

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

***** REVISED *****

BOARD MEETING AGENDA

February 27, 2014

5:00 p.m.

A regular meeting of the Board of Directors will be held at 5:00 p.m. on Thursday, February 27, 2014, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.
Alameda County Supervisor Keith Carson.

2. CONSENT CALENDAR
 - A. Approval of Minutes of the Meeting of February 13, 2014.* Board requested to authorize.
 - B. Agreement with ELERTS Corporation for ELERTS Transit Software Enterprise License Agreement.* Board requested to authorize.

3. ADMINISTRATION ITEMS
Director Saltzman, Chairperson
 - A. Emergency Vehicle Access Easement at the BART Fremont Station to City of Fremont.* Board requested to authorize.
 - B. Fiscal Year 2015 Budget: Financial Priorities.* For information.

4. ENGINEERING AND OPERATIONS ITEMS
Director McPartland, Chairperson
 - A. Warm Springs Extension Project: Semi-Annual Project Update.* For information.
 - B. District Emergency Preparedness Program.* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson
 - A. Military Ticket Program for Free Transportation for Returning United States Military Personnel.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
 - B. Proposed BART Extension to Livermore: Project-Level Environmental Update.* For information.

6. GENERAL MANAGER'S REPORT

7. BOARD MATTERS

- A. Alternative Dispute Resolution Advisory Measure.* For discussion.
(President Keller's request.)
- B. Smartphone Theft Prevention Act, Senate Bill 962 (Leno).* Board
requested to support. (Director Saltzman's request.)
- C. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are
available through the Office of the District Secretary.)
- D. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future
Committee or Board Meeting or to request District staff to prepare items or reports.)
- E. In Memorium.
(An opportunity for Board members to introduce individuals to be commemorated.)

8. PUBLIC COMMENT

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

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

DRAFT

Board of Directors
Minutes of the 1,700th Meeting
February 13, 2014

A regular meeting of the Board of Directors was held February 13, 2014, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of December 19, 2013, and January 23, 2014.
2. Revision to 2014 Standing Committee and Special Appointments.
3. Resolution of Local Support for the Regional Transportation Improvement Program (RTIP) Funds for the Stations Modernization Improvements Program.
4. Resolution of Local Support for a Metropolitan Transportation Commission (MTC) Transit Performance Initiative Project Application for the BART Metro Priority Improvements Project.
5. Award of Contract No. 15EI-170, Power Transformer Replacement and Installation for SBS and SPS Auxiliary Substations.

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

1. That the Minutes of the Meetings of December 19, 2013, and January 23, 2014, be approved.
2. That the revision to the 2014 Standing Committee and Special Appointments, Wayside Safety Ad Hoc Committee, be ratified as follows: Thomas M. Blalock (Chairperson), John McPartland, Tom Radulovich, and Rebecca Saltzman.
3. Adoption of Resolution No. 5251, In the Matter of the Approval of a Resolution of Local Support for a Regional Transportation Improvement

Program Project Application for the Stations Modernization
Improvements Program.

4. Adoption of Resolution No. 5252, In the Matter of the Approval of a Resolution of Local Support for a Transit Performance Initiative-Incentive Project Application for Three Elements of the BART Metro Priority One Elements Project.
5. That the General Manager be authorized to award Contract No. 15EI-170, for Power Transformer Replacement and Installation at the San Bruno Auxiliary Substation (SBS) and the Santa Paula Auxiliary Substation (SPS) to Blocka Construction, Inc., for the Bid price of \$839,300.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2014 First Quarter Financial Report.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Resolution Authorizing Northern California Power Agency Renewable Power Purchase Agreement before the Board. Mr. Frank Schultz, Department Manager of the District's Energy Programs, presented the item. Director Mallett moved adoption of Resolution No. 5253, In the Matter of Approving and Authorizing the General Manager to Execute a Transaction Authorization and Confirmation for the Purchase of Electrical Power from the Northern California Power Agency Relating to the Output of the Lake Nacimiento Hydroelectric Unit of the Monterey County Water Resources Agency. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Saltzman brought the matter of Time Extension for Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, before the Board. Ms. Diane Iwata, Benefits and HRIS Manager, presented the item. The item was discussed. Director Blalock moved that the General Manager or her designee be authorized to execute a change order to Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, with Keenan & Associates, extending the term of the Agreement for an additional 18 months to September 30, 2015. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller announced that Items 9-C (Conference with Real Property Negotiators, 300 Lakeside Drive and 344 20th Street, Oakland) and 10-B (Expansion of District's Existing Leased Space at 300 Lakeside Drive and 344 20th Street, Oakland, CA, and Extension of Existing Lease Term) would be continued to a future meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures – C Line, with ProVen Management, Inc., for New Storefront Window Walls at Walnut Creek Station (C.O. No. 84), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Director Raburn moved that the General Manager be authorized to execute Change Order No. 84, New Storefront Window Walls at Walnut Creek Station, to Contract No. 15PP-110A, Earthquake Safety Program Station Structures – C Line, for an amount not to exceed \$356,833.00, with ProVen Management Co. Inc. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director McPartland brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2014 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, Mr. Jeffrey Lau, Chief Safety Officer, and Mr. Kenton Rainey, Chief of Police, presented the item. The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Proposed Transit-Oriented Development at the Millbrae Station – Report, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, and Ms. Ellen Smith, Planning Division Manager, presented the item. The following individuals addressed the Board.

Mr. Lawrence Lui
Mr. John Lynn Smith
Honorable Wayne Lee
Mr. Williams Nack

The item was discussed.

President Keller called for the General Manager's report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in. Ms. Crunican noted upcoming activities for the Lunar New Year.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 19, 2014.

President Keller brought the matter of Labor Negotiations Review Ad Hoc Committee before the Board. Director Fang, Chairperson of the committee, gave a brief report on the initial meeting of the committee.

Mr. Chris Finn addressed the Board.

Director Fang introduced the committee's request for authority to select and recommend the services of an independent public sector labor relations negotiations consultant, scope of work, and budget. The item was discussed. Director Blalock moved that the Labor Negotiations Review Ad Hoc Committee be authorized to select and recommend the services of an independent public sector labor relations negotiations consultant, scope of work, and budget not

to exceed \$225,000.00, to the Board of Directors. Director Fang seconded the motion, which carried by roll call vote. Ayes – 5: Directors Blalock, Fang, Mallett, Raburn, and Keller. Noes – 4: Directors McPartland, Murray, Radulovich, and Saltzman.

President Keller brought the matter of Resolution Commending Detective Sergeant Thomas A. Smith before the Board, and moved adoption of Resolution No. 5254. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

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

Director Saltzman reported she had attended a BART Police Department staff meeting.

Director Murray requested the District investigate and report on initiatives to improve the smell and condition of elevators, including the system being deployed at MARTA for a urine detector for elevators.

Director Murray requested a report on the District's plan for rail grinding and the potential impacts of the drought.

President Keller called for In Memorium requests. Director Blalock requested the meeting be adjourned in honor of renowned architect Julia Morgan and the former Mayor of Pleasanton, Ken Mercer.

Director Fang exited the Meeting.

President Keller called for Public Comment. The following individuals addressed the Board.
Mr. Alan Smith
Mr. Jerry Grace

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

The Board Meeting recessed at 12:06 p.m.

The Board reconvened in closed session at 12:17 p.m.

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

Absent: Director Fang.

The Board Meeting recessed at 1:42 p.m.

The Board reconvened in closed session at 1:45 p.m.

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

Absent: Director Fang.

The Board Meeting recessed at 1:46 p.m.

The Board reconvened in open session at 1:49 p.m.

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

Absent: Director Fang.

President Keller announced that the Board had met in closed session under Items 9-A and 9-B of the agenda, and that there were no announcements to be made from those closed sessions.

President Keller brought the matter of Prevailing Wage Policy for Transit-Oriented Development for the East Parcel of the Walnut Creek Transit Village Project before the Board. Director Murray moved that the Board reintroduce the District's 1987 prevailing wage requirement for development on the East Parcel at the Walnut Creek BART Station. Director McPartland seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, , McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Abstain - 1: Director Mallett. Absent - 1: Director Fang.

The Board Meeting was adjourned at 1:52 p.m. in honor of Julia Morgan and Ken Mercer.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca S. Schneider</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>2/21/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis W Engstrom Dept: Office of the CIO	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Travis Engstrom</i> Signature/Date: <i>2/18/14</i>	<i>MB 2/20/14</i>	<i>[Signature]</i>	[]	<i>Carlo M...</i> <i>2/20/14</i>

TITLE:

ELERTS: Rider Safety Communication for Smartphones

NARRATIVE:

Purpose

For the Board to authorize the General Manager to execute a 7 year Enterprise License Agreement (ELA, or Agreement) for ELERTS Transit software, with ELERTS Corp., not to exceed \$265,000, plus applicable taxes, in FY14.

Discussion

The BART Police Department and the Office of the Chief Information Officer (CIO) have identified a unique public safety communications platform that provides two-way communication, geo-targeted alerts, high-resolution photography and confirmed message delivery from smartphones.

This mobile software solution will allow BART riders to more easily participate in the National "See Something, Say Something" campaign by using their smartphones to report suspicious incidents and crime. ELERTS provides a silent, safe and discrete way to report crime within confined spaces like trains, stations and parking lots without alerting or agitating a dangerous subject.

ELERTS Transit software is currently in use in the Massachusetts Bay Transportation Authority (MBTA), the Metropolitan Atlanta Rapid Transit Authority (MARTA), the Niagara Frontier Transportation Authority (NFTA) and in the Santa Clara Valley Transportation Authority (VTA).

ELERTS not only provides riders with a mobile safety solution, but also provides the BART Police Department with the ability to send mass updates to Officer Smart Phones that show near real-time photos and details for incidents such as missing children, suspicious bags, and wanted suspects.

The ELERTS application uses a targeted set of menus and drop-down lists that make it easy for riders to report issues. To widen the use of this application, the Office of Civil Rights has included in this agreement the translation of all menus and drop-down lists within the application, that allow Users to easily report issues with minimal typing, into both Spanish and Simplified Chinese making BART the first ELERTS customer to use alternative languages within the application.

If they so choose, users are able to send additional text transmissions entered into the comments section of the application in ELERTS beyond what is described in the drop-down menus. In contrast to the menus and drop-down lists that will be available in alternative languages, current ELERTS technology does not allow the translation of these additional text transmissions. Users' text transmissions in the comment section will be routed to the BART Police Department that will handle alternative language transmission from ELERTS as they do all other alternative language submissions such as telephone, email and fax. The Office of Civil Rights has directed ELERTS to include a disclaimer in the application stating that "Text transmissions entered into the comments section in an alternative language may experience a delay in translation". Throughout the duration of this Agreement, the Office of Civil Rights will continue to work with ELERTS to provide additional enhancements to support the translation of the comments section wherever

possible.

The Office of General Counsel will approve this Agreement as to form prior to execution.

Fiscal Impact

Funding for \$265,000.00 plus applicable taxes for executing this Agreement will come from project budget 79HA010 ELERTS: Rider Safety Communication for Smartphones. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of the 02/18/2014, \$265,000 plus applicable taxes is available for this project from the following fund sources:

Description	Amount
F/G 5371 - FY09-10 PROP 1B Security	250,000
F/G 0031 -- Bart Operating Budget	15,000
Total	\$265,000.00

BART has expended \$0.00 committed \$0.00 to date for other actions. This action will commit \$265,000 leaving an uncommitted balance of \$0 in these fund sources.

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

Alternative

Do not authorize the execution of this Agreement. The District will be unable to accept text based safety transmissions from riders. Riders will continue to use telephone voice communications for alerting BART Police.

Recommendations

Approve the following motion:

Motion

The Board authorizes the General Manager to execute an Enterprise License Agreement with ELERTS Corp., for ELERTS software & support services in an amount of \$265,000, plus applicable taxes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marica DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to PPAL Committee		
DATE: <i>2/19/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: John H Rennels Dept. Real Estate and Property Development	General Counsel <i>Andrew Reeves</i> 2/18/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Pan 18 FEB 2014</i>
Signature/Date: <i>2/18/2014</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Status: Routed		Date Created: 02/14/2014		

TITLE:

Grant of Emergency Vehicle Access Easement at the Fremont BART Station to City of Fremont

NARRATIVE:

Purpose: To request Board approval for the granting of an emergency vehicle access (EVA) easement at the Fremont BART Station to the City of Fremont (the City) to connect to a previously approved EVA granted to Washington Township Healthcare District (Washington Hospital or Hospital).

Discussion: In 2013, the Board approved granting of a lot line adjustment and corresponding EVA to Washington Hospital to facilitate the construction of a multi-story parking garage and helipad as the first phase of a major upgrade and expansion project. When BART staff was originally presented with the EVA request, it believed that the Hospital had reviewed the proposed EVA with the City of Fremont (the City) and it's Fire Marshall. Unfortunately, such coordination had not occurred.

The City's Fire Marshall is now requesting that a continuous EVA be provided to the City from the terminus of BART Way, a public roadway, through BART's internal street to connect to the EVA granted previously to the Hospital (See Exhibit A). The requested EVA is along an existing roadway and will not result in the loss of any additional parking spaces, reduce future development opportunities on BART land, or require any additional site or roadway work from what was contemplated by the original grant of the lot line adjustment and EVA to Washington Hospital.

In order for the Hospital to secure the appropriate building permits from the City to commence construction of its project, the requested continuous EVA must be in place.

The City has confirmed that should the West side of the Fremont BART Station be developed in the future, necessitating a modification to the Station's ingress/egress, a modification to the requested EVA can be negotiated that meets the access needs of BART, Washington Hospital and the City.

The Office of the General Counsel will approve the EVA easement deed, and any related agreements and documents, as to form.

Fiscal Impact: None. The requested access easement will be on an existing roadway (modified in conjunction with the previously approved lot line adjustment), with no additional loss in

circulation or parking.

Alternatives: Do not approve the EVA easement. This would result in the City not authorizing a building permit to the Hospital to construct a 700 space parking garage. Failure of the Board to authorize the EVA Easement would be inconsistent with the previous Board action granting to the Hospital a lot line adjustment and corresponding EVA to facilitate constructing the garage along with office space for BART police, transportation and maintenance personnel.

Recommendation: Adoption of the following motions.

Motions:

1. Adoption of the attached Resolution granting an Emergency Vehicle Access Easement to the City of Fremont.
2. The General Manager or her designee is authorized to execute any agreements and documents that are necessary in connection with the motions above.

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

In the matter of authorizing the grant of an emergency vehicle access easement to the City of Fremont -- Portion of BART Parcel O-AD01, O-AD02 (Portion of APN 507-0465-001-52)

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that said Board determines that the grant of an emergency vehicle access easement to the City of Fremont substantially as shown on the attached Exhibit "A" is in the best interest of the District, and hereby authorizes the execution of an easement grant deed by the President or Vice President of the Board, and the District Secretary or Assistant Secretary, on behalf of the District.

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SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the original resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT at its meeting regularly called and held on _____ 2014, a majority of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2014.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District

SAN FRANCISCO BAY AREA RAPID TRANSIT

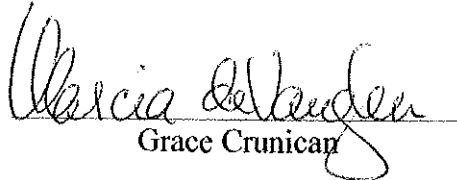
MEMORANDUM

TO: Board of Directors **DATE:** February 21, 2014

FROM: General Manager

SUBJECT: E&O Agenda Item 4A: Warm Springs Extension Project: Semi-Annual Project Update – For Information

At the February 27th Board of Directors meeting, staff will provide an update on the progress of the Warm Springs Extension (WSX) Project, which will include a discussion of the project schedule, budget, environmental compliance, and the status of construction contracts that are underway. If you have questions about the attached presentation, please contact Paul Medved, Group Manager, Planning & Development at (510) 287-4750.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM


TO: Board of Directors

DATE: February 21, 2014

FROM: General Manager

SUBJECT: E&O Agenda Item 4.B: District Emergency Preparedness Program - For Information

At the February 27th Board of Directors meeting, staff will present an overview of the District's Emergency Preparedness Program, including a highlight of accomplishments to date and future activities. If you have questions about the attached presentation, please contact Chief Kenton Rainey at (510) 464-7022.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 2/21/14		BOARD INITIATED ITEM: NO			
Originator Prepared by: Julie A Yim	General Counsel	Controller/Treasurer	District Secretary	BARC	
Dept: <i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 2/21/14	<i>[Signature]</i> 2/21/14				<i>[Signature]</i> 2/21/14
Status: Routed		Date Created: 01/09/2014			
TITLE:					

Free Tickets to Certain Military Personnel on Leave or Returning from Active Combat

NARRATIVE:

Purpose: To adopt by a two thirds vote of the entire Board the attached Resolution "In the Matter of Adopting Modified Fare Rates: Free Tickets to Certain Military Personnel on Leave or Returning from Active Combat"

Discussion: In 2009 the Board of Directors approved the Demonstration Project for the Issuance of Free Tickets to Certain Military Personnel on Leave. The program was instituted as a way for the BART organization to express its support and gratitude for the men and women serving in dangerous war zones to protect the United States. The District encoded Fifty-Dollar (\$50) tickets and gave them to military personnel that had recently returned (within six months) from an active combat theater in the Middle East, specifically Operation Iraqi Freedom and Operation Enduring Freedom. In order to receive a ticket, pursuant to the terms of the program, the returning soldier was required to show proof of active military service (a military identification card) and evidence of their leave from Iraq or Afghanistan. During the demonstration period, the District distributed approximately 800 tickets to qualifying soldiers.

The District would like to implement a new ticket program for certain military personnel on leave with the same requirements as the Demonstration Project, including demonstrating proof of active military service and evidence of leave from a dangerous war zone. To implement this new program, staff will work with established veterans' organizations and will continue to reach out to a network inclusive of minority, low-income, and limited English proficiency populations to insure that all affected military personnel will have access to the one-time free \$50.00 ticket.

Pursuant to the FTA Circular 4702.1B, a promotional or temporary fare reduction lasting no more than six months is not subject to a fare equity analysis. During the period of implementation, the Office of External Affairs shall to the extent possible, collect demographic data related to recipients of the free ticket. Should staff desire to continue the program beyond the six month period, the Office of Civil Rights, in conjunction with other District staff, will conduct an analysis, prior to such continuation, in accordance with the District's Disparate Impact/Disproportionate Burden Policy (the Policy). The findings regarding disparate impact and disproportionate burden, including application of the Policy thresholds, will be reported to the BART Board for approval. If there is a finding of no disparate impact and a finding of no

disproportionate burden, then no further action is required by the Board to continue this program.

Adoption of this program requires a two-thirds vote by the Board of Directors. Consistent with similar free ride promotions or ticket discounts, this action may adversely impact revenue and therefore is subject to the higher approval threshold under State law period.

Financial Impact: \$20,000 or another 400 tickets should support all the affected military personnel until most of the troops are home.

Alternative: Do not adopt the program.

Recommendation: Adoption of the following motion:

Motion: Adopt the Resolution "In the Matter of Adopting Modified Fare Rates: "Free Tickets to Certain Military Personnel on Leave".

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

In the Matter of Adopting
Modified Fare Rates:
Free Tickets for Military
Personnel on Leave

_____ /

Resolution No. _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District (the "District") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, the District seeks to demonstrate its support and gratitude for the men and women serving in dangerous war zones to protect the United States by offering a free ticket to troops on leave in the Bay Area; and

WHEREAS, military personnel on active duty get periodic leave documented in an order, for respite and family reunions;

NOW, THEREFORE, the Board hereby makes the following findings:

The program authorized by this Resolution is reasonable as required by Public Utilities Code Section 29038:

- (a) State law permits the District to grant free passes to persons for patriotic purposes;
- (b) Free passes will only be issued upon verification of an individual's identity and the presence of a qualifying leave order;
- (c) Each person would be eligible to receive only one (1) ticket which shall not be refundable for cash; and
- (d) The program will be of limited duration with a cap of Twenty Thousand Dollars (\$20,000).

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The General Manager is authorized to provide free tickets to certain military personnel for a period not to exceed six months, commencing in March 2014, to issue one (1) free Fifty-Dollar (\$50.00) revenue ticket that would not be refundable for cash, to qualifying military personnel on leave or returning from active combat in dangerous war zones.
- (2) The distribution of free tickets shall include a cap of Twenty Thousand Dollars (\$20,000) on the total value of tickets issued.

- (3) In distributing the free tickets, staff will work with established veterans' organizations and will continue to reach out to a network inclusive of minority, low-income, and limited proficiency populations to ensure that all affected military personnel will have access to the one-time, free \$50.00 ticket.
- (4) During the period of implementation, the Office of External Affairs shall, to the extent possible, collect demographic data related to users of the free ticket.
- (5) Should staff desire to continue the program beyond the six month period, the Office of Civil Rights, in conjunction with other District staff, will conduct an analysis, prior to such continuation, in accordance with the District's Disparate Impact/Disproportionate Burden Policy (the Policy). The findings regarding disparate impact and disproportionate burden, including application of the Policy thresholds, will be reported to the BART Board for approval. If there is a finding of no disparate impact and a finding of no disproportionate burden, then no further action is required by the Board to continue this program.

BE IT FURTHER RESOLVED, that

Except as provided herein, Resolution No. 5082, In the Matter of Adopting Modified Fare rates and Parking Charges to Increase the Minimum Fare, Increase the SFO Premium Fare, Modify Daily Paid Parking Criteria and Approve Suspension of EZ Rider Card and Hang-tag Fees, adopted May 28, 2009, remains in full force and effect.

Adopted: _____

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

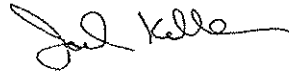
DATE: February 21, 2014

FROM: President

SUBJECT: Board Matters Agenda Item 7.A: Collective Bargaining Dispute Resolution

At the February 27th Board meeting, I plan to lead a discussion regarding a possible option to our current collective bargaining process. Attached please find a discussion paper that I hope will help facilitate our discussion.

If you have any questions, please feel free to contact me.



Joel Keller

Attachment

cc: Board Appointed Officers
Deputy General Manager

COLLECTIVE BARGAINING DISPUTE RESOLUTION

Background

Since the ribbons were cut and BART service began in 1972, the system and the region have grown dramatically. Powered by a 56% population increase and the birth of new industries and communities, a system that once moved along 71 miles of track now travels 104 miles. The number of BART stations has grown from the original 34 to the current 44. And, the grip of gridlock continues to tighten. With each passing year, the vital role of a workhorse transit agency that carries 400,000 daily riders to work, doctor appointments, airports, events of all kinds, and connects family and friends, has become essential to riders and non-riders alike.

The unique geography of the Bay Area restricts access into the San Francisco job market from the more affordable East Bay housing market. East Bay commuters are limited to using a car, bus, ferry or BART. The Bay Bridge is the only practical automobile access and transbay bus service to San Francisco. Ferry service has been a reliable alternative for many commuters, but has limited capacity and cannot handle a sudden surge in ridership as has been caused by both labor stoppages and natural disasters.

With over 41 years of service to the Bay Area, BART now accommodates over 400,000 trips on any average weekday. Two-thirds of our daily trips begin or end on Market Street – but we serve a much broader area than downtown San Francisco. As the region has grown, job centers have expanded and commuting patterns have become more diverse. BART now brings 50% of Oakland's workers into downtown Oakland daily. BART carries riders along the always crowded I-80 corridor in the East Bay. It also carries riders to job centers such as Walnut Creek and Pleasanton. And, according to the Bay Area Council, the cost of paralyzing this essential mobility pattern for even one day with a strike is estimated to be \$73 million. This level of crippling economic and personal hardship to the Bay Area is avoidable and other reasonable solutions to strikes should be examined.

The San Francisco Chronicle identified BART labor negotiations as the number one East Bay story of 2013. They reported, "East Bay Commuters were halted in their tracks twice by BART train strikes that created massive traffic jams and left hundreds of thousands of people scrambling to find ways to get to work. Four-day strikes in July and October halted the nation's fifth-busiest commuter rail system before a settlement was finally reached. The ugly imbroglio has led to calls for a prohibition against strikes by transportation workers."

Proposed Solution

This proposal is intended to allow the views of Bay Area citizens to be heard on whether BART may transition to a system of dispute resolution that is peaceful and fair and precludes work stoppages.

The BART Board of Directors does not have the authority to enact the proposed changes. BART was created by the California Legislature and only the Legislature or a statewide initiative can change the labor negotiation process, including a prohibition of strikes by BART transit workers. What is being proposed is an advisory ballot measure in the three-county BART District that would give voice to those who support reliable, sustainable public transportation and who believe that public transit is an essential service for the well-being of the Bay Area economy.

The ballot measure would ask voters if they want the Legislature to amend the BART Act to prohibit transit strikes. If bargaining does not result in a new collective bargaining agreement, a new dispute resolution process would be used. Its features could include the following:

- Labor contract disputes will be submitted to an Arbitration Board.
- Decision of Arbitration Board shall be final.
- Each party shall have equal representation on Arbitration Board.
- The Arbitration Board shall select a neutral member who shall be a retired Bay Area judge.

- All arbitration hearings shall be open to the public and all documents submitted to the Arbitration Board shall be public documents to the extent permitted by law.
- The Arbitration Board, by majority vote, shall select whichever total package last offer of settlement complies with the newly identified criteria as proposed by this amendment.

Why BART?

BART is the fifth largest passenger rail service in the United States. The four larger agencies – New York, Chicago, Boston and Washington, D.C., all ban strikes by transit workers.

Workers who provide essential services to the public, such as police officers and firefighters, are prohibited from striking in California because of the potential consequences of their unavailability. BART workers provide similar essential services upon which the public depends. People depend on BART to navigate the most important parts of their lives, including getting to work, school and to medical appointments. With BART not running, those same people can be deprived of the ability to get where they need to go to keep their families safe and financially stable.

Additionally, the impact of a BART strike affects not just those who depend on it to carry out their own lives, but also those who otherwise use the roadways and become subject to increased traffic jams. People depend on ambulances, fire trucks, police cars and the like to respond to emergencies quickly. The increased traffic caused by a BART strike delays the ability of these providers to respond.

Why Now?

BART just went through one of the most tumultuous labor negotiations since the District was formed over forty years ago. In the past twenty years, negotiations have become progressively more difficult. The problem for BART riders and all commuters is that as ridership continues to grow, transit worker transit strikes will cause more havoc in the Bay Area and real economic harm to individuals and Bay Area businesses and governments. BART achieved 300,000 daily riders in Fiscal Year 2000 and is expected to achieve 400,000 daily riders in Fiscal Year 2014. BART ridership projections indicate that BART will carry 500,000 daily riders within the next 10 years.

Without changing the way labor disputes are resolved at BART, public confidence will erode further and the regional goals of reducing greenhouse emissions and encouraging the use of public transportation will be further threatened.

Memorandum

TO: Board of Directors
FROM: Director Rebecca Saltzman
SUBJECT: Support for SB 962 (Leno)

DATE: February 21, 2014

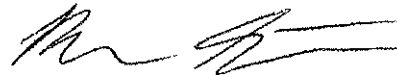
As we all know, mobile communications devices, also known as "smart phones," have greatly increased in use and popularity. A high number of our ridership uses these devices, but unfortunately many have become the target of robberies and assaults throughout our system. In 2013, for example, our BART Police reported that we had a total of 448 electronic items stolen from our customers -- 373 of which were snatched from unsuspecting riders. Any reduction in these figures will be a positive for our customers, who experience significant financial loss and inconvenience when these items are stolen. Addressing this problem would also allow additional time for BART PD personnel to spend on other important safety priorities throughout the system.

Two Bay Area legislators, Senator Mark Leno and Assemblywoman Nancy Skinner have introduced legislation (SB 962) that could dramatically assist in reducing such thefts on BART and the other places where these crimes occur. SB 962 would require that any advanced mobile communications device that is sold in our state on or after January 1, 2015, include the technological capability to render the device inoperable. Such technology does exist and this requirement would remove the incentive for thieves by eliminating the phone's value for resale.

This legislation has already received wide support from Bay Area law enforcement and consumer groups (see author's fact sheet) and I would like to see BART support this bill. BART has already participated in a press event announcing the introduction of this bill. Early support by the BART Board will assist in identifying this critical problem and hopefully move us closer toward a reduction in phone thefts.

If you have any questions on this, please contact me or Paul Fadelli at 464-6159.

Thank you.



Rebecca Saltzman

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MOTION:

The Board of Directors supports passage of SB 962(Leno), the Smartphone Theft Prevention Act.

SB 962 (Leno)

Principal Co-Author: Assemblymember Skinner
As Introduced February 6, 2014

Smartphone Theft Prevention

FACT SHEET

SUMMARY

SB 962 will require any smartphone or tablet sold in California to include a technological solution that renders the essential features of the device inoperable when stolen. Such solutions remove the incentive for thieves by eliminating the device's value on the secondary market. As a result, this legislation will go a long way towards ending the epidemic of smartphone theft and ensuring Californians are safeguarded from theft.

BACKGROUND

California is experiencing an epidemic of smartphone thefts, many of which turn violent. The scope of this international epidemic is alarming, and the need for theft deterrence features on mobile devices cannot be understated.

The theft of mobile communications devices now accounts for one third of all robberies in the United States, making it the number one property crime in the country. This trend is reflected in most major cities in California today, with smartphone theft now accounting for over 50% of all robberies in San Francisco and as much as 75% in Oakland. Los Angeles

has experienced a 12% increase in this type of crime since 2012. Policing and prosecution are an essential component of crime reduction, but this epidemic is simply too massive and widespread to be addressed by enforcement alone.

With wireless manufacturers earning an estimated \$30 billion annually from lost and stolen devices, the industry lacks motivation to end this epidemic and safeguard Californians. As a result, it is essential that government step in and require the industry to take steps to end this wave of violent thefts and ensure the safety of consumers.

Technological solutions that render stolen devices useless already exist, but the industry has been slow to act. Meanwhile, Consumer Reports estimates that 1.6 million Americans were victims of smartphone theft in 2012. What's worse, news reports indicate that smartphone theft increased again in 2013 in urban centers across the country. With robberies involving mobile communication devices at an all-time high, California cannot stand-by when a solution to the problem is readily available. Manufacturers and carriers have the opportunity to deter violent crime, eliminate the secondhand market for stolen mobile communications

devices, and prevent their customers from becoming the next victim.

Contact: Daniel Seeman, 916-651-4011

Version: February 21, 2014

SOLUTION

SB 962 requires that all advanced communications devices (smartphones and tablets) sold in California must come pre-equipped with a theft-detering technological solution that renders the essential functions of the device useless when stolen. The consumer may affirmatively opt-out of using the technological solution, but every device must come pre-equipped and enabled with this technology in order for the deterrent value of the solution to be as effective as possible.

The result will be to remove the re-sale value of stolen devices, thus reducing the current incentive for thieves to prey on smartphone users.

STATUS

Introduced February 6, 2014

SUPPORT

- San Francisco District Attorney George Gascón (Sponsor)
- San Francisco Mayor Ed Lee
- San Francisco Police Chief Greg Suhr
- Los Angeles Mayor Eric Garcetti
- Los Angeles Police Chief Charlie Beck
- City of Oakland
- Oakland Mayor Jean Quan
- Oakland City Councilman Dan Kalb
- Oakland Police Chief Sean Whent
- The Utility Reform Network
- Consumer Action
- Consumer Federation of California

Full List to Follow

Introduced by Senator Leno
(Principal coauthor: Assembly Member Skinner)

February 6, 2014

An act to add Section 22761 to the Business and Professions Code, relating to mobile communications devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 962, as introduced, Leno. Advanced mobile communications devices.

Existing law regulates various business activities and practices, including the sale of telephones.

This bill would require that any advanced mobile communications device, as defined, that is sold in California on or after January 1, 2015, include a technological solution, which may consist of software, hardware, or both software and hardware, that can render inoperable the essential features of the device, as defined, when the device is not in the possession of the rightful owner. The bill would require that the technological solution be able to withstand a hard reset, as defined. The bill would prohibit the sale of an advanced mobile communications device in California without the technological solution being enabled, but would authorize the rightful owner to affirmatively elect to disable the technological solution after sale. The bill would prohibit a provider of commercial mobile radio service, as defined, from including any term or condition in a service contract with an end-use consumer with an address within the state that requires or encourages the consumer or rightful owner to disable the technological solution that renders the consumer's smartphone or other advanced communications device useless if stolen. The bill would make a violation of the bill's

requirements subject to a civil penalty of not less than \$500, nor more than \$2,500, for each violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) According to the Federal Communications Commission,
4 one in three robberies in the United States involve the theft of a
5 mobile communications device, making it the number one property
6 crime in the country. Many of these robberies often turn violent
7 with some resulting in the loss of life.

8 (b) Consumer Reports projects that 1.6 million Americans were
9 victimized for their smartphones in 2012.

10 (c) According to the New York Times, 113 smartphones are
11 lost or stolen every minute in the United States.

12 (d) According to the Office of the District Attorney for the City
13 and County of San Francisco, in 2012, more than 50 percent of all
14 robberies in San Francisco involved the theft of a mobile
15 communications device.

16 (e) Thefts of smartphones in Los Angeles increased 12 percent
17 in 2012, according to the Los Angeles Police Department.

18 (f) According to press reports, the international trafficking of
19 stolen smartphones by organized criminal organizations has grown
20 exponentially in recent years because of how profitable the trade
21 has become.

22 (g) Replacement of lost and stolen mobile communications
23 devices was an estimated thirty-billion-dollar (\$30,000,000,000)
24 business in 2012 according to studies conducted by mobile
25 communications security experts. Additionally, industry
26 publications indicate that the four largest providers of commercial
27 mobile radio services made an estimated seven billion eight
28 hundred million dollars (\$7,800,000,000) from theft and loss
29 insurance products in 2013.

30 (h) Technological solutions that render stolen mobile
31 communications devices useless already exist, but the industry has
32 been slow to adopt them.

1 (i) In order to be effective, these technological solutions need
2 to be ubiquitous, as thieves cannot distinguish between those
3 mobile communications devices that have the solutions enabled
4 and those that do not. As a result, the technological solution should
5 be able to withstand a hard reset or operating system downgrade,
6 and be enabled by default, with consumers being given the option
7 to affirmatively elect to disable this protection.

8 (j) Manufacturers of advanced mobile communications devices
9 and commercial mobile radio service providers have a
10 responsibility to ensure their customers are not targeted as a result
11 of purchasing their products and services.

12 (k) It is the intent of the Legislature to require all smartphones
13 and other advanced mobile communications devices offered for
14 sale in California to come with a technological solution enabled,
15 in order to deter theft and protect consumers.

16 (l) It is the further intent of the Legislature to prohibit any term
17 or condition in a service contract between a customer and a
18 commercial mobile radio service provider that requires or
19 encourages the customer to disable the technological solution that
20 renders the customer's smartphone or other advanced
21 communications device useless if stolen.

22 SEC. 2. Section 22761 is added to the Business and Professions
23 Code, to read:

24 22761. (a) For purposes of this section, the following terms
25 have the following meanings:

26 (1) "Advanced mobile communications device" means an
27 electronic device that is regularly hand held when operated that
28 enables the user to engage in voice communications using mobile
29 telephony service, Voice over Internet Protocol, or Internet Protocol
30 enabled service, as those terms are defined in Sections 224.4 and
31 239 of the Public Utilities Code, and to connect to the Internet,
32 and includes what are commonly known as smartphones and
33 tablets.

34 (2) "Commercial mobile radio service" means "commercial
35 mobile service," as defined in subsection (d) of Section 332 of
36 Title 47 of the United States Code and as further specified by the
37 Federal Communications Commission in Parts 20, 22, 24, and 25
38 of Title 47 of the Code of Federal Regulations, and includes
39 "mobile satellite telephone service" and "mobile telephony

1 service,” as those terms are defined in Section 224.4 of the Public
2 Utilities Code.

3 (3) “Essential features” of an advanced mobile communications
4 device include the ability to use the device for voice
5 communications and the ability to connect to the Internet, including
6 the ability to access and use mobile software applications
7 commonly known as “apps.”

8 (4) “Hard reset” means the restoration of an advanced mobile
9 communications device to the state it was in when it left the
10 factory, and refers to any act of returning a device to that state,
11 including processes commonly termed a factory reset or master
12 reset.

13 (5) “Sold in California” means that the advanced mobile
14 communications device is sold at retail, and not for resale, from a
15 location within the state, or the advanced mobile communications
16 device is sold and shipped to an end-use consumer at an address
17 within the state.

18 (b) (1) Any advanced mobile communications device that is
19 sold in California on or after January 1, 2015, shall include a
20 technological solution that can render the essential features of the
21 device inoperable when the device is not in the possession of the
22 rightful owner. A technological solution may consist of software,
23 hardware, or a combination of both software and hardware, but
24 shall be able to withstand a hard reset. No advanced mobile
25 communications device may be sold in California without the
26 technological solution enabled.

27 (2) The rightful owner of an advanced mobile communications
28 device may affirmatively elect to disable the technological solution
29 after sale. However, the physical acts necessary to disable the
30 technological solution may only be performed by the end-use
31 consumer or a person specifically selected by the end-use consumer
32 to disable the technological solution and shall not be physically
33 performed by any retail seller of the advanced mobile
34 communications device.

35 (e) A provider of commercial mobile radio service shall not
36 include a term or condition in a service contract with an end-use
37 consumer with an address within the state that requires or
38 encourages the consumer or rightful owner to disable the
39 technological solution that renders the consumer’s smartphone or
40 other advanced communications device useless if stolen.

1 (d) (1) A person or retail entity selling an advanced
2 communications device in California in violation of subdivision
3 (b) shall be subject to a civil penalty of not less than five hundred
4 dollars (\$500), nor more than two thousand five hundred dollars
5 (\$2,500), per device sold in California.

6 (2) A provider of commercial mobile radio service that includes
7 a term or condition in a service contract with an end-use consumer
8 with an address within the state in violation of subdivision (c) shall
9 be subject to a civil penalty of not less than five hundred dollars
10 (\$500), nor more than two thousand five hundred dollars (\$2,500),
11 per service contract with an end-use consumer with an address
12 within California.

O