

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

Board of Directors
Minutes of the 1,869th Meeting
August 27, 2020

A regular meeting of the Board of Directors was held on August 27, 2020, convening at 9:02 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

Directors Present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman and Simon.

Absent: None.

President Simon gave instructions on the virtual meeting, viewing the Meeting and accessing presentation materials online, Public Comment, and Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meetings of July 23, 2020 (Regular) and August 10, 2020 (Special).
2. Fixed Property Tax Rates Fiscal Year 2020-2021 General Obligation Bonds.
3. Award of Agreement No. 6M4718, with Delta Dental of California, for Dental Administration.
4. Amendment to Agreement No. 6M4711, with CITYHEALTH URGENT CARE, A MEDICAL CORPORATION, for COVID-19 Testing Services.
5. Agreement with Transource Services Corp. for Information Technology Hardware and Software.
6. Renewal of Software Subscription with Oracle for the Oracle Cloud Analytics Platform and Services.
7. Agreement with Cornerstone Technologies for Information Technology Hardware and Software.
8. Award of Agreement No. 6M3466, with University of California, San Diego, for At-Grade Track Variation Study for Earthquake Emergency Response Planning.
9. Award of Agreement No. 6M3478, with Onyx Spectrum Technology, Inc., for the Net.com Train Control Networking Solution, Maintenance Agreement and Software License.
10. Amendments to Agreement No. 6M5087 and Agreement No. 6M5088 for General Environmental Services to Support BART's Hazardous Materials Program.

11. Resolution Authorizing a Funding Agreement with California Department of Transportation (Caltrans) for the El Cerrito-Berkeley Corridor Access Strategy for Transit-Oriented Development.
12. Resolution Authorizing an Application to the California Transit-Oriented Development Housing Grant Program – West Oakland BART Station.
13. Resolution in Support of Riding Together: Bay Area Healthy Transit Plan.

President Simon called for Public Comment on the Consent Calendar. No comments were received.

Director Saltzman made the following motions as a unit. Director Raburn seconded the motions.

1. That the Minutes of the Meetings of July 23, 2020 (Regular) and August 10, 2020 (Special) be approved.
2. Adoption of Resolution No. 5449, In The Matter of Fixing The Rate of Taxes For San Francisco Bay Area Rapid Transit District for Fiscal Year 2020/21.
3. That the General Manager be authorized to execute Agreement No. 6M4718 with Delta Dental of California to provide administrative services in the amount not to exceed \$1,044,443.00.
4. That the General Manager be authorized to execute an amendment to Agreement No. 6M4711, COVID-19 Testing Services to CITYHEALTH URGENT CARE, A MEDICAL CORPORATION, to increase funding to \$600,000.00.
5. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with Transource Services Corp. for an amount not to exceed \$1,840,993.93.
6. That the General Manager or his designee be authorized to execute a 1-year subscription with Oracle Cloud Analytics in an amount not to exceed \$185,043.51.
7. That the General Manager or his designee be authorized to execute a five (5) year information technology hardware and software agreement with Cornerstone Technologies for an amount not to exceed \$2,736,197.41.
8. That the General Manager be authorized to negotiate and award Agreement No. 6M3466 to the University of California, San Diego, Powell Structural Laboratory, for the District's earthquake emergency response planning for an estimated amount of \$160,747.00.
9. That the General Manager be authorized to negotiate and execute an agreement with Onyx for a 24-month maintenance agreement and software license for Net.Com in an amount not to exceed \$462,000.00.
10. That the General Manager be authorized to execute amendments to Agreement No. 6M5087 and Agreement No. 6M5088 to extend the agreement termination date by one additional year for both

agreements and to increase the compensation amount by an additional \$550,000.00 for both agreements.

11. Adoption Resolution No. 5451, In the Matter of Authorizing the Execution of Agreements for the El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development.
12. Adoption of Resolution No. 5450, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District Authorizing an Application to the Transit-Oriented Development Housing Program.
13. Adoption of Resolution No. 5452, In the Matter of Support of Riding Together: Bay Area Healthy Transit Plan.

Director Li asked staff to comment on the Bay Area Healthy Transit Plan and the importance of coordination among transit operators.

The motions brought as a unit by Director Saltzman and seconded by Director Raburn carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Consent Calendar report brought before the Board was:

1. Public Report on Recent Sale of General Obligation Bonds.

President Simon called for general Public Comment.

Roland Lebrun addressed the Board.

Director Raburn asked Ms. Williams to provide the subject and support or oppose positions of the written comments that were previously provided to the Board.

Aleta Dupree addressed the Board.

President Simon announced that the order of agenda items would be changed.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, announced that staff would provide an update on legislation. Mr. Rodd Lee, Assistant General Manager, External Affairs, presented an update on Senate Bill 731.

Director Saltzman brought the matter of Update on Assembly Bill (AB) 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development, before the Board.

Ms. Abby Thorne-Lyman, Group Manager, Transit-Oriented Development, Systems Development and Ms. Nicole Franklin, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The following individuals addressed the Board:

David Ying
Beilul Naizghi
Derek Sagehorn

Director Saltzman commented that all the written comments previously provided to the Board were generally supportive of dense, affordable development in Berkeley and discussed development at Orinda Station.

Director Raburn expressed support for implementation of AB 2923 and BART's policies to support AB 2923 and commented on and/or inquired about the increase in the estimates of deliverables on BART property, climate change, creating sustainability and livable communities, and the state's approval of grants for projects that BART staff worked on.

Director Raburn moved that the Board adopt the AB 2923 Development Principles. Director Li seconded the motion.

Discussion of the item continued, with the following highlights:

Director Li expressed support for implementation of AB 2923; thanked staff for their work to partner with local jurisdictions; commented on the transportation demand management (TDM) program, language in the Development Principles (Principles), public comments, appreciation for the changes that were made to the Principles, ensuring that BART utilizes all opportunities to build affordable housing, and all transit-oriented development (TOD) moving forward in partnership; and thanked members of the public for their written comments.

Director Allen thanked staff for their work; expressed support for some changes in the Principles and commented on and/or inquired about mixed-income housing in Lafayette, the outreach that was performed to cities and local leaders to present the Principles and invite their feedback, whether a final draft of the Principles was sent to city staff members to receive their feedback, and whether the stakeholder meeting with jurisdictions was held online and accessible to all.

Director Foley expressed that he would support the TOD presentation and Principles; thanked staff for incorporating many of the Board Members' recommended changes; and commented on and/or inquired about the career jobs element of the Principles, opposition to converting BART's land into retail spaces and creating low wage jobs, ensuring job quality when a development project is presented, creating a job quality standard that developers must meet, and relationships with local jurisdictions, gratitude for staff's inclusion of language regarding underlying support services for shuttles and buses in the presentation and the Principles; and requested that job quality data for future TOD projects be presented to the Board.

Director Dufty associated himself with the comments made by Directors Raburn and Li; commented on the importance of anti-displacement strategies; thanked Beilul Naizghi and noted that he shared the values and concerns expressed by Beilul; and expressed gratitude for Director Saltzman's leadership.

Director Ames commented on the insufficient number of jobs in the East Bay and affordable housing targets; applauded staff for their work; expressed appreciation for the ladder approach to jobs in the TOD plan; and commented on life-cycle costing for TOD projects, ensuring that BART earns profit long-term; and requested that cost-effective analyses be provided before the Board makes decisions on TOD projects.

Director Allen expressed agreement with Director Foley's comments.

Director Raburn commented on the total number of units and the number of units that would be affordable housing units as outlined in the TOD Work Plan.

Director McPartland thanked staff for their work; applauded Director Foley's comments related to wages; and commented on BART becoming a partner with the population it serves and addressing the housing crisis.

Director Saltzman thanked staff for their work with local communities and cities and expressed support for the Principles and the TOD Work Plan.

The motion brought by Director Raburn and seconded by Director Li carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman brought the matter of Alameda County Transportation Commission Transaction and Use Tax Ordinance (Measure BB) Countywide Transportation Plan Amendment before the Board. Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, presented the item.

Michael Tree and Jerry Cauthen addressed the Board.

The item was discussed, with the following highlights:

Director McPartland expressed support for the amendment and the Valley Link project.

Director Raburn expressed overall support for travel by rail into the San Joaquin County area and collaboration between counties and opposition to the \$400 million allocation to the Valley Link project at this time; and addressed a letter submitted by the Sierra Club.

Director Ames expressed concern about utilizing \$400 million for the development of the Valley Link project for the reasons expressed by Director Raburn; commented on the absence of a study of competitive transportation needs; requested an analysis of the need for an additional rail system for service to Stockton; and expressed opposition to the \$400 million allocation to the Valley Link project at this time.

Director Allen commented on and/or inquired about studies conducted on the Valley Link project, the establishment of the Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRA), utilization of eBART, BART service to Southern Alameda County and residents' payment for BART, BART's rejection of full service to Southern Alameda County, BART service to Livermore as the purpose of the \$400 million, support for alternative transit if a full BART extension is not feasible, tying new fare gates to the Valley Link project, support for an alternative analysis, an explanation of why the Valley Link connection would require

TVSJVRRRA to contribute to BART car storage and ancillary facilities, and the funding and design process of the Valley Link project.

Director McPartland commented on the need for additional train cars and tail track to accommodate the Valley Link project and contribution from TVSJVRRRA for new fare gates.

Director Saltzman associated herself with the comments by Directors Raburn and Ames; commented on continuing to study the Valley Link project, Alameda County Transportation Commission's (ACTC) vote against funding the project at this time, unknown information about the project, the premature nature of the project, appreciation for Director McPartland's work and flexibility to advocate for BART and for staff's work, concern about allocating funding to the project at this time and uncertainty regarding revenue, and other projects in the expenditure plan; and read an excerpt from a letter submitted by the Sierra Club.

John Arantes addressed the Board.

President Simon announced that the Board would return to the Administration Committee items; commented on the budget process; recommended that the Board honor the previously adopted budget resolution and follow the original budget revision plan; and addressed efforts to identify cost-savings measures and revenue opportunities.

President Simon requested a canvass of the Board Members to ascertain if the majority were in favor of proceeding with the item on Fiscal Year 2021 Budget Outlook as information only. It was determined that the majority of members preferred to handle the item as an information item rather than an action item.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Budget Outlook before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Michael Eiseman, Director of Financial Planning; Ms. Alicia Trost, Chief Communications Officer; Mr. Christopher Simi, Director of Budgets; Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. Michael Jones, Deputy General Manager, presented the item.

Aleta Dupree addressed the Board.

Director Allen thanked staff for their work and commented on and/or inquired about Fiscal Year 2022 (FY 22), bringing expenses in line with revenues for the current fiscal year, her goal for long-term fiscal responsibility, the closure of Fiscal Year 2020 (FY 20), funding, revenue targets in the Fiscal Year 2021 (FY 21) budget, sales tax numbers, mitigation of revenue shortfalls, concern about load-shedding, the capital budget and long-term capital plan, whether an actionable comprehensive plan with options for budget reductions, if necessary, will be presented to the Board in October, the Board's flexibility to respond to information, proposed budget solutions, utilizing reserves, addressing operation expenses, and focusing on matching service costs with available funding.

Director Allen moved that (1) the Board direct staff to develop a menu of options for reductions to BART's operating expenses totaling a minimum of \$50 million of recurring operating expense items from the FY 21 budget; (2) the options be presented at the next Board Meeting with a financial update as an actionable item; (3) the options encompass all departments and all levels of BART including all

levels of management; (4) and the options shall not include cutting or reversing previous allocations to the capital budget and railcar fund, reducing debt service, or utilizing our scarce reserve accounts.

Director Ames seconded the motion. She commented on and/or inquired about FY 22, the need for a federal bailout or consideration of impacts, workforce options, considering 10% salary reductions and furloughs, the impacts to the workforce being considered by staff other than load-shedding, opposition to laying off staff, reductions in capital programs, asking operations staff to work in the capital program, reducing consultant contracts or scope of work, reviewing a menu of options if no fiscal assistance is received, identifying subsidies before October, and long-term deficit financing; and thanked staff and Board Members for their input and work.

Director Dufty moved to table the motion. Director Li seconded the motion to table.

After discussion, Director Dufty withdrew his motion to table.

The motion brought by Director Allen and seconded by Director Ames failed by roll call vote. Ayes: 2 – Directors Allen and Ames. Noes: 7 – Directors Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Discussion of the FY 21 Budget Outlook continued, with the following highlights:

Director Dufty commented on and/or inquired about staff's response to the load-shedding discussion and difficulties that might be encountered, reducing overtime, and continued focus on cost savings; and thanked John Arantes, Sal Cruz, and Jesse Hunt for their work to help reduce overtime costs.

Director Li aligned herself with the opening remarks from President Simon; expressed appreciation for Director Dufty's questions; and commented on the \$51 million shortfall estimate, her willingness to work to identify funding to fill the shortfall and prepare for FY 22, her intent to prevent devastating decisions, the need to discuss federal emergency relief funding after November, being mindful of making large changes, and making fiscally responsible decisions with the available information.

Director McPartland commended Ms. Tamar Allen's responses; commented on the seriousness of the presentation; expressed appreciation for the efforts of Amalgamated Transit Union (ATU), Service Employees International Union (SEIU), and American Federation of State, County and Municipal Employees (AFSCME); and thanked staff and unions for their work.

Director Raburn commended staff and commented on the impacts of utilizing reserves, the connection between the Valley Link project and budget discussion, his inspection tour of the Transbay Tube, acceleration of work and load-shedding in the Transbay Tube, and BART's intent to provide a better system.

Director Saltzman thanked staff for their work; expressed appreciation for the efforts of management, the unions, and workers last year; and commented on and/or inquired about continuation of the partnership, continuing to think of creative ways to save money and complete capital projects faster, riders returning to a better system, appreciation for staff highlighting challenges in 2022, advocacy for federal funding, the importance of partnership with transit

agencies in relation to securing federal funding, working with the state and region to identify other available funds, working collaboratively to obtain funding over the next two years, and the status of hiring additional Ambassadors as approved by the Board; and requested that staff continue to present information about challenges in 2022 to the Board.

Director Foley thanked staff for their work and labor partners for their efforts and commented on and/or inquired about BART's dependency on farebox revenue, the need for an alternative solution, federal and state funding, BART's dependency on ridership and susceptibility to changes in ridership, concern about the restrictions placed in Director Allen's motion, whether staff's goal is to present options to the Board in October, concern about the ability to make reasonable course corrections, the importance of the Board having options, and the financial impact of providing additional service; and requested that staff present budget alternatives to the Board.

Director McPartland commented that he would like to discuss the Ambassador program with Director Saltzman.

President Simon commented on making difficult decisions, regular recommendations from staff regarding the budget, the meaning of "staying the course," the impact of COVID-19 on riders who are reliant on transit, the consistent value that BART must keep moving, senior staff and Board Members' daily review of numbers and data, her motivation to collaborate with labor partners and others to ensure that BART stays on track, and continuing to become world class transit.

The Board Meeting recessed at 11:55 a.m.

The Board Meeting reconvened at 12:13 p.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Absent: None.

Director McPartland brought the matter of Responses to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns" (Responses) before the Board. Ms. Herhold; Mr. Robert Powers, General Manager; Chief of Police Ed Alvarez; and Mr. Jones presented the item.

The item was discussed, with the following highlights:

Director Raburn commented on the value of the Responses and revising the Strategic Plan after issues with FY 21 have been addressed.

Director Saltzman thanked staff for the Responses and commented on revisiting the Strategic Plan next calendar year.

Director McPartland expressed agreement with Directors Raburn and Saltzman.

Director Foley moved that the Board of Directors approve the Responses from the BART Board of Directors to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, “Contra Costa BART Rider Concerns” and direct staff to transmit those responses to the 2019-2020 Contra Costa County Civil Grand Jury.

Director Foley expressed support for the recommendations and commended staff’s work on the Responses.

President Simon seconded the motion brought by Director Foley.

Director Foley expressed agreement with Directors Raburn and Saltzman regarding the Strategic Plan; suggested that the Strategic Plan be regularly reviewed; and commented on the recommendation regarding the staffing of the station agent booths in the Antioch and Pittsburg eBART stations, how to make the Antioch and Pittsburg eBART stations more receptive to riders, and staffing the station agents booths at the eBART stations.

Rowan Katow and Darrell Owens addressed the Board.

Director Li expressed appreciation for the public speakers and inquired whether Ambassadors were conducting fare checks and asked for clarification of the “additional officers” language used in relation to vacancies in the Responses.

Ms. Herhold suggested that the Responses be modified to read, “hiring for 16 vacant positions,” instead of “hiring for 16 additional positions.”

The suggested modification to the Responses was accepted by the maker and seconder of the motion, and the motion carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (The modified Responses are attached and hereby made a part of these Minutes.)

Director McPartland brought the matter of Amendment to Agreement No. 6M7266, with OUTFRONT Media Group LLC, for Advertising Franchise, before the Board. Mr. David Martindale, Acting Director of Marketing and Research, and Mr. Lee presented the item.

Andy Sriubas addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about termination of the agreement and revenue loss, terminating the agreement and entering into a new agreement in a year, whether BART would pay \$25 million for the equipment installation, the number of units that would be installed for \$25 million, and support for terminating the agreement and revisiting the issue in a year.

Director Ames inquired about revenue generation and profit.

Director Dufty asked Andy Sriubas to discuss the agreement and the \$25 million cost of the equipment installation.

Andy Sriubas addressed the Board.

Director Dufty commented on the 70% return figure, OUTFRONT Group Media LLC's (OUTFRONT) payment of \$10 million when it was awarded the agreement, the advertising industry's percentage of loss as comparable to BART's percent of loss, negotiation and competitiveness of the agreement, and support for the agreement amendment.

Director McPartland expressed agreement with Director Dufty and commented on the number of vendors for major transit agencies and OUTFRONT's representation, BART's 70% return, re-bidding the agreement as counterproductive, OUTFRONT and Andy Sriubas being good partners, and support for the agreement amendment.

Director Raburn commented on and/or inquired about reviewing the information about the item, the minimum annual guarantee (MAG) payment amounts received in the past year and in 2019, who would install the screens in stations, BART employees' requests to participate in the process, OUTFRONT providing the funds that were promised, not rejecting funding that is critical to keeping the system operating, and support for the agreement amendment.

Director Raburn moved that the General Manager be authorized to execute the First Amendment to Agreement No. 6M7266, Advertising Franchise, with OUTFRONT Media Group LLC as directed by the Board subject to the approval of the General Counsel as to form. Director Saltzman seconded the motion.

Director Foley inquired whether the new agreement allows either party to terminate the agreement, whether the agreement includes on-train advertising, and the number of stations that were supposed to be retrofitted using the \$25 million capital investment in digital screens.

Director McPartland asked whether the screens could be installed at above-grade stations.

The motion brought by Director Raburn and seconded by Director Saltzman carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Agreement with Simmons Machine Tool Corporation for the Wheel Truing Machine Control System before the Board. Mr. Marcus McHugh, Project Manager, Strategic Engineering, presented the item.

Director Raburn moved that pursuant to California Public Contract Code Section 20227, the Board of Directors finds that Simmons is the single source for the procurement of the overhaul of the Wheel Truing Machine control system; and that for the sole purpose of replacing the Wheel Truing Machine control systems currently in use throughout the District, the General Manager be authorized to execute a Procurement Contract with Simmons for the overhaul of the District's Wheel Truing Machine control systems, in an amount not to exceed \$306,000.00. Director McPartland seconded the motion, which

carried by unanimous roll call vote by the required two-thirds vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of BART Safety, Reliability and Traffic Relief Program (Measure RR) Project Support Leases and Rentals before the Board. Mr. Bryant Fields, Project Manager, Strategic Engineering, presented the item.

Director McPartland commented that the equipment needed to be leased due to the language of Measure of RR.

Director Ames asked Ms. Tamar Allen to comment on BART employees maintaining the equipment.

Director Ames moved that the General Manager be authorized to execute lease and rental agreements for non-revenue vehicles and equipment as identified in Attachment II up to \$15,000,000.00, in the aggregate, for a period of 5 years with vendors listed in the current Attachment I, and that those vendors be added to that list thereafter. Director Allen seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (Attachments I and II are attached and hereby made a part of these Minutes.)

Director Dufty brought the Matter of Award of Agreements for Construction Management Services before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Vicki Tan, Group Manager, Project Controls, Program Management; Mr. Powers; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

Director Dufty thanked Ms. Tan for her presentation; congratulated Ms. Tan and staff for their work; and recognized PreScience Corporation for its 70% Small Business Enterprise (SBE) participation goal.

Schatzie Allen-Jefferson and John Fisher addressed the Board.

Director McPartland moved that the General Manager be authorized to award the below listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$40,000,000.00 each, pursuant to notification to be issued by the General Manager; the awards are subject to the District's Protest Procedures and Federal Transit Administration (FTA) requirements related to protests:

1. Agreement No. 6M8176 to PGH Wong Engineering, Inc., San Francisco, CA
2. Agreement No. 6M8177 to PreScience Corporation, Oakland, CA
3. Agreement No. 6M8178 to WSP USA Inc., Oakland, CA
4. Agreement No. 6M8179 to HDR, Walnut Creek, CA
5. Agreement No. 6M8180 to The Allen Group, LLC., Oakland, CA
6. Agreement No. 6M8181 to Atkins North America, Inc., Oakland, CA
7. Agreement No. 6M8182 to Ghirardelli Associates, Oakland, CA
8. Agreement No. 6M8183 to TRC, Concord, CA

Director Saltzman seconded the motion.

The item was discussed, with the following highlights:

Director Ames commented on unknown information about the agreements, reducing consulting services, evaluating whether staff can perform the services, her desire to inform her constituents about how money is spent and for which projects the money is spent, review of the Measure RR update, and opposition to award of the agreements; and requested that staff provide an update about work performed by BART employees in October.

Director Raburn commented on the remaining funds in the contract, migrating from design into the implementation phase on many of the projects, the need to move the item forward to fulfill the approved Measure RR bond issuance, continuing to provide opportunities for people in the Bay Area through projects largely constructed using Measure RR funds, and support for award of the agreements; and congratulated Schatzie Allen-Jefferson and John Fisher.

Director Allen commented on support for award of the agreements, the terms of the agreements, opportunities for smaller firms to enter into agreement cycles, and the importance of Measure RR and construction management work; and requested that staff identify opportunities and methods to add additional firms in two or three years.

Director Dufty commented on firms' interest in the procurement, the sub-consultants working under the award recipients, the progress on implementing Measure RR, and creating jobs and opportunities; requested that staff identify sub-consultants and new sub-consultants in the Executive Decision Documents; asked staff to address how BART's on-call approach has provided flexibility in completing work in a timely manner; and requested that staff provide a list of the sub-consultants that would be working with the award recipients and identify the sub-consultants that would be working with BART for the first time.

The motion brought by Director McPartland and seconded by Director Saltzman carried by roll call vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Ames.

Director Dufty brought the matter of Bay Area Rapid Transit District's Annual Surveillance Report – 2020 before the Board. He commented on a written comment submitted by Brian Hofer with Secure Justice and staff's desire to work with Mr. Hofer and other stakeholders to address some of the concerns in Mr. Hofer's letter.

Nick Carraway and Aleta Dupree addressed the Board.

Director Saltzman moved that the item be continued to a Board Meeting in September. Director Li seconded the motion, which carried by unanimous acclamation. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of Quarterly Service Performance Review – Fourth Quarter Fiscal Year 2020 before the Board. Ms. Tamar Allen, Chief Alvarez, and Mr. Jones presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about the decrease in employee injury rates, concern about the decrease in crimes against persons in relation to the decrease in paid ridership, whether police officer train teams were still operating, the number of police officers assigned to a train team, whether police officers are focused on fare inspection or riding trains at certain stations, the number of hours allocated to fare inspection per shift, and whether police officers working fixed post shifts ride the trains throughout the system.

President Simon asked Chief Alvarez to comment on BART Police Officers' observations, Mr. Armando Sandoval's, Community Outreach Specialist, Police Operations Division, work to coordinate with counties, the context of crime, how to reduce the amount of crime, collaboration efforts moving forward, the increased amount of individuals struggling with mental health issues and efforts to address those issues, and de-escalation training; inquired about deployment of police officers during the day, whether the amount of armed police officers and fare inspectors deployed during daytime service hours is greater than the amount deployed during daytime service hours prior to COVID-19; commented on Gallup poll data; and thanked Chief Alvarez for his work.

Director Dufty suggested that he, President Simon, and Mr. Powers contact the counties of Alameda, Contra Costa, and San Francisco to seek assistance with addressing homelessness.

Director Li aligned herself with the comments by Director Dufty and commented on the relationship between the presentation and the Roll Call for Introductions (RCI) request regarding the budget revision in October.

Director Ames commented on seeking assistance from cities and counties and her desire to participate in the county conversations.

President Simon called for the General Manager's report. Mr. Powers reported on his involvement in Regional Impact Council (RIC) Steering Committee, the unveiling of a mural at Coliseum Station, A65 track project work, the press conference with the general managers of Bay Area transit operators regarding the Riding Together: Bay Area Healthy Transit Plan, his participation in a national rally to save public transit, and his participation in a meeting with Michael Hursh, General Manager of Alameda-Contra Costa Transit District (AC Transit), and the East Bay Economic Development Alliance.

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

Director Dufty requested that the Meeting be adjourned in honor of Mr. William Alonzo Little, Jr., father of Naomi Kelly, San Francisco City Administrator.

Director Raburn reported on his tour of the Transbay Tube and attendance at the mural dedication ceremony at Coliseum Station; commented on Senate Bill 731; and requested that Board Members' write to legislators to request support for Senate Bill 731.

Director Li reported that she had participated in a panel hosted by the Chinese Mutual Aid Association (CMAA), Conference of Minority Transportation Officials (COMTO), Women's Transportation

Seminar (WTS International), and others regarding Bay Area transit and equity; recognized that August 27, 2020 would have been Courtney Brousseau's 23rd birthday; and requested that the Meeting be adjourned in honor of The Honorable James Fang, former BART Board Director of 24 years, representing District 8.

Director Foley reported that he had attended the City of Concord's Community Conversation on Homelessness and Mental Health and requested that staff provide a monthly memo to the Board outlining the status of the new BART Headquarters located at 2150 Webster Street, Oakland.

President Simon indicated that most BART employees are essential workers; thanked employees for their work; noted that public transportation is essential to the economy and lives; commented on crises across the country; and thanked Board Members for their service.

The Meeting was adjourned at 2:24 p.m. in honor of Mr. William Alonzo Little, Jr. and The Honorable James Fang.

Patricia K. Williams
District Secretary

Attachment A – Responses to 2019-2020 Contra Costa County Grand Jury Report No 2003, “Contra Costa BART Rider Concerns”

FINDINGS

Finding 1:

Customer Satisfaction Surveys reveal that Contra Costa County riders are increasingly dissatisfied with safety, cleanliness, and fare evasion on the BART system.

RESPONSE: *Agree with clarification*

NOTE: Our assumption is that “safety” as referenced in this Report refers to personal security in the BART system and not the safety of the trains themselves.

BART’s Customer Satisfaction Surveys are noted as the source document for several conclusions and findings contained in the Report. For this reason, we offer the following comments on the data and /or its interpretation:

1. On page 5, the report states that satisfaction decreased to a low of 54% in 2018. This figure is 56%.
2. For the attributes rated on the questionnaire, a 1 – 7 scale is used, and only numbers 1 and 7 are anchored, with “Poor” and “Excellent,” respectively. The references to 4 = Neutral, 2 = Very Dissatisfied, and 3 = Somewhat Dissatisfied are not in the BART Customer Satisfaction Survey.
3. The average ratings used in Table 2 on page 6 are not consistent with BART data. It appears that they are based on unweighted data, and missing responses were not excluded, resulting in the average scores being lower than they are. However, these attributes did experience declines between 2016 and 2018, so that is not disputed.
4. Page 7, figure 2. “Cleanliness” in chart should read “Train Interior Cleanliness.”
5. Page 9, Cleanliness, last sentence should read: County scores were lower than non-county scores for cleanliness attributes related to train, but not for all cleanliness attributes.
6. On page 10, the score for Addressing Homelessness among County riders was 2.74, not 2.57. It is correct that it was the lowest rated attribute among County riders.

Finding 2:

BART is actively addressing safety and cleanliness.

RESPONSE: *Agree*

BART appreciates the Grand Jury’s recognition of our considerable efforts over the last several years in focusing on safety, cleanliness and other quality of life issues. Since Fiscal Year 2014, BART has invested an additional \$60+ million on ongoing and new programs to address safety and security, fare evasion, homelessness, and enhanced cleanliness. These efforts have occurred in tandem with an accelerated capital rehabilitation program and an unprecedented growth in ridership during the FY14-FY20 time period.

Finding 3:

BART has no published strategic plan beyond 2020.

RESPONSE: *Agree with clarification*

Prior to the COVID-19 pandemic, BART intended to update the Strategic Plan in FY21. However, prioritization of other immediate needs has moved to the forefront in the face of this unprecedented public health and financial challenge. BART continues to follow the 2015 Strategic Plan Framework vision, mission, goals and objectives. While the strategies are associated with FY16-FY20, they will remain in place for FY21 and/or until the time that BART updates the Strategic Plan.

Finding 4:

Fare inspectors alone are not effective in deterring fare evasion.

RESPONSE: *Agree*

As the finding suggests, fare evasion is a complex problem which does not lend itself to a one-dimensional enforcement solution. Due to a variety of factors affecting BART, including the size and scope of the system, relatively open design, changing social environment, and restrictions on enforcement, we have implemented a multifaceted strategy involving deployment of both human and physical capital to reduce fare evasion. Over the last several fiscal years, we've added funding for community service officers, dedicated fare inspectors, and additional police officers, as well as the commitment of substantial capital funds directly to station hardening and incorporation of hardening design and equipment into our ongoing station modification program. Modifications and additions include raised railings, alarmed swing gates, fare gate pressure increase, enclosure of platform elevators to paid areas, additional security cameras, and electronic service gates. As will be discussed in the related Recommendation, BART is also in the process of design and funding of new fare gates, which will have fare evasion mitigation features as a principal design and deployment objective.

Contact with fare evaders occurs in several different ways. Police Officers take enforcement action for fare evasion that occurs at the fare gates. Officer must witness a subject entering or exiting the paid area without paying, and then the officer can take enforcement action for the criminal infraction violation of fare evasion. On average we typically have about 26 police officers assigned to patrol stations during revenue hours. Each officer is responsible for 2 to 3 stations; we are unable to have an officer at every array of fare gates to prevent fare evasion. Officers do provide a vital role in deterrence and enforcement. Although our non-sworn Fare Inspectors lack the general authority of a Police Officer, they do have the ability to ask everyone within the paid area of the system to show proof of payment. Prior to the ordinance, fare evaders were only concerned with getting caught upon entry or exit, but now they may be stopped anywhere along their ride to show proof of payment. Reducing fare evasion will require Police Officers, Fare Inspectors, and station hardening. Even after station hardening, enforcement by Police Officers and Fare Inspectors will continue to be necessary.

Finding 5:

BART has not allocated the funds to complete the fare gate modification program.

RESPONSE: *Disagree partially*

As explained in BART's response to Recommendation No. 2, the faregate modification program was always envisioned as a regional responsibility mirroring the strategy used to fund the first generation faregate replacement program years ago. BART typically works with the county-level transportation authorities to partner in funding regional projects, but these funding packages rely on county-level funding opportunities. As one example, in March 2020, Contra Costa voters failed to pass a sales tax measure that included \$120M in funding for a "Cleaner, Safer BART" category that could have been used as the Contra Costa share to improve fare gate reliability and reduce fare evasion. Despite this setback, BART is fully engaged with Contra Costa and other regional partners and funding agencies to secure this funding to complete the plan and meet the expected implementation schedule.

BART has directed over \$35M of in-house funding in the program and has also worked diligently to bring program costs down from \$150M in September 2019 to a projected \$90M today. We are presently prototyping the new gates at the Richmond station, with positive results to date.

Finding 6:

County riders want more police officers throughout the system- inside and outside the stations, and on trains.

RESPONSE: *Agree with clarification*

BART recently commissioned a study by the University of North Texas to analyze and assess BART police staffing levels. The study recommendations included staffing increases and a layered deployment in order to increase officer presence inside and outside the stations and on trains. In response to the study (and with the support of our Board of Directors), additional officers will be deployed on trains and on cover beats. With the first increase of 19 additional officer positions, in January 2020 we created a Train Team of 10 officers, who are dedicated to riding trains throughout the system. As predicted, this first step has been very successful. Our next step is to add a second Train Team, so that we can expand program hours and increase coverage. In addition to Police Officer presence on trains, our uniformed Community Service Officers, Fare Inspectors, and Ambassadors provide visible presence and a deterrence to crime on our trains. The most recent BART customer survey showed an increase in officer presence, and the increase is attributed to all job classifications being highly visible in the stations and on trains.

Finding 7:

Contra Costa County's revenue contribution to BART is increasing while overall fare collections are decreasing.

RESPONSE: *Agree with clarification*

In the Report, **Table 1 – Fare Collections 2017 to 2019** depicts a methodology of tracking fare collections which differs from BART practice. Our data acquisition system accounts for each entry and exit as a completed trip and assigns revenue to the destination station. Doubling this revenue to determine any jurisdiction's revenue contribution is at best a rough approximation that assumes that all trips are round trips, which is not the case. When allocating trips and associated fare revenue to geographic segments of the system, the correct way to

allocate the trips is based on exit station location, the point at which the fare is determined. Each trip contains one entry station and exit station; allocating both entries and exits results in a double counting of trips associated with a geographic area.

Overall fare revenue from Contra Costa County did increase by 0.9% from FY17 through FY19. It was during this period in which BART opened the two-station eBART extension, which serves new and existing ridership originating from eastern Contra Costa County and beyond.

Finding 8:

There is no evidence that BART has attempted to systematically survey non-riders.

RESPONSE: *Disagree*

In 2019, BART conducted two online surveys which included non-riders. One of these used a purchased panel of four-county residents which included both riders and non-riders and focused on opinions and perceptions of BART, and reasons for not riding among non-riders. The base was adults age 18+ in BART's service area. Including both riders and non-riders is preferable to a survey focused on non-riders only, as the data can be weighted to the overall population.

The other survey was via a partnership with the Metropolitan Transportation Commission (MTC). This survey focused on work commuters in the four-county service area and asked about commute mode, reasons for choosing/not choosing BART, and overall satisfaction with BART (among those who ride BART at least once a year).

In addition to quantitative surveys, BART occasionally conducts small group discussions (focus groups) with frequent riders and infrequent riders. The infrequent riders sometimes include those who are riding BART less often than in the past. These discussions allow BART to gain insight into the factors that come into play when residents make transportation decisions.

The reason that these types of surveys haven't been done regularly or more frequently, is primarily due to cost and resources. Surveying existing and former customers is much more time and cost efficient. And while using a purchased online panel to reach non-riders can be done in a cost-effective manner, the quality of the data may be questionable in some instances. When low-cost opportunities arise to gain insight from non-riders, such as in the partnership with MTC described above, BART commits staff resources to this effort. This survey can't be scheduled regularly however, as the primary data collection effort by MTC is not expected to be repeated on a regular basis.

One key question asked of those who are riding less than before, or not at all, is reasons for change in frequency of riding BART. We do acknowledge though that those who have stopped riding altogether may be less likely to complete an online survey from BART.

RECOMMENDATIONS

Recommendation 1:

The BART Board of Directors should consider publishing an updated strategic plan to address improvements to safety, cleanliness, and fare evasion over the term of the plan by December 31, 2020.

RESPONSE:

Given the unprecedented financial uncertainty created as a result of the COVID-19 pandemic, BART is currently assessing whether adequate resources are available for this effort. If adequate resources are identified, BART may initiate an update in Calendar year 2021. BART's existing mission and goals do support focus in these areas which are ongoing priorities for the district. In the interim, the currently adopted Strategic Plan remains in place.

Recommendation 2:

The BART Board of Directors should consider continuing to modify or replace fare gates and establish a timeline and funding for implementation by December 31, 2020

RESPONSE:

In the Fall of 2019, the BART Board designated as a priority the replacement of BART fare gates with Next Generation Fare Gates, which would deter fare evasion, improve maintainability and reliability of fare gates and improve passenger throughput. Following this direction, BART initiated a design effort.

On June 11, 2020, the BART team presented to the Board a pneumatic, swing-style fare gate design, which not only accomplished these goals, but also significantly reduced the cost estimate for replacing all fare gates throughout the system from \$150M to \$90M, saving 40%. The presentation also laid out a four-year implementation timeline, procurement/installation options and a preliminary plan for securing the needed funding. The preliminary funding plan proposes that, within the BART District, BART and the BART District counties to split the cost about 50%/50%. Non-BART District counties would be responsible for the full cost of new fare gates within their county. Implementation of the fare gates will be tied to the county funding availability and timing.

BART has identified and will allocate several funding sources to cover its \$35.2M share of the project, including Measure RR bond proceeds, Federal formula funds and BART allocations from operating to capital. BART has also initiated discussions with the three BART District County Congestion Management Agencies (CMAs) – the Contra Costa Transportation Authority (CCTA – \$7.4M share), the Alameda County Transportation Commission (ACTC – \$19.6M) and the San Francisco County Transportation Authority (SFCTA – \$12.5M) – to discuss potential approaches for funding the County shares.

The Santa Clara Valley Transportation Authority (VTA) will be responsible for the Santa Clara County share (\$5M) under the terms of the Operations and Maintenance Agreement between VTA and BART. BART plans to initiate funding discussions with the San Francisco International Airport (SFO) and the San Mateo County Transportation Authority (SMCTA) over the next few months to secure their proportional share of funding.

Recommendation 3:

The BART Board of Directors should consider reconfirming its plan to add 19 police officers per year over the next five years, with 66 of them on the trains, by December 31, 2020

RESPONSE:

BART remains committed to increasing police officer staffing but must do so within a financial environment of extreme uncertainty in the wake of COVID-19. In the period FY19-20 through FY20-21, BART has hired 95 police officers, which filled 67 routine vacancies and 28 new positions, and we are currently recruiting and hiring for 16 vacant positions. This rapid hiring pace was made possible by several significant steps undertaken to speed up police officer recruitment and onboarding. BART has successfully negotiated with our police labor association to allow the outsourcing of background investigations for police officer applicants, which has significantly compressed the time necessary to conduct these critical reviews. In addition, our most recent labor agreement provides for an improved compensation package that will make BART more salary competitive and support increased recruitment. BART has also instituted and recently increased a hiring bonus for lateral applicants with prior law enforcement experience, who can be trained and deployed as solo officers more quickly than entry level applicants.

Due to remaining vacancies and our current financial situation, new FY21 additions beyond those described above are being delayed at this time but will be periodically reassessed with our FY21 budget as the full financial impacts of COVID-19 become known.

BART has also taken other measures to respond to passenger safety and security concerns. In FY20 BART also expanded the number of non-sworn Fare Inspectors by four. In addition, the FY21 budget includes 10 new ambassadors to increase presence on trains and promote measurable improvements to the passenger experience.

Recommendation 4:

The BART Board of Directors should consider constructing station booths and staffing the booths with agents at the Pittsburg Center and Antioch eBART stations by December 31, 2021

RESPONSE:

As part of the stations and operations planning and development process leading to the eBART extension, staffed station booths were considered. Ultimately, this option was not selected due to the increased capital cost of adding station booths, operating cost of staffing, and the limited return on what would require significant initial and recurring investments.

Recommendation 5:

The BART Board of Directors should consider developing a plan to systematically survey non-riders by county by December 31, 2021, and implement that plan along with the 2022 Customer Satisfaction Survey.

RESPONSE:

Recommendation 5 requires further analysis and consideration within the context of other budget priorities.

Results from a non-rider survey would not be directly comparable to the Customer Satisfaction Survey due to non-complementary methodologies and questionnaires. The reason for these differences is that the target respondents are not customers and the effort would require a different survey instrument, likely focusing on perceptions of BART and reasons for not choosing BART, rather than satisfaction with BART.

Implementing this recommendation will require additional research funding at a time when BART is dealing with greatly reduced revenue and unprecedented fiscal uncertainty. BART will consider implementing a complementary non-rider survey with the 2022 Customer Satisfaction Survey if our financial capacity permits at such time.

Prospective Bidders Lists - RR Project Support Leases and Rentals

	Status	Date Added	SB/LSB	Vendor
1	On List	5/28/2018		Custom Truck - CTE
2	On List	7/2/2018		Danella
3	On List	6/29/2018	SB	Doc Bailey Construction
4	On List	7/30/2018		Golden Gate Truck Center
5	On List	6/29/2018		Herz Rentals
6	On List	6/28/2018		NESCO Specialty
7	On List	7/3/2018		RELAM
8	On List	7/31/2019		Owen Equipment
9	On List	7/23/2020		1435 Rail
10	On List	6/29/2018		Ballast Tools Equipment BTE
11	On List	7/9/2018		RCE
12	On List	7/16/2018		Geismar - Modern Track Machinery
13	On List	8/22/2019		Swingmaster
14	On List	6/29/2018		Ohio Crane / IPS
15	On List	11/26/2019		Railworks
16	On List	8/17/2018		Ahern
17	On List	7/5/2018		CRESCO
18	On List	3/27/2019		H&E Equipment Services
19	On List	12/21/2018		National Rentals (not car rental)
20	On List	9/18/2018		Right Manufacturing Systems / Mix Right
21	On List	7/10/2018		Sunbelt
22	On List	7/11/2018		Sunstate
23	On List	8/27/2018		United Rentals
24	On List	7/5/2018		Volvo Construction Equipment
25	On List	11/9/2018		Bancorp
26	On List	7/16/2018		BARCO
27	On List	8/24/2018		Honda of Oakland
28	On List	8/28/2018		Mission Valley Ford
29	On List	7/10/2018		Monarch
30	On List	7/19/2018		Volkswagen of Oakland
31	On List	7/19/2018		A Tool Shed
32	On List	7/17/2018		S & S, Supplies and Solutions
33	On List	12/28/2018		Security Contractor Services
34	On List	2/12/2019		Silver and Black Enterprises
35	On List	1/7/2019		BIGGE Crane and Rigging / King Crane
36	On List	1/11/2019		Peninsula Crane
37	On List	12/20/2018		Sheedy Drayage
38	On List	4/12/2019		Design Space
39	On List	5/30/2019		WillScot
40	On List	5/21/2020		Mobile Modular
41	Sent Questionnaire	6/23/2020		Trailers Plus
42	On List	7/14/2020		Big Tex Trailer World
43				
44	Submitted Quest.	pending		FC Safety
45	Submitted Quest.	pending		Western First Aid
46	SB / LSBs - Certified by California General Services Agency as a Small Business			
47	On List	6/29/2018	SB	CH RULL COMPANY
48	On List	10/2/2018	SB	Makai Solutions
49	On List	7/5/2018	LSB	PINTANE LLC - *on SB
50	On List	7/2/2018	LSB	SDV SERVICES INC. - *LSB
51	On List	7/12/2018	SB	CAI SAFETY INC. - *on SB
52	On List	7/13/2018	LSB	YOLANDA'S CONSTRUCTION ADMINISTRATION & TRAFFIC C

ATTACHMENT II

RR FUNDED SERVICES FOR LEASES AND RENTALS OF VEHICLES AND EQUIPMENT

Services for vehicle and equipment of general nature used in construction and railroad applications:

- **Road Vehicles & Equipment**
- **Construction & Material Handling Equipment**
- **Hi-Rail Vehicles & Equipment**
- **Railroad Vehicles & Equipment**
 - Trucks: Light to Heavy duty utility
 - Trucks: Fuel; crane; aerial lift
 - Truck, Personnel Crew; Mechanic; Inspection
 - Truck, Cable Reel
 - Truck, Flat Bed
 - Truck, Rotary Dump
 - Truck, Tunnel Washer
 - Vans
 - Puller Tensioner, Cable
 - Earth Moving Equipment
 - Forklifts; Telehandlers;
 - Compactors
 - Mobile Batch Plant
 - Lifts
 - Signs
 - Compressors; Fans; Air moving; Climate Control equipment
 - Chipper
 - Concrete & Masonry equipment
 - Demolition Equipment
 - Fans
 - Floor and vacuum equipment
 - Generators
 - Ground protection
 - Lighting equipment
 - Trailers
 - Cables, pumps, accessories
 - Road graders, saws, accessories
 - Small tools – air and accessories
 - Trailers
 - Welding equipment
 - Vehicle communications
 - Telematics
 - Shunting equipment
 - Low Railers
 - Switch Tampers
 - Tie Extractor/Inserter
 - Tie Handlers
 - Cranes
 - Flat cars