed a task force among its members to seek greater information about bond implementation in order to protect transit interests and work for a timely release of transit funds.

Public opinion polls have indicated that Californians want bipartisanship in the capitol. Polls also found that the success of the bonds was a significant factor in the public support of the Governor in his landslide victory. This does not mean the bonds' implementation will be easy. Repercussion on that legislative effort has already played out in this new legislative session when the leadership of Senate Republican Leader Dick Ackerman (Tustin) was challenged by Senator Jim Battin (La Quinta). *Capitol Weekly* news service reported:

Ackerman's critics also are unhappy with the position by the Republican leadership to support much or all of the \$42.7 billion infrastructure package on the November ballot, which fiscal conservatives in the GOP caucus believe dangerously increases the state's debt load and is likely to lead to pork-barrel projects for Democrats.

So, in addition to the very difficult task of implementing the bonds, the new legislative session has started with some Republican members criticizing the bonds in general and transit funding in particular.

Bond Funding Offers Opportunities for BART

Among the propositions that were passed by California voters last year, two present the greatest potential for funding specific BART projects: Proposition 1B (TRANSPORTATION with \$19.925 billion statewide) and Proposition 1C (HOUSING with \$ 2.850 billion statewide).

Proposition 1B

The “Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006” may provide BART with potential funding in the following statewide programs:

\$4 Billion –Transportation Modernization, Improvement

and Service Enhancement Account (MTC has stated that BART qualifies for approximately \$246 million)

\$1 Billion – State/Local Partnership

\$1 Billion – Transit System Safety Security & Disaster response Account

\$125 Million –Bridge Seismic Retrofit Account

\$2 Billion – STIP Augmentation

Proposition 1C

The “Housing and Emergency Shelter Trust Fund Act of 2006” may provide BART with funding from the following competitive programs that will need further elaboration and definition. BART staff is providing input on grant guidance to the Housing Community Development agency that will administer these funds:

\$850 Million –Regional Planning, Housing and Infill Incentive Account

\$300 Million – Transit-Oriented Development Account

Follow Through on Bond Funding Sources

The following table provides additional information involving these funding programs (Propositions 1B and 1C) and includes actions that BART can undertake to better assure receipt of bond funds for capital projects over the next ten years. BART will need to continually monitor and respond to actions in Sacramento to assure a chance for such funds.

Proposition 1B—Highway Safety, Traffic Reduction, Air Quality & Port Security

Program	Avail. Funding	Allocation	Status	BART
Public Transportation, Modern. & Improvement & Service Enhancement Account	<p>\$4 billion total</p> <p>BART: \$246 million from STA revenue-based formula.</p> <p>-----</p> <p>MTC: an additional \$347 million based on STA population-based formula</p>	<p>Appropriation based on STA formula through oversight agency w/approval of Legislature. (probably through State Budget process)</p> <p>-----</p> <p>TBD</p>	<p>Funds may be allocated directly to transit operators through bond issuance.</p> <p>Medium-Term</p> <p>-----</p> <p>MTC has said it will present its proposal for such funds in March</p>	<p>Staff has presented the BART Board with a proposal to use \$246 million for station renovation to improve service, promote sustainability and enhance capacity. Board directed staff to proceed in proposed direction.</p> <p>-----</p> <p>Effort underway by staff to produce priority plan for BART advocacy; concepts to go to Board for review and approval.</p>
State-Local Partnership Program Account	<p>\$1 billion</p> <p>BART: competitive funds</p>	<p>Funds will be allocated over 5 years and appropriated through the legislative budget process. Legislation needs to implement CTC guidelines; transportation funding agencies will nominate projects and requires \$ for \$ match of local funds and demonstration of operating assumptions.</p>	<p>CTC will begin stakeholder process in February to develop guidelines for 5-year process.</p> <p>Medium-to Long- term.</p>	<p>Opportunity here for eBART and Warm Springs in conjunction with County CMA's and other stakeholders.</p>
Transit Security Safety, Security & Disaster Response Account	<p>\$1 billion</p> <p>BART: competitive funds</p>	<p>Funds likely to be appropriated through state's annual budget process for: 1) increased protection for transit & 2) increase capacity to move people, goods and emerg. personnel in aftermath of disaster.</p>	<p>Allocation process will be determined by still-to-be-passed legislation in '07.</p> <p>Long-Term</p>	<p>BART is working with CTA & Legislature to push "risk-based" priority for ½ of funding.</p> <p>With ½ going to disaster response/ferries BART should compete with its own response plan & cost estimates.</p>
Local Bridge Seismic Retrofit Account	<p>\$125 million</p> <p>BART estimate: \$12-\$16 million available.</p>	<p>Funds will be appropriated to Caltrans upon approval by Legislature through state budget bill. Priority lists could change.</p>	<p>Caltrans will identify projects (ramps, bridges, overpasses) to receive 11.5% required federal Highway Bridge Replace. & Repair funds.</p> <p>Medium-Term</p>	<p>Reconfirm with Caltrans on existing BART funding figure. Work with Legislature as appropriate to include specific projects and needed cash flow.</p>

STIP Augmentation	\$2 billion BART: competitive	Funds will create an additional STIP augmentation to help finance backlogged projects and other renovation and expansion needs.	Process is underway. Not all BART counties making requests at this time. Short- to Medium term	BART presently working with Alameda, Contra Costa and other CMAs to determine opportunities that may exist to apply STIP funds.
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Proposition 1C –Housing & Emergency Shelter Trust Fund

Program	Avail. Funding	Allocation	Status	BART
Transit-Oriented Development Account	\$300 million in TOD grants BART: competitive funds	Funds will be available to loc. govt. and agencies for TOD grants /housing loans through the Department of Housing and Community Development (HCD) upon appropriation by Legislature. Probably not available until '08.	HCD presently developing guidelines for allocation of these funds. Will establish stakeholder group in February to solicit comments. Medium-to Long-term	BART will be part of the working stakeholder group in February to help develop guidelines with HCD on TOD grant funds Emphasis will be on projects closest to construction.
Regional Planning, Housing and Infill Incentive Account	\$850 million BART: competitive	Funds for transportation improvements related to infill developments will be available, with many directives to be determined by Legislature.	HCD to develop guidelines. Medium- to Long-term	BART will be part of stakeholder group to clarify application of funds.

B. Other State Funding Priorities

This session, other legislative priorities involving transit funding will also take center stage and require legwork in the state capitol. BART and other agencies will be working to better assure a steady flow of annual funding.

- **Dealing with an Anti-Transit Budget**

The Governor's '07-'08 budget deals a harsh blow to the state's transit agencies – shuffling pots of revenue specifically targeted for transit toward other programs normally funded by the general fund. These include new responsibilities for transit funds to support school transportation services and to pay bond debt service. CTA and its members will be seeking budget alternatives and legislative allies to confront and change these specific proposals that will decrease state funding for BART.

- Enhancing STA Program with Proposition 42 Funds

The “Traffic Congestion Relief Program” – which receives “off the top” funding from Prop. 42 (the state sales tax on gasoline established to support transportation and transit projects) -- is due to expire in 2008-09 and this will result in potential new funding going into the Public Transportation Account (PTA). Various proposals are being reviewed in the state capitol to possibly re-direct that funding. Through CTA, BART has voted to support legislative efforts to recast the present funding formula to allow a new division of PTA funds. Because BART benefits from the STA fund – and because the passage of Proposition 1A has now better assured that Proposition 42 funds will go to transit and transportation programs – a new configuration of Prop. 42 funds could benefit BART and other transit agencies throughout the state.

- Protecting “Spillover” fund revenue

As demonstrated by the Governor’s latest budget, transit money provided through the “spillover” account will continue to be attractive to support other non-transit general fund programs. A pro-active attempt may be made to enact new protections for this revenue stream in current law. Simply put, the spillover account originated when state tax policies ended up creating a mechanism that increased available transit funds in a specific pot of money when gas prices increased dramatically. The governor and state legislature have raided this funding source several times over the past tight budget years. New legislative efforts this year will seek to determine if such raids on this money are legal, may seek to convert the spillover funds to the Prop. 42 funding pot, and may work toward a legislative solution that specifically secures in law future spillover funds for transit.

C. BART- Specific Legislation

- The following legislative efforts should be undertaken to address BART’s needs:
 - enhance local transit revenue sources;
 - enhance Transit Oriented Development;
 - better assure BART input for regional security funding;
 - transfer “Steele Ranch” property from BART ownership to the State Park system;
 - celebrate BART’s 50th legislative anniversary and 35th service anniversary;
 - amend recently enacted BART procurement legislation (SB 1687).

II. BART Federal Program – Working with a New Leadership

Last November’s general election -- and the Democrats winning leadership in both houses – not only recasts the players in the capitol, but also the strategy for most policy initiatives coming before the 110th Congress. BART, too, proposes a somewhat different legislative approach today than it might have had the election outcome been different.

Not only will BART have the opportunities to demonstrate on-going critical priorities to new chairs of specific committees, but also many of the new chairs are Californians (and Bay Area representatives in particular) in new positions of power (e.g. Rep. Nancy Pelosi becoming the new Speaker of the House and Senator Boxer chairing the Environment & Public Works Committee). In addition Bay Area Representatives Barbara Lee and Mike Honda have attained seats on the influential House Appropriations Committee, and Rep. McNerney will join Rep. Tauscher on the House Transportation and Infrastructure Committee.

This shift in power does bring some uncertainty in terms of the future of “earmarks” – the process of securing specific funding projects in legislation. Both the Senate and House have moved aggressively in the first days of the session to pass ethics legislation. The House passed the “Honest Leadership and Open Government Act” as H.R.1, which includes a provision requiring the disclosure of the sponsorship of earmarks. This would apply to appropriations bills as well as authorization bills including the next surface transportation reauthorization bill. The Senate followed with similar requirements to promote greater legislative transparency. This probably doesn’t pose a problem for BART, but it does mean working priorities through the legislative process will change dramatically.

Beyond SFO – New priorities

This will mark the end of many years in which the top BART priority for the region was BART to SFO. Normally this year, BART would have received the final installment of New Starts funding for this project once the FY07 appropriations bills were completed -- and would then would have had to work with FTA, US DOT and the Department of Treasury to expedite the time-sensitive release of the \$2.42 million in order to permit BART to benefit by avoiding breach of its bond covenants.

However, one result of the last election was that Congress failed to pass eleven of the thirteen spending bills (including Transportation) before adjourning. A continuing resolution (CR) was passed to fund the government at FY06 levels through February 15th. The new Democratic House and Senate leadership has agreed to extend the CR through the entire next fiscal year-- thereby flat funding government agencies at current levels. Under this scenario, the \$2.4M remaining for the SFO project will need to be re-requested in the FY08 budget. Obviously, this will have implications for the overall close-out of the project. BART DC advocates will continue to work with other transit agencies that are in their final year of a Full Funding Grant Agreement to try and get an exception for our current earmark, which is in both the House and Senate bills and the President’s FY ’06 budget.

Potential Legislative Directions

Now, with BART coming to the end of its legislative process with SFO, it will have an opportunity to focus on other priorities. BART will have to adjust to a system of new project review and may consider drafting language to authorize new grant programs and push for additional competitive funding opportunities within DOT and DHS.

A. Seismic Safety Program –

Seismic safety could be BART's next big regional priority. With the change in congressional power there may be opportunities to lay the groundwork for an authorization and/or appropriation for a seismic program that could support BART's sizeable seismic needs. BART made a \$50 million request to fund the Earthquake Safety Program in the SAFETEA-LU bill in 2005 -- but the House Transportation and Infrastructure Committee did not support amending the bridge discretionary account to make BART eligible for seismic funding. The Committee leadership and staff resisted the creation of a new program in the transit title of the bill for transit seismic funding because it was deemed to only benefit a select few transit systems. BART also made a \$10 million FY07 appropriations request. Funding was not included in either the House or Senate Transportation appropriations bill because the Bay Area House delegation and California's Senators did not gain the support of Members representing regions that are not necessarily impacted by earthquake activity.

This new Congress may be more open to the idea of a seismic program. A long-term approach focusing on disaster preparedness for transit systems may likely gain more widespread support and have a reasonable chance of passing as a stand-alone bill or as a part of the next surface transportation reauthorization.

B. Transit Security –

Rep. Bennie Thompson (D-MS), who now chairs the House Homeland Security Committee in the 110th Congress, has clearly stated that one of his top priorities will be legislation to increase funding for rail and mass transit security. He has been a strong advocate for adequate transit security funding – a concept opposed by the Administration and committee Republicans then in control. Thompson introduced the Rail and Public Transportation Security Act of 2006 (H.R. 5714) last June that would have authorized at least \$3 billion for rail and transit security measures for up to six years. We can assume he will reintroduce similar legislation and hold hearings on the issue this year – possibly where BART can weigh in on transit security funding. BART may also have the opportunity to articulate ways to improve to the Urban Area Security Initiative (UASI) process.

C. Other Federal Priorities –

Intermodal Connections –

The current Federal Aviation Administration authorization is scheduled to expire on September 30, 2007. Throughout this year, the House Transportation and Infrastructure Committee -- as well as the Senate Commerce, Science, and Transportation Committee -- will be working on the next reauthorization. There could be new opportunities in Congress for an effort to authorize support for better intermodal connections at airports which could provide new funding opportunities.

Public Private Partnerships –

In efforts to facilitate development of the Oakland Airport Connector, BART should investigate bonding requirements in Federal Procurement law to determine whether those requirements could be modified in ways that do not penalize projects being advanced through the P3 model. In addition, it might be useful to continue efforts with the FTA to seek P5 status for eBART and other BART projects.

SILO/LILO –

The Treasury Department will soon issue guidance on whether the Tax Increase Prevention and Reconciliation Act (TIPRA) of 2005 can impose an excise tax on past sale-in/lease-out transactions. We are hopeful that when Treasury does release its guidance it will apply to current year revenue rather than payments made in prior years. If not, BART, and other major transit agencies in the nation, could get hit with hefty tax obligations. If the Treasury guidance proves problematic, BART will need to work to either get Administrative relief or obtain a legislative fix. The new chairman of the House Ways and Means Committee, Rep. Rangel, and Democratic staff (Debbie Curtis from Rep. Stark's office) may be able to assist. In such a case, it is likely a bill will be introduced on this issue and be pursued as part of 2007 tax legislation.

New Starts Reform –

There may be a need and/or an opportunity to change the New Starts policy guidance (in effect through FY 2008) and the change would impact FTA's calculation of economic development in determining a project's cost-effectiveness rating. FTA continues to take the position that development attracted to transit corridors does not necessarily result in community-wide economic development. It is their position that transit corridors simply concentrate investments that would have been made anyway--elsewhere in the community. BART will explore options for changing these criteria to better benefit BART's expansion needs.

Transit Oriented Development –

The new Congress may be more receptive to efforts supporting development near transit. We have seen some success on behalf of the Alameda County Congestion Management Agency in obtaining funding for TOD projects in both SAFETEA-LU and the annual appropriations process. Both Senator Boxer and Congresswoman Lee have supported TOD projects surrounding the Coliseum and MacArthur stations. If Congress decides to make TOD a priority, conversations should be initiated with Sen. Boxer and Rep. Lee's staff on the need for more funding. Again, Rep. Lee has been appointed to the House Appropriations Committee in the new Congress.

eBART –

A major hurdle to moving eBART forward is securing the land along railroad right of way. BART has had discussions with congressional staff on the need to better assure that railroads negotiate in good faith regarding the use of rights of way for transit, local governments and regional authorities. If progress isn't made toward allowing greater access for mass transit to existing rights of way, BART should seriously consider a legislative remedy.

Clean Fuel/Energy Efficiency –

In order to move more vigorously toward clean fuels and greater energy efficiency, BART will explore possible funds from Air Pollution Reduction Grants and Technology Projects, Department of Energy grants, and the Environmental Protection Agency's Green Lights Program among others, to assist efforts to increase energy efficiency in BART buildings.

Reauthorization of SAFETEA-LU -

As the process progresses to reauthorize SAFETEA-LU, BART will explore ways to better focus critical federal funding toward system renovation and shoring up BART's core capacity.

Finally, nothing is ever assured when the legislative process is involved, but BART is poised to pursue and achieve significant Congressional assistance on a variety of important matters at a time when some Californians are in key leadership positions in the House. BART will seize on this opportunity while local Democrats are in control of the House and Senate.