

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

Board of Directors
Minutes of the 1,816th Meeting
June 28, 2018

A regular meeting of the Board of Directors was held June 28, 2018, convening at 9:01 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon and Raburn.

Absent: None. Director Allen entered the Meeting later.

President Raburn called for Introduction of Special Guests. Director Blalock introduced Anu Natarajan, Chairperson of the Bond Oversight Committee, who gave an overview of the Annual Report. President Raburn thanked Anu Natarajan and Marian Breitbart for the report and their commitment to the committee. The report was discussed.

Director Keller introduced Peter Longmire, Mayor of the City of Pittsburg and candidate for the BART Police Citizen Review Board District 2. Mr. Longmire addressed the Board.

Director Allen entered the meeting.

General Manager Grace Crunican gave an overview of the American Public Transportation Association (APTA) Rail Rodeo Competition. Mr. Paul Oversier, Assistant General Manager, Operations, introduced Roy Aguilera, Chief Transportation Officer; Asiann Chan-Velasco, Assistant Chief Transportation Officer; David Hardt, Chief Mechanical Officer; and Sean Steele, Assistant Chief Mechanical Officer, and thanked them for their support of the participants.

Paula Fraser, Assistant Chief Transportation Officer, and Scott Fitzgerald, Assistant Superintendent, the BART Rail Rodeo team leaders, introduced the BART Rodeo Team, the overall 3rd Place Team. The team included the following BART employees: Joe Benton and Frank Carvalho (Train Operators); and Gary Crandell, Andre Trujillo, and Michael Biederman (Maintainers).

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 14, 2018.
2. Appointment of BART Police Citizen Review Board Members.
3. Revised Citizen Oversight Model.
4. Award of Contract No. 15TC-260 Berkeley Hills Tunnel Lining Surface Treatment.

5. Award of Invitation for Bid No. 9050, R65/A85 Material for A-Line Interlocking.

Director Dufty made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

1. That the Minutes of the Meeting of June 14, 2018, be approved.
2. That the Board of Directors ratify the BART Police Citizen Review Board appointment or reappointment of the following members for the term of two years, beginning on July 1, 2018 and expiring June 30, 2020:

Kenneth Loo -District 1
William White – District 3
Aman Sebahtu – District 7
George D. Perezvelez – District 9

And that the Board of Directors ratify the BART Police Citizen Review Board appointment of Peter Longmire – District 2 for a term expiring on June 30, 2019

3. That the Board of Directors ratify the adoption of a revised BART Citizen Oversight Model that reflects and codifies Board action on March 8, 2018.
4. That the General Manager be authorized to award Contract No. 15TC-260, Berkeley Hills Tunnel Lining Surface Treatment, to DMZ Builders, for the Bid price of \$1,416,600.00, pursuant to notification to be issued by the General Manager.
5. That the General Manager be authorized to award Invitation For Bid No. 9050 for R65/A85 A-Line Interlocking, to Voestalpine Nortrak, for the bid price of \$1,858,237.61, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose)

President Raburn called for Public Comment.

The following individuals addressed the Board.

Aleta Dupree
Robert S. Allen

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

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Single Source Procurement with Alstom Signaling, Inc., for Automatic Train Control Spare Parts for Warm Springs Extension Project before the Board. Mr. Oversier; and Mr. Paul Medved, Project Manager, Warm Springs Extension, presented the item. The item was discussed.

Director Blalock moved that the Board find, pursuant to the California Public Contract Code Section 20227, that Alstom Signaling, Inc. is the single source for procurement of Automatic Train Control system spare parts, tools, and equipment, that the purchase is for the sole purpose of duplicating or replacing supply, equipment, and material currently in use on the Warm Springs Extension, and that the General Manager be authorized to purchase the Automatic Train Control system spare parts, tools, and equipment from Alstom Signaling, Inc. sufficient to support the continued uninterrupted operations of the Warm Springs Extension, in an amount not exceed \$600,000.00. Director Saltzman seconded the motion, which carried by unanimous electronic vote by the required two-thirds majority. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0.

Director Simon brought the matter of Change Order to Contract No. 15EK-210, Procurement of Traction Power Substations - Phase 1, with Powell Electrical Systems, Inc. (C.O. No. 028), before the Board. Mr. Oversier; and Mr. Steve Sims, Project Manager, presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Blalock moved that the General Manager be authorized to execute Change Order Number 28 to Contract Number 15EK-210, Procurement of Traction Power Substation Phase1, in the amount of \$1,216,584.00, and which extends the Contract period by 1,000 Days. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0.

Director Simon brought the matter of Proposed BART Market Street Canopies and Escalators Modernization Project before the Board. Mr. Oversier; Mr. Tim Chan, Manager of Planning; and Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item.

The item was discussed.

David Pilpel and Aleta Dupree addressed the Board.

Director Saltzman moved that based on the findings presented in the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Proposed BART Market Street Canopies and Escalators Modernization Project together with the comments received during the public review process, the Board hereby:

1. Finds on the basis of the whole record before it that there is no substantial evidence that the Proposed BART Market Street Canopies and Escalators Modernization Project, as revised by the incorporation of mitigation measures, may have a significant effect on the environment, and therefore no further environmental review is required.
2. Finds that the Initial Study/Mitigated Negative Declaration reflects the Board's independent judgment and analysis.
3. Adopts the Initial Study/Mitigated Negative Declaration.
4. Adopts the Mitigation Monitoring and Reporting Plan.
5. Approves the BART Market Street Canopies and Escalators Modernization Project as proposed.

Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes - 0.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Revision to Art Policy before the Board. Mr. Carl Holmes, Assistant General Manager, Planning, Development and Construction; Ms. Ellen Smith, Department Manager, Strategic Planning; and Ms. Jennifer Easton, Art Program Manager, presented the item.

The following individuals addressed the Board:

Frank Fuller
Aleta Dupree
Vanessa Whang

The item was discussed.

Director Josefowitz requested an amendment to the policy for the addition of \$100,000 annually for temporary and performance art.

Discussion continued.

Director Josefowitz moved adoption of the BART Art in Transit Policy. (The Policy is attached and hereby made a part of these Minutes.)

Director Dufty seconded the motion, which carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Saltzman, Simon, and Raburn. Noes – 4: Directors Allen, Blalock, Keller, and McPartland.

Director Blalock brought the Sustainability Action Plan before the Board. Mr. Holmes; Ms. Holly Gordon, Sustainability Group Manager; and Ms. Serena Mau, Project Manager, presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Blalock brought the Electric Vehicle Charging Update before the Board. Mr. Holmes; Ms. Gordon; and Ms. Mau presented the item. The item was discussed.

Aleta Dupree and Jerry Grace addressed the Board.

President Raburn brought the matter of Appointment of BART Police Citizen Review Board At-Large Member before the Board. Russell Bloom, Independent Police Auditor, presented the item.

Mr. Bloom played the recorded audio testimony of Mr. Alexander Post, a candidate for the At-Large position.

At-Large Candidates Zachary Bruno, Erin Armstrong, Melanie Popper, and Iesha Romero addressed the Board.

The item was discussed.

Director Saltzman exited the meeting.

Director Keller moved that the item be continued to a future Board Meeting to allow a revision to the Citizen Oversight Model and to discuss representation of San Mateo County. Director Allen seconded the motion, which carried by unanimous electronic vote Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Simon, and Raburn. Noes - 0. Absent - 1: Director Saltzman.

President Raburn brought the matter of Resolution Directing Specific Advertising Funds before the Board. Director Dufty requested the item be tabled.

President Raburn brought the matter of Resolution in Support of BART Unions before the Board. The item was discussed, and the proposed resolution was amended.

John Arantes and Sal Cruz addressed the Board.

Discussion continued.

John Arantes addressed the Board.

Director Dufty moved adoption of Resolution No. 5375 In the Matter of Support of BART Unions Post Janus v. AFSCME Decision. Director Simon seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Simon, and Raburn. Noes - 0. Absent – 1: Director Saltzman. Abstain – 1: Director Allen.

President Raburn called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

Director Josefowitz exited the meeting.

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

Director McPartland reported he had attended the Capitol Corridor Joint Powers Authority Meeting, an autonomous vehicle debut at East Dublin/Pleasanton Station, and the Mineta Transportation Institute Graduation.

President Raburn reported he had attended Capitol Corridor Board Ad Hoc Vision Plan Subcommittee, the Capitol Corridor Joint Powers Authority Meeting, and the Mineta Transportation Institute Graduation Ceremony, and had given a Better BART presentation.

President Raburn called for Public Comment. Aleta Dupree and Erin Armstrong addressed the Board.

The Meeting was adjourned at 1:02 p.m.

Patricia K. Williams
Interim District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ART IN TRANSIT POLICY

VISION:

The San Francisco Bay Area Rapid Transit District (BART) seeks to implement an arts program that will enrich rider experience, strengthen station identity, connect to communities, and support a distinctive sense of place at stations and beyond. BART's art program will build on best practices, lead the field in community participation strategies, engage with arts and cultural organizations and artists, and make riding BART more delightful, vibrant, and welcoming.

GOALS:

- A. **Cohesion.** Create a cohesive and consistent art program.
- B. **Opportunity.** Proactively seek opportunities to implement art across the District, and leverage general capital investments by incorporating art and design elements into public-facing infrastructure.
- C. **Partnerships.** Maximize art in the system by leveraging BART's investments through partnerships with other organizations and agencies, and through grant writing and fundraising.
- D. **Make Transit Work.** Use arts programming to further BART's functional goals and enhance public perception of BART as a transit system that works well for its riders.
- E. **Showcase Art.** Maintain and make BART's art collection accessible through effective asset management and interpretive strategies.
- F. **Integrated Design.** Utilize art to elevate the design of stations and affirm the distinct identity of the surrounding community.
- G. **Transparency.** Establish a transparent and effective process for developing and implementing collaborative projects and programming.
- H. **Engagement.** Engage with communities throughout the BART system to enhance customer relations, support BART's positive impact in communities and create visible expressions of the unique characteristics of neighborhoods around stations and along tracks.

STRATEGIES:

Funding:

1. **Capital Funds.** Allocate a share of the construction cost of capital projects for the integration of art, consistent with the requirements of individual fund sources.
 - a. 2% of construction cost of capital improvements to stations and areas adjacent to stations (including parking and transit intermodal facilities) that have a visual impact to riders or communities.
 - b. 0.25% of construction cost of capital improvements for at- and above-grade guideways; shops and yards; above-grade vent structures; substations either above-grade or that require closures of previously publicly accessible areas; and other locations with passenger, community, or employee visibility.
 - c. 0.25% of new train car procurement.
 - d. Omit capital projects related to life safety, system critical (e.g., train control), ADA-required compliance, or are lacking public visibility (e.g., tubes and tunnels).
 - e. **Pooling Funds:** Where the funding source allows, funds allocated for art may be pooled for use at a future project. An annual art plan will be developed to determine the redistribution of the pooled funds based on the areas of greatest need or impact per the Art Policy and Art Master Plan.

2. **Operating Funds.** Provide a minimum of \$200,000 annual allocation from the Operating Budget, with approximately \$100,000 prioritized for temporary and performance arts; and the balance for art conservation and maintenance, and collection management, and curated programming. Additional funding, if necessary, will be considered as part of the budget process.
3. **Partnerships.** Develop a partnership program with annual funding targets to engage partner agencies and organizations to maximize funding opportunities from outside sources including community, private, government, and foundations.
4. **TOD.** Require BART TOD in cities with existing private percent for art requirements to retain those funds onsite to enhance the TOD or adjacent BART station in accord with city's policy. For cities without a private percent for art requirement, 1% of TOD construction cost is required to implement public art or art amenity onsite or in the adjacent BART station.

Program Elements:

1. **Master Plan.** Create a 15-year system-wide arts master plan, focusing on the art vision for stations and the system as a whole, including the identification and prioritization of arts opportunities. The plan will serve as a valuable tool to guide the allocation of resources as they are available.
2. **Implementation Plan.** Create a five-year art program work plan to identify short-term project workload, establish fundraising goals, and create a phasing and implementation plan for building up the program.
3. **Permanent Works.** Continue to add permanent works to the BART system, including station art works in the stations as well as murals on BART infrastructure visible in public areas, to add visual appeal and abate graffiti.
4. **Integrated Art.** Maximize visual impact of arts funds by identifying opportunities to integrate art and artistic elements into the design of capital improvements.
5. **Temporary Art.** Offer temporary art programming opportunities that appropriately activate public spaces and engage BART riders. This may include visual arts, rotating displays, performance, media, music, literature.

Process Guidelines and Procedures:

1. **Acquisition.** Establish guidelines to ensure that artworks are acquired and maintained in accordance with recognized standards and best practices in the field of public art.
2. **Engagement.** Design effective programs of ongoing engagement for the arts community and the community at large.
3. **Internal Protocols.** Establish an internal protocol to support BART staff in integrating art opportunities early in capital project development, and create tools to educate staff about the appropriate treatment of artworks in BART facilities.
4. **Internal Review.** Establish an internal BART review process to ensure that all works of art are compliant with BART policies, maintenance, safety and operational needs.
5. **Community Generated Projects.** Establish guidelines for the submittal and review of community-generated projects.
6. **Partnerships.** Establish an ongoing plan for cultivating collaborative partnerships with other public agencies, non-profit groups, and private organizations.
7. **Committee.** Establish an external committee to engage the community, support the development of Program Elements, the work plan and art budget, and review the success of the Art Program.