

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

Board of Directors
Minutes of the 1,728th Meeting
February 26, 2015

A regular meeting of the Board of Directors was held February 26, 2015, convening at 4:05 p.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, McPartland, Raburn and Radulovich entered the Meeting later.

President Blalock announced that the Board would enter into closed session under Item 2-A (Conference with Legal Counsel – Anticipated Litigation) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 4:06 p.m.

The Board Meeting reconvened in closed session at 4:08 p.m.

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

Absent: Directors Josefowitz and McPartland. Directors Raburn and Radulovich entered the Meeting later.

Director Raburn entered the Meeting.

Director Radulovich entered the meeting.

The Board Meeting recessed at 4:30 p.m.

The Board Meeting reconvened in open session at 5:02 p.m.

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

Absent: None.

Mr. Matthew Burrows, General Counsel, announced that there were no further announcements to be made.

President Blalock called for Introduction of Special Guests.

Mr. Rick Martinez, Vice President of BART Police Managers' Association, introduced Mr. Richard M. Knowles, BART Police Managers' Association and BART Police Officers' Association nominee for representation on the Citizen Review Board. Mr. Knowles addressed the Board.

President Blalock brought the matter of Modified New Revenue Vehicle Interior Configuration before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; and Mr. Aaron Weinstein, Department Manager, Marketing and Research, presented the item. Director Saltzman moved that the General Manager or her designee be authorized to modify the current design for the cars procured under Contract No. 40FA-110 with Bombardier Transit Corporation to include two designated wheelchair spaces positioned in the center of each of the new cars with no floor to ceiling poles in this location. Director Murray seconded the motion.

The following individuals addressed the Board.

Rebecca Williford
Ted Jackson
Reba Landry
Fred Nisen
Dolores Tejada
Alan Smith
Jessie Lorenz
Scott Yarbrough
Shirley Johnson
Bert Hill
Jon Spangler
Hans Nielsen
Jerry Grace
Madeleine Savit

The item was discussed. The motion carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 1: Director Mallett.

Director Josefowitz moved that two of the pilot cars be designed with bicycle rack and family flex space, that two of the pilot cars be designed with family flex space only, and that 6 of the pilot cars be designed with bicycle racks only, as shown in the attached diagram. (The attached diagram is hereby made a part of these Minutes.) Director Keller seconded the motion. The motion was discussed. Director Radulovich called the question. The motion carried by roll call vote. Ayes - 5: Directors Josefowitz, Keller, McPartland, Murray, and Radulovich. Noes – 4: Directors Mallett, Raburn, Saltzman, and Blalock.

Director Keller exited the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 12, 2015.

2. Appointment of BART Police Managers' Association and BART Police Officers' Association Representative to the Citizen Review Board.

President Blalock requested that approval of the Minutes be removed from Consent Calendar. President Blalock requested that his written comments on the February 12, 2015, Board Meeting agenda item entitled "Consideration of Position on Prosecution of Protestors at West Oakland Station on November 28, 2014," be included in the Minutes for the current Meeting. The approval of the Minutes of the Meeting of February 12 was replaced onto Consent Calendar.

Director Mallett requested that the Citizen Review Board appointment be removed from Consent Calendar. The item was briefly discussed and replaced onto Consent Calendar.

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

President Blalock called for Public Comment. The following individuals addressed the Board.
Heather Reyes
Sheela Gunn-Cushman

Director Saltzman, Vice Chairperson of the Administration Committee, brought the matter of Fiscal Year 2016 Budget: Financial Priorities, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Clipper® Card Fare Collection Program Update before the Board. Mr. Mau and Ms. Patricia Nelson, Project Manager, Clipper Program, presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Service Planning for Special Events before the Board. Mr. Oversier; Mr. Thomas Tumola, Program Manager; and Mr. John McCormick, Department Manager, Operations Planning & Support, presented the item.

Jerry Grace addressed the Board.

The item was discussed.

Director McPartland brought the matter of Update on Public Safety Initiatives before the Board. Mr. Kenton Rainey, Chief of Police, Mr. Benson Fairow, Deputy Chief of Police; Ms. Janeith Glenn-Davis, Deputy Chief of Police; Mr. Jeff Jennings, Deputy Chief of Police; Mr. Oversier;

Mr. Kevin Franklin, Manager of Security Programs; and Ms. Marla Blagg, Emergency Manager; presented the item. The item was discussed.

Director McPartland announced that the Quarterly Performance Report, Second Quarter Fiscal Year 2015 – Service Performance Review, would be continued to a future meeting.

President Blalock called for the General Manager's Report.

General Manager Grace Crunican informed the Board that she would submit her report in writing.

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

Director Saltzman requested a report on the costs to provide off peak service increases. Director Radulovich seconded the request.

Director Josefowitz requested a table showing BART police officer residence by zip code. Director Murray seconded the request.

Director Josefowitz requested a Board presentation from the San Francisco Late Night Transportation Task Force to hear the findings of the Task Force's Late Night Transportation Plan, with potential action by the Board. Director Murray seconded the request.

Director Mallett requested staff develop and bring to Board for consideration, a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future. Director Radulovich seconded the request.

President Blalock requested the Meeting be adjourned in memory of Don Dillon.

President Blalock called for Public Comment. Jerry Grace addressed the Board.

President Blalock announced that the closed session on Public Employee Performance Evaluation would not be held.

The Board Meeting was adjourned at 11:00 p.m.

Kenneth A. Duron
District Secretary

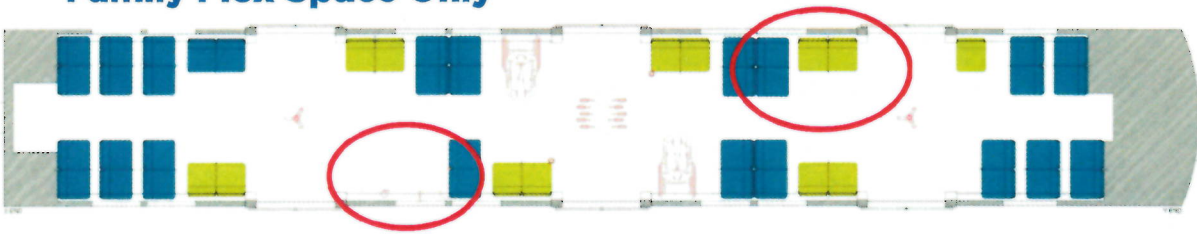
PILOT

Bike Rack & Family Flex Space



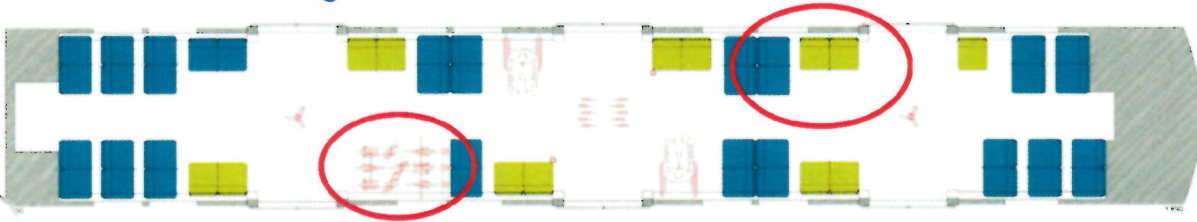
X2

Family Flex Space Only



X2

Bike Rack Only



X6

Comments by Thomas Blalock on Agenda Item 3A (of the February 12, 2015, BART Board of Directors Agenda: Consideration of Position on “Prosecution of Protestors at West Oakland Station on November 28, 2014”).

Whereas the audience became unruly and unwilling to listen, preventing proper consideration of the motion which passed, Board debate was stopped before my comments could be heard.

I opposed the motion because I want the charges to be heard and for the Court to set appropriate restitution. Also:

- 1) I did not want to undermine the BART Police Department by having the Board second guess the Department’s decision.
- 2) I feel the protestors created dangerous safety conditions; e.g., in the press of emotions, someone could fall or be shoved into the track way where 1,000 volts (DC) of electricity awaits. Secondly, I shudder to think of the ghastly injuries to protestors fastened to the train if, despite all of BART’s safety measures, the train started to move. There would also be trauma to the public, BART Police, train operator, riders, and anyone within view.
- 3) I felt that the charges should be heard in the court room.
- 4) I believe the District Attorney and BART’s General Manager have discussed restitution.
- 5) We are a Nation of laws, we don’t get to pick and choose which laws we will obey, and the Court room is the place to settle the matter, not in the BART Board Room.
- 6) I believe many were riders were unnecessarily inconvenienced, and in some cases suffered hardships because of being delayed. Safety is an overarching concern to me.

There are many safe places for protestors to be seen and make their position known. They should use safe venues.

I will respect the court’s judgment on this issue.

Thomas M. Blalock