

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

BOARD MEETING AGENDA

March 14, 2013

9:00 a.m.

Please note: The first item on the agenda following the Public Hearing is Item 2: Closed Session. The Board will reconvene in open session at 10:45 a.m. or immediately following the Closed Session, whichever is later.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 14, 2013. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Chicago Union Station Amtrak Metropolitan Lounge 225 South Canal Street Chicago, IL 60606
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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.
- D. Public Hearing: South Hayward Parking Fee Program as Recommended by South Hayward Joint Powers Authority Board.* For information.

2. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Agency Negotiators: Directors Radulovich, Keller, and Murray

Titles: General Counsel, Controller/Treasurer, and District Secretary

Government Code Sections: 54957 and 54957.6

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 28, 2013.* Board requested to authorize.
- B. Reject All Bids for Invitation for Bid No. 8918, Seat Cushions and Covers.* Board requested to reject.

4. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Metropolitan Transportation Commission Regional Transit Sustainability Project: Proposed Operating Performance Measures and Targets.* Board requested to adopt.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Oakland Airport Connector Project: Quarterly Update.* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Blalock, Chairperson

A. Award Agreements for State and Federal Legislative Advocacy Services.*

1. Agreement with Schott & Lites Advocates, LLC, to Provide State Legislative Advocacy Services (Agreement No. 6M7152). Board requested to authorize.
2. Agreement with CJ Lake, LLC, to Provide Federal Legislative and Federal Executive Advocacy Services (Agreement No. 6M7153). Board requested to authorize.

B. South Hayward BART Station Access Authority Implementation of Access Study Action Plan, Including Parking Fees.* Board requested to authorize.

1. Parking Fees at and adjacent to the South Hayward BART Station. (TWO-THIRDS VOTE REQUIRED.)
2. Amendments to the Joint Powers Authority (JPA) Agreement.
 - a. Quorum and voting requirements.
 - b. Designation of a substitute BART Director as JPA Board member.
 - c. Appointment of Director Saltzman to serve as the substitute BART Director on the JPA Board.Board requested to authorize.

C. Property Transactions with Washington Township Healthcare for the Transfer of Land at the Fremont Station, Grant of an Access Easement, and Lease of Office Space.* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

8. BOARD MATTERS

- A. Board Member Reports. For information.
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- B. 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.)

9. 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.)

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 300 Lakeside Drive, Oakland, CA
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Manager of Real Estate and Property Development
Negotiating Parties: The Swig Co. and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Gov't. Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Marcia deVaughn, Deputy General Manager; Rudolph Medina, Department Manager – Labor Relations.

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

11. OPEN SESSION

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

Board of Directors
Minutes of the 1,672nd Meeting
February 28, 2013

A regular meeting of the Board of Directors was held February 28, 2013, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Fang entered the Meeting later.

President Radulovich brought Introduction of Special Guests before the Board. Chief of Police Kenton Rainey introduced and welcomed the 2012 BART Police Department Award Recipients: Tim Leonard, Andrew Rodrigues, Crystal Raine, Lauren Sugayan, Jill Smith, and Ashley Rincon.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 14, 2013.
2. Leases on BART-Owned Properties.
3. Award of Contract No. 79HV-110A, Lake Merritt Station CCTV (Closed Circuit Television).
4. Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting.

Director Blalock requested that Item 2-D, Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting, be removed from the Consent Calendar.

Director Raburn requested that Item 2-A, Approval of Minutes of the Meeting of February 14, 2013, be amended to reflect his recognition of Station Agent Lee Williams and Foreworker Richard Lazaro. With that amendment, approval of the Minutes was replaced on the Consent Calendar.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director Fang.

1. That the Minutes of the Meeting of February 14, 2013, be approved as amended.

2. That the General Manager or her designee be authorized to issue new leases to City of Concord – Concord (Parcel Numbers O-C001, 2, 3, 8, and 9); Catholic Charities – Oakland (Parcel Number O-K277); B&N Industries – Burlingame (Parcel Number D-3716); Pentecostal Way of Truth – Oakland (Parcel Numbers O-B203, 204, and 205); for terms of up to five years, plus an option term for up to five years; to increase existing rents by 3% for the first year and for each remaining non-option year; and to increase rents 3% for each option year.
3. That the General Manager be authorized to award Contract No. 79HV-110A, Lake Merritt Station CCTV, to G4S Technology, LLC, for the Bid price of \$1,593,128.05, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures and the Department of Homeland Security’s procedures related to protests.

Director Fang entered the Meeting.

President Radulovich brought the matter of Reject All Bids for Contract No. 15II-110, Station and Tunnel Emergency Lighting, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Mr. Eric Szyrko addressed the Board.

Director Blalock moved to award Contract No. 15II-110, Station and Tunnel Emergency Lighting, to Blocka Construction, Inc. Director Fang seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich announced that the order of agenda items would be changed, and called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Antonette Bryant
Ms. Diana Morrison
Mr. Chris Finn
Ms. Yuri Hollie
Ms. Anabelle Balanos
Ms. Susan Cervantes
Ms. Brooke Oliver
Mr. Erick Arguello
Mr. Peter Carpou

Director Murray, Chairperson of the Administration Committee, brought the matter of Amalgamated Transit Union, Local 1555, Side Letter - New Classification and Modification of Senior Secretary Classification Wage Rate, before the Board. Mr. Rudolph Medina, Department Manager, Labor Relations, presented the item. The item was discussed.

Ms. Antonette Bryant addressed the Board.

Director Mallett moved that the Board approve and authorize the General Manager to execute the Side Letter of Agreement with Amalgamated Transit Union Local 1555, ATU/SL-1-10 RE: BAP Implementation. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of Parking Fee Modification Program and Productivity-Adjusted Inflation-Based Fare Increase Program before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, Mr. Bob Franklin, Department Manager, Customer Access, and Ms. Pamela Herhold, Financial Planning, gave a presentation on the Resolution Adopting New Systemwide Paid Parking Program Modifications and Fees portion of the item. The item was discussed. Director Mallett provided an amended resolution and moved adoption of the amended resolution, Resolution No. 5207, In the Matter of Adopting New Systemwide Paid Parking Program Modifications and Fees. Director Murray seconded the motion. Discussion continued, and additional amendments to the resolution were made.

The following individuals addressed the Board.

Mr. Jerry Grace

Mr. Phaeton Brown

The Board Meeting recessed at 12:09 p.m.

The Board reconvened at 12:32 p.m.

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

Absent: None.

Discussion continued. The motion to adopt Resolution No. 5207, as amended, carried by electronic vote by the required two-thirds vote. Ayes – 8: Directors Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Blalock.

Director Murray brought the matter of Resolution Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation-Based Fare Increases, before the Board. The matter was discussed. Director Mallett requested the addition of language in the resolution as follows: That the competitive and efficient price of all travel modes increases with inflation and maintaining competitive and efficient fare pricing is a District priority.

Director Blalock moved adoption of Resolution No. 5208, In the Matter of Adopting New Fare Rates and Charges: Productivity-Adjusted Inflation Based Fare Increases, as amended. Director Mallett seconded the motion, which carried by electronic vote by the required two-thirds

majority. Ayes – 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Discussion on Parking Fee Modification Program and Productivity-Adjusted Inflation-Based Fare Increase Program continued.

President Radulovich exited the Meeting.

Director Murray brought the matter of Second Amendment to the Millbrae Use, Operating and Maintenance Agreement between the Peninsula Corridor Joint Powers Board, the San Mateo County Transit District, and the San Francisco Bay Area Rapid Transit District, before the Board. Mr. Mau presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute the Second Amendment to the Use, Operating and Maintenance to put in place a new payment schedule for Fiscal Year 2014 through Fiscal Year 2018. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, and Saltzman. Noes – 1: Director Mallett. Absent - 1: Director Radulovich.

Director Murray brought the matter of Fiscal Year 2014 Budget: Financial Priorities, before the Board. Mr. Mau, Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

President Radulovich re-entered the Meeting.

The item was discussed.

Director Fang exited the Meeting.

Mr. Jerry Grace addressed the Board.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, had no report.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Purchase Order 6928 for External Cloud Computing Services before the Board. Ms. Kerry Hamill, Acting Executive Manager of External Affairs, and Mr. Timothy Moore, BART Webmaster, presented the item. Director Saltzman moved that the General Manager be authorized to execute an amendment to Purchase Order No. 6928, with Rackspace, Inc., for External Cloud Computing Services, for the additional amount not to exceed \$223,000.00, for the period of Fiscal Year 2013 through Fiscal Year 2015. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 1: Director Fang.

Director Blalock brought the matter of 2013 State and Federal Advocacy Goals before the Board. Ms. Hamill and Mr. Paul Fadelli, Legislative Analyst, presented the item. The item was discussed. Director Murray moved that the Board approve the State and Federal advocacy programs as recommended by staff. Director Saltzman requested the motion be amended to

include that staff be directed to prepare a letter from the President to the Metropolitan Transportation Commission advocating the appointment of a multi-jurisdictional transit agency representative to the metropolitan planning organization consistent with MAP-21.

Discussion continued.

Director Blalock exited the Meeting and Vice Chairperson Raburn assumed the gavel.

Director Mallett seconded the motion as amended. The motion carried by unanimous electronic vote. Ayes - 7: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 2: Directors Blalock and Fang.

Director Raburn brought the matter of 2013 Regional and Local Funding Opportunities before the Board. Mr. Roddrick Lee, Division Manager of Local Government and Community Relations, and Mr. Michael Tanner, Manager, Grant Development and Compliance, presented the item. The item was discussed.

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in. Ms. Crunican led a brief discussion on the Roll Call for Introductions Process.

Mr. Jerry Grace addressed the Board.

President Radulovich called for Board Member Reports.

Director Murray reported she had attended the Personnel Review Special Committee Meeting.

Director Keller reported he had attended the Personnel Review Special Committee Meeting.

Director McPartland reported he had attended several meetings with constituents, Livermore/Amador Valley Transit Authority, county supervisors, and representatives from the cities of Dublin, Livermore, and Pleasanton.

Director Raburn reported he met with the Oakland City Manager, the Lunar New Year celebration, the Bay Area Air Quality Management District meeting, the Capitol Corridor Joint Powers Board meeting, and the Oakland Airport Connector Joint Administrative Committee meeting.

President Radulovich called for Roll Call for Introductions.

Director Mallett requested a future Board agenda topic to discuss an inclusionary policy for development at and adjacent to BART Stations.

Director Mallett requested a future Board agenda topic for a comprehensive review of the District's fare structure.

Director Mallett requested estimated cost per mile for the construction of soundwalls (like those in the vicinity of the North Concord/Martinez Station) for aerial structures.

Director Murray requested the development of a fuel cell strategy for non-revenue vehicles in partnership with AC Transit.

Director McPartland requested a briefing on permissible and/or permitted activities for non-profits and individuals seeking donations in inside and outside stations.

President Radulovich noted General Discussion and Public Comment had been opened at the start of the agenda. No additional comments were received.

President Radulovich announced that the Board would enter into closed session in Room 303, Board Conference Room, under Item 9-A (Conference with Legal Counsel) and Item 9-B (Conference with Labor 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 was recessed at 2:25 p.m.

The Board reconvened in closed session at 2:32 p.m.

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

Absent: Directors Blalock and Fang.

Director McPartland exited the Meeting.

The Board Meeting was recessed at 4:56 p.m.

The Board reconvened in open session at 4:59 p.m.

Directors present: President Radulovich.

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

President Radulovich announced that the Board had met in closed session and there was no report to be made.

The Board Meeting was adjourned at 4:59 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>3/6/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: <i>Kirland Smith</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Dept: <i>1088</i>	<i>3/5/13</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>
Signature/Date: <i>3-4-13</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>

TITLE:

Reject all bids for IFB No. 8918, for the Procurement of Cushions and Cover Assemblies

NARRATIVE:

PURPOSE: To reject all Bids for IFB No. 8918, for the Procurement of Cushions and Cover Assemblies.

DISCUSSION: As part of the District's on-going effort to improve the interior appearance of transit vehicles, beginning in November, 2011, the District purchased 100 car sets of vinyl seat cushion and cover assemblies with an option to purchase an additional 100 car sets. Unlike previous seat covering procurements which included wool based fabric seat covers, this procurement was for a 100 car trial of vinyl seat covers. Vinyl offered advantages of improved maintainability and germ resistance, as well as lower cost. Upon installation of the first 100 car sets, customer surveys indicated that the vinyl material was preferred over the current wool based fabric. Based upon the favorable response, the District exercised the option for an additional 100 car sets, and also purchased an additional 100 car sets pursuant to the Board's authorization in the EDD for award, for a total of 300 car sets of vinyl seats purchased to date.

IFB No. 8918 was to procure vinyl seat cushions and covers for an additional 115 A-B-Cars. New seat cushions and covers for C-Cars will be procured separately, and installed in conjunction with the C-Car HVAC upgrade program. A notice requesting bids was published on January 30, 2013 and bid requests were mailed to twelve (12) prospective bidders. Bids were opened on February 12, 2013 and four (4) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>TOTAL Incl. 9.00% Tax</u>
National Transit Interiors, Inc. Belmont, CA	115 car sets (each) \$8,372.35	\$1,049,474
Sedia, Inc. Glendale, WI	115 car sets (each) \$10,048.20	\$1,259,542
Kustom Seating, Inc. Bellwood, IL	115 car sets (each) \$11,550.35	\$1,447,837

Fellfab Corp.	115 car sets (each)	\$1,783,576
Atlanta, GA	\$14,228.77	

Independent cost estimate by BART staff: \$1,153,220.00, including all applicable sales tax.

Staff determined that the low bidder, NTI, was responsive. The District is required to award the contract to the lowest responsive bidder. General Provisions Article 6.1 of the IFB permits a bidder to be relieved of a bid only if the request to be relieved is received within five days of bid opening and the request establishes that the bidder made a mistake in filling out the bid and that the mistake was not due to an error in judgment or to carelessness in reading the Contract Documents. On February 19, 2013, seven days after bid opening, the District received a written request from NTI to be relieved of its bid, citing "problems with funding." NTI's request to be relieved of its bid did not satisfy General Provisions Article 6.1 and therefore could not be granted.

Under these conditions the District cannot legally award to the second low responsive bidder, leaving the District with only two options: award to NTI or reject all bids. NTI has clearly stated that it is not able to perform on the Contract. Awarding to NTI would likely result in a legal dispute that would delay installation of vinyl seats in rail cars. District staff has determined that the more reasonable option is to reject all bids in accordance with General Provisions Article 8.1 and re-advertise the IFB. NTI has been advised that it is barred from submitting a second bid for the re-advertised IFB.

The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts, and Contracts under \$50,000, or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights did not set availability percentages for this Contract.

FISCAL IMPACT:

There is no fiscal impact resulting from the rejection of the Bids.

ALTERNATIVE:

The alternative to rejecting all Bids is to award this Contract to NTI and seek damages from NTI in the event NTI refuses to perform the Contract. Given that NTI has indicated that it is unwilling or unable to perform the Contract, this alternative would very likely result in a significant delay to the procurement.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The bids for IFB No. 8918, for the Procurement of Cushions and Cover Assemblies, are rejected, and the General Manager is authorized to re-advertise the procurement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER-APPROVAL: <i>Walter Velasco</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: c 3/7/13	BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Mitroff Dept: Operations Planning	General Counsel	Controller/Treasurer	District Secretary
<i>Robert Mitroff</i>	<i>Robert Mitroff</i>	<i>Robert Mitroff</i>	<i>Robert Mitroff</i>
Signature/Date: 3-6-2013	Signature/Date: 3/6/13	Signature/Date: 3/6/13	Signature/Date: 3-7-13
TITLE:			

BART's Operating Performance Measures and Targets for the Metropolitan Transportation Commission's Transit Sustainability Project

NARRATIVE:

PURPOSE: To obtain Board adoption of Operating Performance Measures and Targets intended to achieve the Performance Measures and Targets adopted by the Metropolitan Transportation Commission (MTC) as part its Transit Sustainability Project (TSP) on May 23, 2012, MTC Resolution No. 4060.

DISCUSSION: In early 2010, MTC began work on its TSP in order to address the declining productivity of the major Bay Area transit operators over the previous 10 years (FY97 to FY08). While BART's productivity over this period -- as measured both by costs per service hour and by costs per passenger -- actually improved, BART staff and Board members participated in the TSP and all of its various subcommittees.

A key component of the TSP is MTC's proposal to condition allocation of future operating and capital funds on each transit operator's ability to meet future cost reduction targets. MTC's initial TSP cost reduction proposal -- a 10% per service-hour cost reduction (in inflation adjusted dollars) over a three-year period from their FY08 through FY11 high point -- was presented by MTC staff to the BART Board at its October 13, 2011 meeting.

After the October 2011 meeting, BART's General Manager established a regular meeting group with the General Managers of the other "Big 7" operators (AC Transit, CalTrain, Golden Gate, SFMTA, SamTrans, and VTA) to address MTC's proposal. The result of this collective effort was to change the initial proposal of a 10% per service-hour cost reduction over a three-year period to a proposed 5% inflation-adjusted unit cost reduction over a five-year period. The meeting group also expanded the unit cost definition beyond service hours to include two alternative measures: cost per passenger and cost per passenger mile. The meeting group's cost reduction proposal was adopted by MTC at its May 23, 2012 meeting. BART staff briefed the BART Board of Directors about MTC's adoption of the cost reduction proposal in an information item presented at the BART Board's regular meeting on May 24, 2012.

In order to monitor operators' compliance with the cost reduction proposal, MTC is requiring the Big 7 transit operators to adopt and submit an Operating Performance Strategic Plan, demonstrating how each operator plans to meet one or more of the unit cost reduction targets (cost per service hour, cost per passenger and cost per passenger mile) by March 31, 2013.

As documented in the attached presentation, BART has already met the 5% cost reduction target for the latter two metrics:

Cost per Passenger: Down 7.9% between FY10 and FY12

Cost per Passenger Mile: Down 11.0% between FY09 and FY12

In addition, BART staff projects that, by FY17, these two unit cost measures will be down by 10.2% and 15.2%, respectively, from their FY08 through FY11 high points.

The proposed Performance Measures and Targets are shown in the following table:

BART Performance Measures and Performance Targets
(FY08 dollars)

Performance Measures	FY17 Projection	Projected Change by FY17 from High Point	MTC 5% Reduction Performance Targets
Cost per Service Hour	\$253.4	up 0.2%	\$240.1
Cost per Passenger	\$3.64	down 12.4%	\$3.95
Cost per Passenger Mile	\$0.27	down 17.3%	\$0.31

The District will need to be aware of and monitor the following factors which will impact the achievement of the FY17 Performance Targets noted in the table above.

- Wage and benefit increases
- Health care costs
- State and Federal mandates
- Unexpected declines in ridership
- Time needed to build up new extension station ridership
- Pension reform cost savings and other labor benefit savings

In the future, MTC will require annual submittals of actual National Transit Database (NTD)/California Transit Development Act (TTDA) operating and financial performance data in order to monitor the District's compliance with its cost reduction Performance Measures and Performance Targets. Staff will update the Board of Directors on these submittals in conjunction with the District's annual budget process. A final determination of the District's compliance will be made in FY18 based on BART's actual performance through FY17. MTC's determination will impact BART's eligibility for new and existing capital and operating funds which are to be allocated in FY19.

FISCAL IMPACT

Adopting the Performance Measures and Targets would allow the District to maintain its eligibility for FY19 MTC-allocated operating and capital funding.

ALTERNATIVES

Do not adopt the Performance Measures and Targets at this time, and request an extension of time from MTC.

RECOMMENDATION

Adoption of the following motion.

MOTION

The Board of Director's adopts the proposed Performance Measures and Targets intended to achieve the Performance Measures and Targets adopted by the Metropolitan Transportation Commission (MTC) as part of its Transit Sustainability Project (TSP) on May 23, 2012, MTC Resolution No. 4060.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

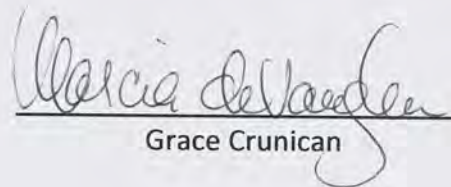
TO: Board of Directors

DATE: March 8, 2013

FROM: General Manager

SUBJECT: E&O Agenda Item #5.A: Oakland Airport Connector Quarterly Project Update

The attached presentation for the March 14, 2013 Board meeting provides the quarterly update for the Oakland Airport Connector Project. If you have any questions about this presentation, please contact Tom Dunscombe, Group Manager, Planning and Development at (510) 394-6173.


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: 3/8/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kerry Hamill Dept. Government and Community Relations <i>[Signature]</i> Signature/Date: 3/6/13	General Counsel <i>[Signature]</i> 3/8/13	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i> 3-8-13 []
Status: Routed		Date Created: 03/05/2013		

TITLE:

Legislative Advocacy Program

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Agreement No. 6M7152 to Schott & Lites Advocates, LLC to provide State Legislative Advocacy services and Agreement No. 6M7153 to CJ Lake, LLC to provide Federal Legislative and Federal Executive Advocacy services for the District.

DISCUSSION:

The Government and Community Relations Department has for decades contracted with an advocacy team or teams to assist with the creation and management of the District's legislative agenda at the State and federal levels and to help the District secure necessary and ongoing funding from a variety of state and federal sources.

Request for Proposal (RFP) No. 6M7152, Legislative Advocacy Program, was issued on November 16, 2012 to fifty-nine (59) organizations. Four (4) organizations attended the pre-proposal meeting on December 4, 2012. In response to the RFP, on December 18, 2012, one (1) proposal was received to provide State Advocacy services, five (5) proposals were received to provide Federal Advocacy services.

A Source Selection Committee (Committee) chaired by the Procurement Department with representatives from the Government and Community Relations Department, a government relations expert from the Port of Oakland, a government relations expert from the private sector, and the Office of Civil Rights participated in the selection process. The Committee utilized the Best Value Method to assess the proposals and determine which vendors' proposals would offer the most cost-effective pairing of service capacity and cost. Initially, the Committee evaluated all proposals to determine if all of the vendors met the minimum technical requirements established in the RFP. On the basis of this analysis, the Committee determined that all of the proposals were responsive to the requirements of the RFP.

All of the proposals were then evaluated, scored and ranked based on project approach,

organizational experience, project understanding and personnel experience. For State Advocacy services, the Committee analyzed the proposal from Schott & Lites Advocates, LLC. For Federal Legislative services and Federal Executive Advocacy services, the Committee analyzed the proposals from C J Lake, LLC; Baker, Donalson, Bearman, Caldwell and Berkowitz; Kadash and Associates; Venn Strategies; and Pillsbury Winthrop Shaw Pittman LLP. The Committee determined that all of the proposals except one were in the competitive range and four firms were invited to provide oral presentations.

The oral presentations were held on January 15 and 22, 2013. At the conclusion of the oral presentations, the Committee combined the scores for Qualifications, Technical and Oral Presentations. The Committee determined that the single Proposal from Schott & Lites Advocates, LLC to provide State Legislative Advocacy services met all of the requirements established for the contract.

The Committee further determined that the proposal from CJ Lake, LLC to provide Federal Legislative Advocacy services and Federal Executive Advocacy services presented the best value to the District for its Federal Legislative Advocacy Program.

Schott & Lites Advocates, LLC, has skillfully advocated BART's interests before the California State Legislature since 1975. The total proposed cost to provide State Legislative Advocacy services for the three (3) year term of the agreement is \$353,850.00.

Under the guidance of Jim Copeland, CJ Lake, LLC has skillfully advocated BART's interests before the U.S. Congress since 1984. Staff determined that it is desirable to have one firm coordinating the advocacy program for both the federal legislative and executive branches of government to ensure the ability to maintain control over message and timing. As a result of negotiations between BART and CJ Lake, LLC, the firm has proposed a total price of \$756,000.00 to provide advocacy services for both branches of the federal government for the three (3) year term of the agreement.

Price Proposals submitted by Schott & Lites, Advocates, LLC and CJ Lake, LLC were both within the amount of the District's cost estimate of \$450,000.00 for State Legislative Advocacy Services and \$900,000.00 for Federal Legislative Advocacy services and Federal Executive Advocacy services for the three (3) year period.

The Agreements will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT:

The Government and Community Relations Department has an operating budget of \$400,000 in FY13 to cover State and Federal Advocacy services through the end of the fiscal year.

These three (3) year agreements will be effective April 1, 2013. Funding for FY 2013 costs are included in the adopted operating budget of the Government and Community Relations Department. Funding for subsequent years will be requested in future preliminary budget cycles.

The maximum compensation for both of the proposed three (3) year agreements is not to exceed \$1,110,000.

The maximum compensation for these agreements by fiscal year is as follows:

Maximum Compensation	State Advocacy	Federal Advocacy	Total Services
FY2013	\$ 29,488	\$ 63,000	\$ 92,488
FY2014	117,950	252,000	369,950
FY2015	117,950	252,000	369,950
FY2016	88,463	189,000	277,463
Total	\$ 353,850	\$ 756,000	\$ 1,109,850

ALTERNATIVES:

Not award the agreements at this time. In that event, BART would be limited in its ability to influence decisions made at the State and federal level.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

1) The General Manager is authorized to award Agreement No. 6M7152 to Schott & Lites Advocates, LLC to provide State Legislative Advocacy services in an amount not to exceed \$353,850.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedure.

2) The General Manager is authorized to award Agreement No. 6M7153 to CJ Lake, LLC to provide Federal Legislative Advocacy services and Federal Executive Advocacy services in an amount not to exceed \$756,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Barbara Folberth</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to PPAAL Committee		
DATE: 3/8/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Real Estate and Property Development <i>Jeffrey P Ordway</i> Signature/Date: 3/5/13	General Counsel <i>Michael R. ...</i> 3/7/13 []	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i> 3-8-13 []
Status: Routed		Date Created: 03/04/2013		

TITLE:
South Hayward BART Station Access Authority Implementation of Action Plan, including Parking Fees

NARRATIVE:

Purpose: To seek Board approval of an Action Plan for the South Hayward BART Station Access Authority (the JPA), including the imposition of parking fees at and adjacent to the Station, within the boundaries of the JPA. A public hearing on the proposed parking fees will be held prior to BART Board action on the motions below.

Discussion: On June 23, 2011, the BART Board of Directors approved the sale of BART's 1.65 acre property on the east side of Dixon Street, which currently accommodates 174 BART parking spaces, to developer JMJ Development, LLC (the Developer). The project, which will be built on property owned by the Developer as well as the BART property, will consist of 357 residential units (151 affordable and 206 market rate). To address the loss in parking that will result from the development, the Board authorized execution of a Joint Exercise of Powers Agreement (JPA Agreement) with the City of Hayward (the City) for the South Hayward BART Station Access Authority (the JPA). The motion stipulated that modifications of the JPA Agreement would be subject to future BART Board actions once a specific access plan is identified by the JPA. The BART Board representatives on the JPA Board are Directors John McPartland and Tom Blalock.

On December 19, 2011, the JPA, in addition to appointing officers and adopting by-laws, reviewed and approved a scope of work for an access study to be conducted by Nelson\Nygaard (the Consultant) under the direction of City and BART staff. Construction by the Developer cannot begin until the JPA has approved an access plan.

On March 26, 2012, a community meeting was conducted by City staff in concert with BART staff and the Consultant. Approximately twenty-five residents attended the meeting. The residents expressed concern with the potential loss of parking along public streets in front of their residences, the imposition of a parking permit program in their neighborhoods, and other potential negative impacts on parking and traffic from a development project. Based on this feedback, City and BART staff re-examined the preliminary access study findings to identify replacement options that would not adversely impact the residents in the area.

The resulting South Hayward BART Parking and Access Study (the Access Study), dated January 2013, covered the following topics:

- Description of the surrounding context, existing parking conditions, and the results of parking and occupancy and turnover analyses conducted in January 2010 and November 2011.
- Documentation of the existing parking supply and the current parking demand at the station, including the extent to which BART patrons park in the surrounding neighborhoods.
- Identification of two alternatives to accommodate existing parking demand, given decreased parking supply due to future development of the BART 174-space East Lot along Dixon Street and a future Dixon Street reconfiguration.
- Initiation of parking fees, parking regulations and enforcement activities were identified for each alternative.
- Financial analysis which assessed the revenue expectations and capital and on-going funding needs of the alternatives.
- Implementation strategy of the preferred alternative.

The Access Study included the following findings and recommendations, which will be referred to collectively as the Action Plan. The City and the District must approve various aspects of the Action Plan, respectively.

Parking Capacity and Needs: BART patron parking currently averages 1,379 spaces per day (1,080 in the main BART parking lot, 174 spaces in the Dixon Street lot, and 125 unregulated on-street spaces around the station). The preferred alternative includes 1,362 parking spaces or 99% of existing demand (1,090 spaces in the main BART lot, 142 spaces on Tennyson Road, 40 spaces on Mission Boulevard, and 90 spaces on Dixon Street). Currently, there is no parking allowed on Tennyson Road or Mission Boulevard so the majority of the on-street parking would not adversely impact existing residents. The preferred alternative also includes a Transit-Oriented Development Preferential Residential Parking Permit Program that would be established by the City, whereby residents would receive up to four parking permits at no charge and BART patron on-street parking would be restricted to Tennyson, Mission and Dixon. The JPA would modify its existing boundaries as shown in Exhibit 1, which depicts the location of the proposed on-street parking for BART patrons as well as the proposed residential permit areas.

Parking Charges and Modification Metrics: Currently, almost all parking, both off-street and on-street, is free for BART patrons. Thirty-nine spaces in the main BART parking lot are reserved for monthly parking at \$42/month and only 19 spaces are reserved at this rate. It is recommended that a paid parking program administered by the JPA be established along the following lines:

- A daily parking fee of \$1.00 should be charged to initiate the program. Based on

BART history, a parking charge of \$1/day has had little long-term impact on parking demand. This charge would be applicable to approximately 982 of the spaces on BART's main lot and all of the approximately 272 designated spaces on City streets within the modified boundaries of the JPA. Daily parking fees would be applicable Monday through Friday from 4:00 am to 3:00 pm. The daily fee would increase in \$0.50 increments up to a maximum \$5.00/day following the metrics described below.

- A monthly parking fee of \$42 should be charged to initiate the program. This would be commensurate with both the existing monthly fee at the station and the \$1/day charge. Approximately 74 spaces, or approximately 7% of the main BART lot spaces, would be reserved for monthly parking and would be contained entirely within the main BART lot. The monthly fee would increase to \$63/month when the daily fee becomes \$2/day and increase to \$84/month when the daily fee becomes \$3/day.
- A daily reserve parking fee of \$3.00 should be charged to initiate the program. This would be applicable to approximately 32 spaces, or approximately 3% of the main BART lot spaces. The daily reserve fee program would be contained entirely within the main BART lot. The daily reserve fee would increase to \$4/day when the daily fee becomes \$2/day and increase to \$5/day when the daily fee becomes \$3/day.

To initiate the paid parking program, both the main BART lot and designated parking spots on City streets would be striped and numbered. Appropriate signage, both enforcement and directional, would be added to the BART lot and along City streets. Parking validation machines and add-fare machines would be installed within the paid area at the BART station to ensure that individuals parking on BART property and within the numbered spaces on the City streets of Tennyson, Mission and Dixon are BART patrons.

The impacts of pricing both on-street and off-street parking facilities would be analyzed and adjusted every six months to help achieve the desired parking occupancy, to generate sufficient funds to cover the cost of introducing and maintaining the parking program, and to create a fund source to introduce more sustainable access improvements in the future. The metrics to modify the various parking charges would be as follows:

- If occupancy is greater than 98%, the daily fee would be increased by \$0.50/day.
 - If occupancy is between 90% and 98%, there would be no change in fee.
 - If occupancy is less than 90%, the daily fee would be reduced by \$0.50/day.
- However, the minimum parking fee would be no lower than \$1/day.

Capital Costs: There are initial capital costs that would be incurred to implement the JPA paid parking program, including striping and numbering parking spaces, installing enforcement and directional signage, acquiring and installing Clipper Card Reader and validation machines within the BART paid area, and installation of safety fencing on Tennyson. The total capital cost is estimated at approximately \$500,000 and would

initially be absorbed by the City (approximately \$200,000) and BART (approximately \$300,000). However, both the City and BART would be reimbursed by the JPA over 20 years at 3% interest for these expenses.

Operating Costs: There would also be initial operating costs that would be incurred to implement the JPA paid parking program, including parking enforcement, and maintenance of the parking facilities and validation machines. The preliminary estimate of these costs is approximately \$460,000. Although BART and the City would initially absorb these costs, the intent is to have the JPA pay these expenses once revenue is received from the parking charges. If the JPA determines that it would be more cost-effective for the JPA to contract for these services, City and BART staff would discuss this matter and would give notice to their respective unions as may be required by collective bargaining agreements. The JPA would retain all parking revenue from the parking program to cover its operating costs and reimburse the City and BART for capital costs.

Financial Analysis: A 10-year cash flow analysis was conducted. As depicted in Exhibit 2, the Access Study estimated an annual surplus of roughly \$500,000, which could be invested in future access improvements at the South Hayward BART Station. However, in the event that parking fees remain unchanged during the 10-year time frame, annual deficits could be realized. In that event, the City and BART would need to identify options to reduce the costs (e.g., rather than have the JPA be responsible for paying for parking space maintenance, both the City and BART could retain the maintenance responsibility). Both City and BART staff are confident that the operation of the paid parking program at the South Hayward BART Station will be financially self-sustaining and will result in net revenues. The Access Study identified a number of potential access improvements, such as enhanced walkways and electronic bicycle lockers at the Station.

BART is obligated to ensure that its actions comply with federal and state law prohibiting discrimination in its programs and activities. The District has conducted public participation and performed an analysis to determine whether the proposed parking fees would have a disparate impact or disproportionate burden on minority and/or low-income parkers and whether the proposed parking program would have a disproportionately high and adverse effect on minority and/or low-income residents in the neighborhood surrounding the Station. Staff has concluded that the proposed parking fees will not result in a disparate impact on minority or low-income parkers because minority users and low-income users are expected to experience a much lower increase than overall users. Staff has also concluded that the proposed parking program would not have a disproportionately high and adverse effect on minority or low-income residents in the surrounding neighborhood. A copy of the analysis is available from the District.

Staff proposes that the JPA Agreement be amended to provide that a simple majority of the Directors (three Directors) shall constitute a quorum for the purposes of conducting JPA meetings; that the unanimous vote of all the Directors then present as a quorum shall be required to approve agenda, amend agenda, and approve minutes; and that the

unanimous vote of all four Directors shall be required for all other actions. Staff also proposes that the JPA Agreement be amended to allow for the designation of a BART Board Director to serve as a substitute JPA Board Director. Finally, staff requests Board approval of the designation of Rebecca Saltzman as a substitute BART Board Director to serve on the JPA Board.

On February 19, 2013, the City approved the Transit-Oriented Development Preferential Residential Parking Permit Program at no cost to residents, the prohibition of BART patron parking on certain City streets, the designation of 272 spaces on City streets for BART patron parking, and the imposition of parking fees for such spaces consistent with the proposed parking fees for spaces on BART property, and related implementing actions.

Presuming BART Board adoption of the proposed motions below, the JPA Agreement would be modified and appropriate votes taken by BART and City members of the JPA Board. It is anticipated that the parking fee program would become effective upon closure of the BART parking lot on Dixon Street, on or about April 15, 2013.

For purposes of the proposed findings and motions below, BART will act as the lead agency for compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.).

The Office of the General Counsel will approve as to form any modifications to the JPA Agreement.

Fiscal Impact: In addition to staff time to participate in the JPA, the District will initially incur the following expenses: Capital costs of approximately \$300,000 which would be reimbursed by the JPA over 20 years at 3 percent interest, and operating costs of approximately \$370,000 for enforcement and maintenance. After the first year of operation, the JPA would be responsible for paying all operating costs.

Alternatives: Not adopt the proposed motions, thereby adversely impacting the ability of the Developer to move forward in keeping with approvals from both the City and the State of California's Housing and Community Development. Proposition 1C funding in the amount of \$37 million would be jeopardized.

Recommendation: Adoption of the following motions.

Motions:

1. Adoption of the attached Resolution. (TWO-THIRDS VOTE required.)
2. The Board approves an amendment to the JPA Agreement to provide that a simple majority of the Directors (three Directors) shall constitute a quorum for the purposes of conducting JPA meetings; that the unanimous vote of all of the

Directors then present as a quorum shall be required to approve agenda, amend agenda, and approve minutes; and that the unanimous vote of all four Directors shall be required for all other actions.

3. The Board approves an amendment of the JPA Agreement to allow the designation of a substitute BART Board Director to serve on the JPA Board.
4. The Board approves the designation of Rebecca Saltzman as a substitute BART Board Director to serve on the JPA Board.

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

In the Matter of Adopting
Parking Fees at and adjacent to the
South Hayward BART Station

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 ("District" or "BART") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, proposed development at the South Hayward BART Station will result in the loss of 174 BART parking spaces currently on a satellite lot on Dixon Street, and the District and the City of Hayward ("City"), under authorization from their respective governing entities, have formed a joint powers authority, the South Hayward BART Station Access Authority ("JPA"), in order to address the loss in parking as well as future access needs at the Station; and

WHEREAS, an Action Plan resulting from an Access Study performed by a consultant for the JPA has been reviewed by staff from the District and the City, and the primary elements of the Action Plan include the implementation of a residential parking permit program and a parking fee program; and

WHEREAS, prior to approval and implementation of the Action Plan by the JPA Board of Directors, the governing bodies of the City and the District must approve various aspects of the Action Plan, respectively; and

WHEREAS, on February 19, 2013, the City approved a Transit-Oriented Development Preferential Residential Parking Permit Program at no cost to residents, the prohibition of BART patron parking on certain City streets, the designation of 272 spaces on City streets for BART patron parking, the imposition of parking fees for the 272 spaces consistent with the proposed parking fees for approximately 982 spaces on BART property, and related implementing actions; and

WHEREAS, the BART Board is being requested to approve the parking fees set forth below, which will be applicable to the 982 spaces on BART property as well as the 272 designated parking spaces on City streets as depicted in attached Exhibit 1 entitled, "SHB-TOD: Proposed Parking Regulations in JPA Area"; and

WHEREAS, to ensure compliance with federal Title VI requirements and state law prohibiting disparate impact in its programs and activities, District staff has conducted public participation and performed an analysis to determine whether the proposed parking fees would have a disparate impact or disproportionate burden on minority and/or low-income parkers and whether the proposed parking program would have a disproportionately high and adverse effect on minority and/or low-income residents in the neighborhood surrounding the Station; and

WHEREAS, staff has concluded that the proposed parking fees would not result in a disparate impact on minority or low-income parkers because minority users and low-income users are expected to experience a much lower increase than overall users; and

WHEREAS, District staff has also concluded that the proposed parking program would not have a disproportionately high and adverse effect on minority or low-income residents in the surrounding neighborhood; and

WHEREAS, on March 14, 2013, a public hearing was held at a special meeting of the Board to consider the proposed parking fees;

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

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for parking, as set forth in this Resolution, are reasonable; and that insofar as practicable, these parking fees are calculated to result in revenue which will:
 - (a) Pay for the operating expenses of the South Hayward BART Station Access Authority (the JPA) paid parking program;
 - (b) Pay for repair and maintenance costs of the JPA paid parking program;
 - (c) Pay for capital costs to implement the JPA paid parking program; and
 - (d) Pay for additional access improvements, provided that there are net revenues remaining after operating, maintenance and capital expenses of the JPA are covered.
- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board also determines, as required by the California Environmental Quality Act, Section 21080 (b)(8), that the parking fees set forth in this Resolution are for the purposes of meeting the operating, maintenance and capital expenses of the South Hayward BART Station Access Authority (the JPA). All capital costs will be for improvements within the boundaries of the JPA or each of its members.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The Board approves an Action Plan for the South Hayward BART Station Access Authority (the JPA), which includes the imposition of parking fees at the South Hayward BART Station and at designated parking spaces on City streets within the boundaries of the JPA, as depicted in Exhibit 1, as follows:

a. Parking fees are authorized as follows:

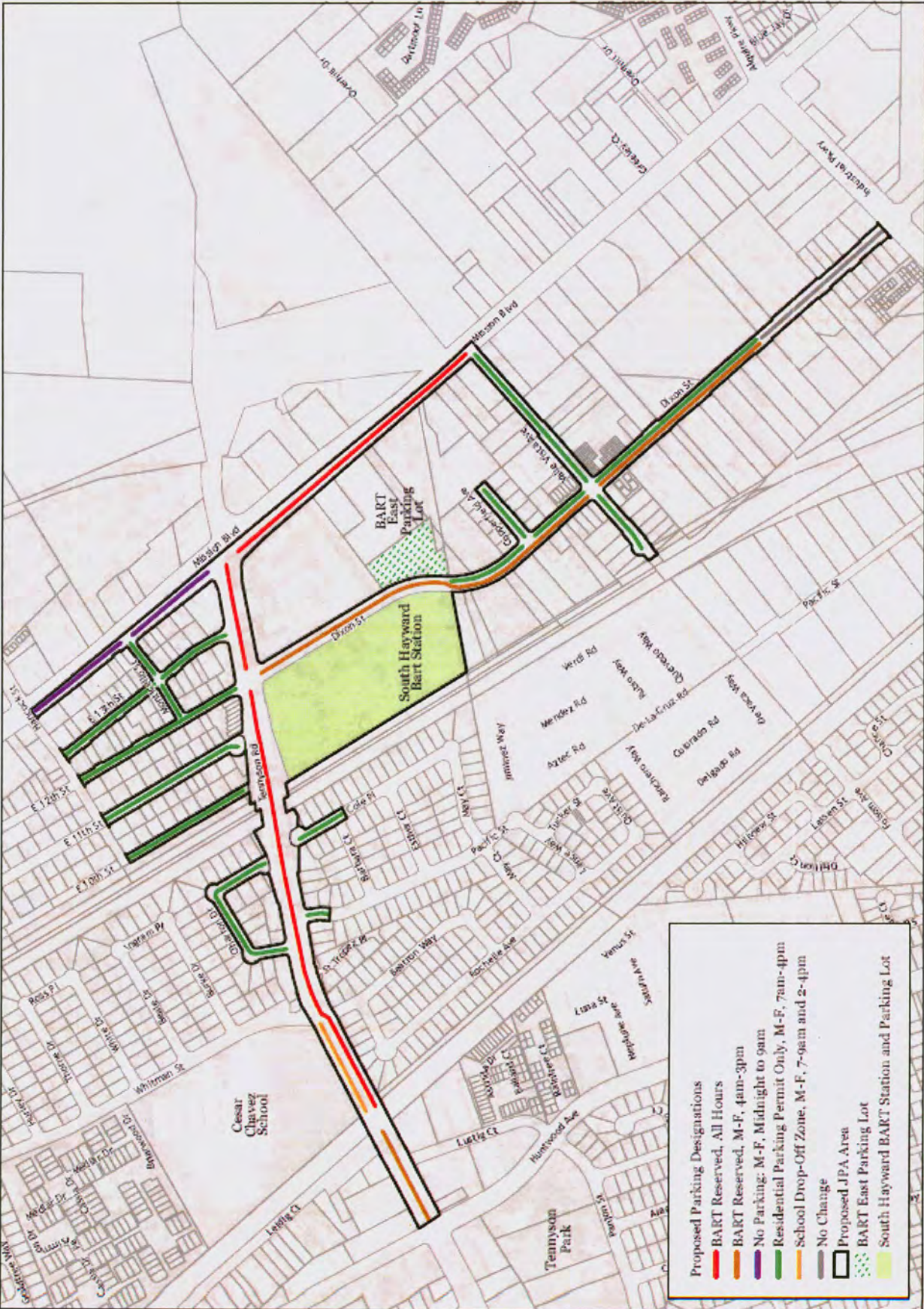
- (1) Daily: Start at \$1.00/day, allow up to \$5.00/day in increments of \$0.50/day at 6 month intervals.
- (2) Monthly: Start at \$42.00/month, increase to \$63.00/month when daily fee becomes \$2.00/day, increase to \$84.00/month when daily fee becomes \$3.00/day.
- (3) Daily Reserve: Start at \$3.00/day, increase to \$4.00/day when daily fee becomes \$2.00/day, increase to \$5.00/day when daily fee becomes \$3.00/day.
- (4) Initial allocation of approximately 7% of spaces to monthly reserve and approximately 3% of spaces to daily reserve (excluding ADA and employee spaces), with increases in allocation up to a maximum percentage that does not exceed that set forth in the then-current BART Board policy.

b. Modifications to parking fees are authorized as follows:

- (1) Examine occupancy every 6 months.
 - (2) If occupancy is greater than 98%, increase daily fee by \$0.50/day.
 - (3) If occupancy is between 90% and 98%, no change in fee.
 - (4) If occupancy is less than 90%, reduce daily fee by \$0.50/day. However, the minimum parking fee would be no lower than \$1/day.
- (2) The Board approves any and all actions in support of implementing the proposed parking fees.
 - (3) The parking charges set forth above are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines § 15273 and a Notice of Exemption shall be filed in Alameda County.

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SHB-TOD: Proposed Parking Regulations in JPA Area



February 20, 2013

- Proposed Parking Designations**
- BART Reserved, All Hours
 - BART Reserved, M-F, 4am-3pm
 - No Parking: M-F, Midnight to 9am
 - Residential Parking Permit Only, M-F, 7am-4pm
 - School Drop-Off Zone, M-F, 7-9am and 2-4pm
 - No Change
 - Proposed JPA Area
 - BART East Parking Lot
 - South Hayward BART Station and Parking Lot



10-Year Cash Flow

South Hayward BART Parking and Access Study	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Estimated Parking Revenue (1)	\$ 553,741	\$ 780,555	\$ 1,084,213	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739
Capital Cost Amortization (2)	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645	\$ 335,645
Annual Operating Costs (3)	\$ 121,905	\$ 549,801	\$ 562,576	\$ 575,717	\$ 589,402	\$ 603,425	\$ 617,797	\$ 632,525	\$ 647,618	\$ 663,085
Net Revenues	\$ 396,190	\$ 195,109	\$ 485,991	\$ 551,377	\$ 537,692	\$ 523,669	\$ 509,297	\$ 494,569	\$ 479,476	\$ 464,009
Sensitivity Analysis Presuming										
No Change in Parking Charges										
Estimated Parking Revenue (4)	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741
Net Revenues (5)	\$ 396,190	\$ (31,706)	\$ (44,481)	\$ (57,622)	\$ (71,306)	\$ (85,330)	\$ (99,701)	\$ (114,429)	\$ (129,522)	\$ (144,990)
(1) Increase in all categories every 6 months up to \$3.00/day by year 2.5 (2) 20 years at 3% (3) Maintenance in year 1 by BART and City, thereafter by JPA. (4) Parking charges remain flat throughout 10 years (5) Consider options to reduce costs (e.g., greater maintenance by BART & City)										



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wanda DeBurger</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAL Committee		
DATE: <i>3/7/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: John H Rennels Dept: Real Estate and Property Development Department	General Counsel <i>Andrew Kaye</i> 2/6/13	Controller/Treasurer <i>[Signature]</i> []	District Secretary <i>[Signature]</i> []	BARC <i>Christy Nunn</i> 3-6-13 []
Signature/Date: <i>[Signature]</i> 3/7/2013				
Status: Routed		Date Created: 03/05/2013		

TITLE:

Transfer of Land and Access Easement to, and Lease of Office Space from, Washington Township Healthcare District

NARRATIVE:

Purpose: To request Board approval for the transfer of approximately 6,000 sq. ft. of land and an emergency vehicle access (EVA) easement in Fremont to Washington Township Healthcare District (Washington Hospital or Hospital), and to authorize the General Manager or her designee to enter into a lease with the Hospital for up to 2,500 sq. ft. of office space.

Discussion: Washington Hospital, which is adjacent to the Fremont BART Station, has embarked upon a major upgrade and expansion of its regional medical care facilities at a cost of approximately \$520 million, with an estimated 2017 completion date. In order for the Hospital to commence construction of its Emergency Room/Critical Care Project, a multi-story parking garage and hilla-port for transporting critical care patients must be constructed. The current configuration of the Hospital's property does not provide for an efficient floor-plate for such garage. City of Fremont (the City), Washington Hospital and BART staff determined that a more efficient garage could be constructed by modifying the property boundary between BART and Washington Hospital. The modification would also provide for a more attractive, pedestrian-friendly gateway from the BART Station along BART Way to downtown Fremont and a number of local medical facilities.

The boundary modification would require approximately 6,000 sq. ft. of BART land, as well as an EVA easement along an internal roadway on BART property (see Exhibit A). The combined transaction would result in the loss of up to ten BART parking spaces. Even in the absence of the proposed property transfers, staff believes that up to seven of those spaces would ultimately be removed since they are parallel parked along an interior two-way roadway with only enough space for unidirectional vehicular travel.

In lieu of payment for the land and EVA easement, Washington Hospital has proposed to construct, at its expense and under a BART Permit to Enter, modifications to the roadway and pedestrian access. As additional consideration, Washington Hospital has offered to provide 2,000 net sq. ft. of office space for BART Police and other staff for 30 years for \$1.00 per year, and, if BART elects, an additional 500 net sq. ft. at 50% of market rate for such 30 year period. The Hospital would work with BART to ensure the office space will be designed to BART's needs. The Hospital has also agreed to provide an allowance for tenant improvement of \$20.00 per sq. for the leased space. The office space would be made available to BART by the end of 2017, the estimated completion date for construction of the emergency care facilities.

The Hospital's proposed parking garage will contain approximately 700 spaces compared to the existing 500 spaces. Therefore, the Hospital has agreed to collaborate with BART to determine the feasibility of enabling BART patrons to utilize the excess parking capacity on a paid basis until such time as the Hospital needs them.

As the lead agency for the project under the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), Washington Hospital, a Special District, prepared a Final Environmental Impact Report (FEIR) for the 2010 to 2030 Site Master Plan and a Mitigation and Monitoring Reporting Plan (MMRP), which included the proposed parking garage. The Hospital's Board of Directors certified and approved the FEIR and MMRP in 2010. BART staff has reviewed the environmental documentation and concluded that the environmental assessment process was performed in accordance with CEQA guidelines. BART staff finds that there will be no significant effect on the environment from the transfer of this land and access easement and that this action is categorically exempt from further review pursuant to CEQA Guidelines Section 15061(b)(3).

The Office of the General Counsel will approve the fee and EVA easement deeds, the lease for office space, and any related agreements as to form.

Fiscal Impact: The estimated fair market value of the 6,000 sq. ft. to be transferred to Washington Hospital for the boundary adjustment is \$150,000. The estimated fair market value of the EVA easement is \$120,000. The current market rate for office space in the vicinity of the Fremont BART Station is estimated to be in the range of \$2.00 or more per sq. ft. per month. If a decision is made by the District to lease, at 50% of fair market value, the 500 sq. ft. in addition to the 2,000 sq. ft., such lease cost would be included in the Real Estate and Property Development Department's operating budget.

Alternatives: Do not approve the transfer of land and EVA easement. This would result in Washington Hospital not being able to construct a 700 space parking garage. A smaller garage would not be in keeping with the City of Fremont's Downtown Plan as envisioned for BART Way because there would be no additional land for the construction of any pedestrian and related gateway features. Also, the District would forgo an opportunity to obtain convenient office space for the BART Police and other staff under very favorable lease terms.

Recommendation: Adoption of the following motions.

Motions:

1. Adoption of the attached two Resolutions.
2. The General Manager or her designee is authorized to execute an office lease with Washington Township Healthcare District for 2,000 net sq. ft. at \$1.00 per year for 30 years, and for an additional 500 net sq. ft. at 50% of market rate for 30 years, for office space at Washington Hospital in Fremont. Market rate rent for purposes of the lease shall be determined by an appraisal performed by an independent appraiser who is mutually acceptable to Washington Hospital and the District.
3. 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 a fee simple interest to Washington Township Healthcare District – 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 a fee simple interest to the Washington Township Healthcare District substantially as shown on the attached Exhibit “A” is in the best interest of the District, and hereby authorizes the execution of a 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 _____ 2013, a majority of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2013.

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

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 Washington Township Healthcare District – 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 Washington Township Healthcare District 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 _____ 2013, a majority of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2013.

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

