

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

March 26, 2009

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, March 26, 2009, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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 General Discussion and Public Comment.

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

Items placed under “consent calendar” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of February 26, 2009 (Revised), March 12, 2009 (Regular), and March 17, 2009 (Special).* Board requested to authorize.

- | | | |
|----|--|----|
| B. | Resolution of Local Support for American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding.* Board requested to authorize. | 5 |
| C. | Award of Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and Rockridge Stations.* Board requested to authorize. | 8 |
| D. | Approval of East Bay Paratransit Service Plan for Fiscal Year 2010 Alameda County Measure B Claim.* Board requested to authorize. | 10 |

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Murray, Chairperson

- | | | |
|------|---|----|
| A-1. | Amended Agreement with Meyers Nave Riback Silver & Wilson for Internal Affairs Investigation (Agreement No. 6M1022).* Board requested to authorize. | 12 |
| A-2. | General Discussion and Public Comment. | |

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Keller, Chairperson

- | | | |
|------|--|----|
| B-1. | Noncompetitive Maintenance Services Agreement for Currency Processing System, Including Sole-Source Procurement of Replacement Materials and Parts.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.) | 14 |
| B-2. | General Discussion and Public Comment. | |

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Sweet, Chairperson

- | | | |
|------|--|------------------|
| C-1. | (CONTINUED from February 26, 2009, Planning, Public Affairs, Access, and Legislation Committee)
Approval of Federal Advocacy Programs.* Board requested to authorize. | 17 and
Pkg. A |
| C-2. | General Discussion and Public Comment. | |

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. Amended Agreement with Meyers Nave Riback Silver & Wilson for Internal Affairs Investigation (Agreement No. 6M1022).* Board requested to authorize. 12

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Noncompetitive Maintenance Services Agreement for Currency Processing System, Including Sole-Source Procurement of Replacement Materials and Parts.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.) 14

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. (CONTINUED from February 26, 2009, Planning, Public Affairs, Access, and Legislation Committee) Approval of Federal Advocacy Programs.* Board requested to authorize. 17 and Pkg. A

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

- A. Report of the BART Police Department Review Committee. For information.
- B. Report of the Finance, Budget, and Internal Audit Committee. For information.
- C. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: Oakland Airport Connector
District Negotiators: Teresa E. Murphy, Assistant General
Manager – Administration; and Kathleen
Mayo, Deputy Executive Manager –
Transit System Development
Negotiating Parties: Port of Oakland and San Francisco Bay
Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

C. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Dorothy W. Dugger, General Manager; Teresa E. Murphy,
Assistant General Manager – Administration; M. Carol Stevens,
Burke, Williams & Sorensen, LLP
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
Government Code Section: 54957.6

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Johnson et al. vs. BART
Government Code Section: Subdivision (a) of Government Code Section 54956.9



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter D'Amico</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/18/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development and Control <i>Todd Morgan</i> Signature/Date: 3-18-2009	General Counsel <i>Rudye Kavas</i> 3-18-09	Controller/Treasurer <i>[Signature]</i> 3/18/09	District Secretary []	BARC <i>[Signature]</i> 3-18-09
Status: Routed		Date Created: 02/24/2009		

TITLE:

Resolution of Local Support American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding

NARRATIVE:

Purpose:

To obtain BART Board approval of a Resolution of Local Support for federal American Recovery and Reinvestment Act of 2009 (ARRA) funds. The BART Board is being asked to adopt a Resolution of Local Support for submission to MTC as a prerequisite to receipt of \$65.4 million in ARRA funds.

Discussion:

On February 17, 2009, President Obama signed into law the ARRA, which enacted a \$787 billion economic recovery package calling for significant new spending as well as tax cuts. The ARRA is an unprecedented effort to jumpstart the U.S. economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century. The ARRA is an extraordinary response to a crisis unlike any since the Great Depression. With much at stake, the Act provides for unprecedented levels of transparency and accountability.

The ARRA includes \$48 billion for the Department of Transportation. Specifically, the ARRA includes \$27.5 billion in Federal Highway Administration (FHWA) funding and \$8.4 billion in Federal Transit Administration (FTA) funds. It is estimated that the Metropolitan Transportation Commission (MTC) will receive roughly \$150 million through the Surface Transportation Program sub-allocated program and \$340 million in Federal Transit Administration formula funds. Of the Regional amount of \$340 million, BART is programmed to receive \$65,368,239 for 11 projects (list attached).

MTC requires Project Sponsors/Implementing Agencies to submit a Resolution of Local Support approved by the Project Sponsor/ Implementing Agency's Board. Staff has prepared the attached Resolution of Local Support for adoption by the BART Board of Directors to meet the MTC requirement for the ARRA funding.

Fiscal Impact:

Approval of the Resolution is a requirement for the District to receive an allocation of ARRA funding from the MTC in the amount of \$65.4 million. These actions have no fiscal impact on unprogrammed District Reserves.

Alternatives:

Do not approve the Resolution. This will jeopardize BART's eligibility to receive \$65.4 million in federal ARRA funds.

Recommendation:

Adoption of the following motion:

Motion:

Approve the attached Resolution of Local Support.

**San Francisco Bay Area Rapid Transit District (BART)
American Recovery and Reinvestment Act (ARRA) Funded Projects**

Project	Description	Milestones	Jobs¹
480v Switchgear Replacement	Replace electrical service from PG&E to the BART Train stations for station lighting, ventilation, elevators, escalators, fare collection equipment, and power for essential systems.	Contract Award by Nov. 2009	628
Central Contra Costa Crossover	Construct a mainline crossover consisting of two turnouts and a second "maintenance" crossover.	Start 6-1-09 Finish 9-30-10	1190
Capitalized Maintenance	Rehabilitate system fixed guideway, rail vehicles and systems.	Start 7-1-09 Finish 6-30-10	314
Replacement of anodes and anode cables on the Trans Bay Tube	Replacement of sacrificial anodes along the length of the Trans-Bay Tube so as to prevent corrosion	Start 11-30-09 Finish 6-30-10	165
Replacement of Auxiliary Power Supply Equipment (APSE) on 30 C-1 cars	Replacement of auxiliary power supply equipment on 30 C-1 cars to increase system reliability and safety	Start 11-30-09 Finish 12-30-10	140
Third Rail Coverboard Replacement	Replacement of original protective coverboards over the electric third rail	Start 11-30-09 Finish 12-30-10	125
Floor and Seat Cushion Replacement for 50 cars	Update 50 vehicles with new seat cushions and replacement of worn carpet with hard surface flooring	Start 11-30-09 Finish 6-30-10	65
Between-Car Barriers	Satisfy federal regulatory requirement for between car-barriers for rapid transit systems.	Start 11-30-09 Finish 12-30-10	60
Balboa Park Station Walkway and New Westside Entrance	Construct a new ADA-accessible walkway and a new entrance at the north end of the Balboa Park Station concourse with automatic fare collection equipment and fare gate array.	Start 7-1-09 Finish 6-30-10	165
Capacity Interior Reconfiguration for 105 cars	Modify car interiors by adding more open space to better accommodate peak period ridership, bicycles, luggage and strollers.	Start 11-30-09 Finish 12-30-10	30
Project Development for Concord Shop Wheel Truing Machine	Prepare a concept study for installation of a future wheel truing machine	Start 11-30-09 Finish 12-30-10	5

¹ Job impacts are based on the American Public Transportation Association (APTA) study, *Public Transportation and the Nation's Economy*, which found that in the short term 314 jobs are created for each \$10 million invested in transit capital funding.

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

**Resolution of Local Support
American Recovery and Reinvestment Act of 2009 (ARRA) Transit Funding**

**Authorizing the filing of an application for federal
American Recovery and Reinvestment Act of 2009 (ARRA)
funding and stating the assurance to complete the project**

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$65,368,239 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Capitalized Maintenance, 480V Switchgear Replacement, Central Contra Costa Crossover Project, Balboa Station Walkway Safety Project, Replacement of anodes and anode cables on the Trans Bay Tube, Coverboards Replacement, Capacity Interior Reconfiguration for 105 cars, Floor and Seat Cushion Replacement for 50 cars, Replacement of Auxiliary Power Supply Equipment (APSE) on 30 C-1 cars, Between-Car Barriers, and Concord Shop Wheel Truing Machine Concept Study (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885) (herein referred as PROGRAM); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, ARRA funds for transit projects are provided through Federal Transit Administration (FTA) Formula Programs (49 U.S.C. §53); and

WHEREAS, APPLICANT is an eligible project sponsor for FTA Section 5307, Section 5309 FG, or Section 5311 funds; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

WHEREAS, as part of the application for ARRA funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that APPLICANT understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC programmed funds; and
- 2) that PROJECT will comply with all project specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3885); and PROJECT is as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project specific requirements as set forth in the federal ARRA and applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the ARRA for PROJECT; and be it further

RESOLVED that the APPLICANT by adopting this Resolution does hereby state that:

1 APPLICANT understands that the ARRA funding for the PROJECT is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional ARRA or MTC programmed funds; and

2 APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885); and

3 PROJECT will be implemented as described in the complete application and in this Resolution and, if approved, for the amount programmed in the MTC federal TIP; and

4 PROJECT will comply with all the project specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its General Manager, or designee to execute and file an application with MTC for ARRA funding for the PROJECT as referenced in this Resolution; and be it further

RESOLVED that a copy of this Resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the Resolution and to include the PROJECT, if approved, in MTC's TIP.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa del Valle</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 3/18/09		BOARD INITIATED ITEM: No	
Originator/Prepared by: Ersten Y Imaoka Dept: M & E <i>Ersten Imaoka</i> Signature/Date: 3/17/09	General Counsel <i>Andrew Kuros</i> 3-17-09	Controller/Treasurer <i>[Signature]</i> 3/17/09	District Secretary <i>[Signature]</i> 3/17/09
Status: Routed		Date Created: 02/23/2009	

TITLE:

Award Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and Rockridge Stations

NARRATIVE:

PURPOSE: To authorize the General Manager to award Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and Rockridge Stations, to CF Contracting.

DISCUSSION: The work of this Contract includes furnishing all labor, equipment, materials and services to refurbish the breakrooms at Civic Center, Embarcadero and Rockridge Stations. Items of work include installation of water lines and sewage pipes, sinks and appurtenances, water heaters, garbage disposers, air conditioning, cabinetry and furniture, and electrical power and outlets.

Advance Notice to Bidders was mailed on January 16, 2009 to 73 prospective Bidders. Contract Books were mailed to 21 plan rooms and minority assistance organizations. The Contract was advertised on January 21, 2009. A Pre-Bid meeting and site inspection tour were conducted on February 3, 2009, with 27 prospective Bidders attending the meeting and the site tour. Additional site tours were made to accommodate prospective Bidders who could not attend the initial site tour. The following 14 Bids were received on February 24, 2009:

BIDDER	LOCATION	TOTAL BID
CF Contracting	Fairfax, CA	\$158,000
Gilbert Morad Eng & Const	Fairfield, CA	\$170,400
Monwat Construction, Inc	Oakland, CA	\$198,000
Nari Construction Co	Livermore, CA	\$210,500
Ranis Const & Electric, Inc	San Francisco, CA	\$216,800
Chow Engineering, Inc	Oakland, CA	\$221,000
Kudsk Construction, Inc	Berkeley, CA	\$232,500
Hung Construction	Oakland, CA	\$238,800
McNely	San Leandro, CA	\$240,003
Chapot Construction Co	Alameda, CA	\$251,000
Bay Construction Co	Oakland, CA	\$254,000
AHI	San Francisco, CA	\$255,300
Rodan Builders, Inc	Belmont, CA	\$279,000
Magnum Construction, Inc	Livermore, CA	\$304,900
ENGINEER'S ESTIMATE		\$237,280

After review by District staff, the Bid submitted by CF Contracting has been deemed to be responsive. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder

is responsible. Staff has also determined that its Bid of \$158,000, which is approximately 33% below the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment due to the refurbishment work at these three BART facilities, and that such work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

FISCAL IMPACT: Funding for this \$158,000 Contract award is included in the total project budget for Project 17AG, Breakroom Refurbishment. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

FY 06-10 Capital Maintenance Allocation	<u>50Z</u>	<u>\$158,000</u>
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As of the period ending 01/25/09, \$350,000 is available for commitment from this fund source for this Project, and \$129,642 has been committed by BART to date. There are no pending commitments in BART's financial management system. This action will commit an additional \$158,000, leaving an uncommitted balance of \$62,358 in this fund source.

There is no fiscal impact on available unprogrammed District capital funds.

ALTERNATIVE: The alternative is to reject all Bids, which will compromise or delay the District's ability to provide adequate breakroom facilities at these three locations.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 17AG-120, Refurbish Breakrooms at Civic Center, Embarcadero and Rockridge Stations, to CF Contracting for the Bid price of \$158,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca del Busto</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board for approval on March 26, 2009		
DATE: 3/18/09		BOARD INITIATED: No		
Originator/Prepared by: Susan Gallagher Dept: Customer Access <i>Susan Gallagher</i> Signature/Date: 3/17/09	General Counsel <i>Andya Kavas</i> 3-17-09	Controller/Treasurer <i>[Signature]</i> 3/17/09	District Secretary []	BARC <i>[Signature]</i> 5/14/2009

Status: Approved	Date Created: 02/19/2009
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TITLE:

Approval of East Bay Paratransit Consortium Service Plan for FY 2010 Alameda County Measure B Claim

NARRATIVE:

PURPOSE

To approve a plan for East Bay Paratransit Consortium service in Alameda County in Fiscal Year 2010 to be submitted to Alameda County Transportation Improvement Authority (ACTIA) in order to secure funding from Alameda County's Measure B.

DISCUSSION

In 2000, Alameda County residents adopted Measure B, a sales tax measure which will support transportation and transit projects from April 2002 through March 2022. The measure specifies that 1.49% of the annual net revenues are to be allocated to BART's provision of paratransit "services mandated by the Americans with Disabilities Act (ADA)" in Alameda County. As part of their process for claimants, ACTIA, the governing body for Measure B, requires that BART submit a plan for the use of the funds. The attached plan was prepared by staff for submittal with BART's claim for Fiscal Year 2010. AC Transit, which is also allocated paratransit funds through Measure B, will be submitting an identical plan. The plan emphasizes the federal requirements for ADA mandated service and specifies the ways in which East Bay Paratransit fulfills these requirements.

The plan was discussed with the Service Review Advisory Committee, which is the rider advisory committee to the East Bay Paratransit Consortium, on March 3, 2009. There were no requests for changes in the plan. The Service Review Committee of the East Bay Paratransit Consortium, consisting of representatives of the General Managers of BART and AC Transit, subsequently approved the plan for submittal to the BART and AC Transit Boards.

FISCAL IMPACT

Following submittal of the plan and Board resolution, the District will receive 1.49% of the net revenues of Measure B, currently projected by ACTIA to be \$1,565,245 in FY 2010. These funds, which are for the provision of paratransit in Alameda County, will offset approximately 15% of the District's paratransit program costs for East Bay Paratransit.

ALTERNATIVES

Do not submit the plan and forgo the Measure B funds which will result in the District's need to contribute additional general funds to meet mandated ADA paratransit service obligations.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

That the Board of Directors adopt the attached resolution approving the East Bay Paratransit Consortium Service Plan for FY 2010 to be submitted to Alameda County Transportation Improvement Authority as part of the process to claim Measure B funding for paratransit services in Alameda County that are mandated by the Americans with Disabilities Act.

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

In the Matter of Approving the
East Bay Paratransit Consortium Service Plan
For FY 2010 for
Submittal to Alameda County Transportation
Improvement Authority

Resolution No. _____

WHEREAS, the Reauthorization of Measure B, approved by the voters of Alameda County in November 2000, authorized the extension of a half-cent sales tax for the purpose of funding transportation projects, and

WHEREAS, the Alameda County Transportation Improvement Authority (ACTIA) administers the sales tax proceeds from the Reauthorization, and

WHEREAS, ACTIA has established a specific process for disbursement of funds for "Special Transportation Services for Seniors and People with Disabilities", including those funds specified in Measure B as intended for paratransit services that are mandated by the Americans with Disabilities Act (ADA), and

WHEREAS, the Measure B expenditure plan provided that 1.49% of the net revenues of the half-cent sales tax be allocated to BART for provision of services that are mandated by the ADA in north and central Alameda County, and

WHEREAS, the process established by ACTIA requires the approval of an annual plan for the use of Measure B funds for the provision of paratransit services that are mandated by the ADA,

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby approves the East Bay Paratransit Consortium Service Plan for FY 2010 for submittal to ACTIA.

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Annual Program Submittal for Measure B Funding

--REVISED February 2009 --

Three forms are required to be completed for this application, this cover sheet, Attachment 1 (Excel spreadsheet), and your budget application (Excel spreadsheet). Answers can be entered into the fields on this form. Use the TAB key to move between fields. The fields will expand to allow as much room as needed for each answer. If you attach material, such as a driver training program, please provide a brief summary of the relevant information on this form.

Application for Funding for Fiscal Year 2009-2010

1. NAME OF JURISDICTION

San Francisco Bay Area Rapid Transit District (BART)

2. CONTACT PERSON

Name: Susan Gallagher

Title: Manager of Accessible Services

Address:

San Francisco Bay Area Rapid Transit District, 300 Lakeside Drive,
16th floor, Oakland, CA 94612

Telephone: 510-464-6184

Fax: 510-464-6143

E-mail: sgallag@bart.gov

3. TYPE OF FUNDS APPLIED FOR (CHECK ONE)

- ☒ Mandated
☐ Non-mandated
☐ Minimum Service Level Gap Grant

4. TOTAL AMOUNT OF FUNDS REQUESTED

1. Base Program \$1,565,245

2. Minimum Service Level Gap Grant:

5. GOVERNING BODY RESOLUTION AUTHORIZING SUBMITTAL OF THE PLAN

- ☐ Copy attached
☒ Pending action on: March 26, 2009 (indicated date this item is scheduled for action)

6. DESCRIPTION OF SERVICES TO BE PROVIDED

- Complete the Grid below

Service Component	Service Available? (Y/N)	Type of vehicle (van, sedan, bus, taxi)	Accessible? (Y/N)	Days/ hours of Service	Eligibility requirements	Service area limits	Fares	Provider average cost per trip	Rider cost per trip	Trip limits per year per rider
Same Day	N									
Pre-scheduled	Y	Van or sedan	Y	Y	Y	Y	Y	\$44.17	\$3.00 to \$7.00	N
Shuttle	N									
Group Trips	Y, but very limited									
EBP Tickets	N									

6A. DESCRIPTION OF SERVICE COMPONENTS AND PLANNED CHANGES

Please provide a narrative description for each service component listed in Question 6 and describe any planned changes.

Response:

The East Bay Paratransit Consortium operates advance reservation service. Riders may call in as late as 5:00 pm today for service tomorrow. Reservations also are taken up to seven days in advance.

Trips are provided in sedans or accessible lift vans. Taxis are utilized occasionally for go backs or overflow.

Service operates the same days and hours as the fixed route services of AC Transit and BART and is available in the combined service area of AC Transit and BART in the East Bay, with through service into San Francisco, and along AC Transit service across the San Mateo Bridge.

Fares are distance based and are calculated as follows for each one-way trip:

For service in the East Bay

Fare/Distance

\$3.00 0 – 8 miles

\$4.00 greater than 8 miles and up to 12 miles

\$5.00 greater than 12 miles and up to 20 miles

\$6.00 greater than 20 miles

For service to / from San Francisco*

Fare/Distance

\$6.00 For destinations up to the Civic Center BART station

\$7.00 For destinations beyond the Civic Center BART station

*some San Francisco trips will require an additional MUNI charge of \$1.65

EBPC does not impose limitations on the number of trips a rider can take, nor are trip requests prioritized.

Recent and Planned Changes to Paratransit: There are several changes currently being implemented.

Starting December 1st, East Bay Paratransit changed its application process for certifying people to use the service. The new procedure includes a mandatory in-person interview of all applicants. This change is being made to provide an opportunity for face-to-face contact with applicants to better understand their disabilities, making it easier to evaluate the

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

person's ability to use transit. The interview will also provide an opportunity for education about the services offered by East Bay Paratransit and to answer applicants' questions.

Most interviews are expected to take place at East Bay Paratransit's offices, located at 1720 Broadway Street, in Oakland. Some off-site interviews may be arranged at senior centers or facilities where there are a number of applicants to be interviewed at one time. A ride to and from the interview will be set up at no cost, for applicants who need help with transportation.

This new process is being implemented in a staggered fashion, a few cities at a time. The first cities converting to the new process were Alameda, Albany, Emeryville, and San Leandro.

East Bay Paratransit is replacing some sedans at the end of their useful life with smaller lift vans. This change is expected to allow us to provide better service to people in wheelchairs and also increase productivity through greater capacity. The first smaller vans entered the fleet in January 2009.

7. VEHICLE FLEET

Please complete the spreadsheet "MB Annual Program Application Cover Attachment 1"

8. OBJECTIVES

Identify objectives for the proposed services. As much as possible these should be measurable in numerical terms, and should be accompanied by a baseline measure for the existing service. For example, you might target increasing the number of trips provided from 10,000 projected in the current year to 15,000 in the plan year. Use the following table, expanding the boxes vertically as needed.

Response:

The primary objective of EBPC is to deliver high quality, cost effective paratransit that meets the six service criteria of the ADA. The ADA-required criteria are intended to ensure that access to, and the quality of, ADA paratransit service is adequate to be considered comparable to fixed route bus or rail transit service. Determination as to whether an agency has met the service criteria is made by the Federal Transit Administration (FTA) Office of Civil Rights or the U.S. Department of Justice, which conducts periodic ADA paratransit compliance assessments and respond to complaints.

Objective	Baseline	Target
Service Area	Service is offered to all points within the combined service area of AC Transit and BART.	Continue

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities**

Objective	Baseline	Target
Response Time	Provide next day service.	Continue
Fares	Charge fares no more than twice the undiscounted fixed route fare.	Continue
Trip Purpose	Accept requests for all types of trips without prioritization.	Continue
Hours and days of service	Operate during the same hours as AC Transit and BART.	Continue
Capacity Constraints	Allow no pattern or practice of denials, untimely pick-ups, missed trips, or excessively long trips.	Continue

9. MEAL DELIVERY SERVICE

Provide information about your program's meal delivery service in the table below, including funding allocations in the current fiscal year and next year (claim year), the length (in years) that you have used Measure B funds for meal delivery, and how you plan to fund your program if faced with revenue shortfalls.

Measure B Funding for Meal Delivery Service- current year	\$ N/A
Estimated Measure B Funding for Meal Delivery Service – next fiscal year	\$ N/A
Length (in years) of Measure B Funding for meal delivery	N/A Years
When faced with revenue shortfalls, how do you balance meal delivery with trip requests? Please explain: N/A	

10. DRIVER TRAINING

Describe your driver training program.

Response:

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Each Service Provider operates a driver-training program that complies with requirements of the EBPC. The contract language is as follows:

SERVICE PROVIDERS are required to develop a training program that addresses all staff positions including drivers. The program is approved by the BROKER prior to implementation. The training program shall include but not be limited to the following areas:

- Job function
- Operation of equipment
- Driver training that meets Federal and State requirements for ADA service and vehicle type
- ADA requirements: defensive and safe driving, passenger assistance; First-aid, and CPR training
- EBP history and policies
- Disability and aging awareness and sensitivity
- Diversity awareness and sensitivity, including cultural, racial, sexual orientation, age, and gender
- Recognizing and reporting sexual harassment

Training shall be repeated as often as is necessary to ensure adequate performance and knowledge and to meet local, state, and federal requirements.

Trainings are periodically audited by the Broker and Program Coordinator. Members of the consumer advisory group have also participated in the trainings from time to time.

11. ON-TIME PERFORMANCE

Describe your policies concerning timely pick ups or drop offs, including what window is allowed, if there is a standard for the percentage of pick ups or drop offs that must occur within the window, the policy concerning early pick ups, and whether there is a maximum amount of lateness after which a provider no-show or missed trip is counted.

Response:

At the time the client makes a reservation, whether they have requested a particular pick-up or drop-off time, they are given a 30 minute pick-up window within which to expect their vehicle. When a client requests a drop-off for a particular time, a pick-up time is computed, based on expected travel time and time spent picking up and dropping off other passengers enroute.

The East Bay Paratransit scheduling software and staff schedule the trip on a run to fit the specified pick-up window. Service providers are required to operate their service so as to pick-up the client within that window. Pick-ups made within the window are considered to be on-time. Pick-ups made after the window are considered to be late, even if they exceed the window by only a few minutes. If a driver arrives earlier than the window, the client may board the vehicle voluntarily, but is not required to board until the beginning of the window. Therefore, pick-ups made early are also considered on-time.

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Missed trip or “provider no-shows” are reported for those trips where no ride takes place due to the fault of the service provider or broker. This may be a truly missed trip where the service provider does not make a scheduled pick-up. It can also occur when the service provider is late, even by a few minutes, and the rider refuses to board. In that case, there is no penalty to the rider. Very late trips are those where a ride is taken but the pick-up is 60 or more minutes past the scheduled pick-up window.

EBP has contractual standards in the agreement with the Broker to provide for an incentive to the Broker when overall on time performance is better than 93% as measured by AC Transit and BART. A disincentive of \$7,500 is assessed when on-time performance drops below 91% for two months in a row. A disincentive of \$6,000 is assessed the second month that the percentage of very late trips exceeds 0.2%.

The Broker’s contracts with the Service Providers also provide for financial penalties charged directly to the Service Providers for late trips, in the form of liquidated damages.

12. RIDE TIME POLICY

Describe your policies concerning the maximum time a rider may be on a vehicle. Indicate if there is a maximum time, and if there is a standard for the percentage of trips that must be completed within this maximum time.

Response:

Because of its large service area and variability in ride distance, EBPC does not have a maximum ride time limit. The expectation is that paratransit ride will take no more time than an equivalent trip by bus, including access and transfers.

Mean and median ride times are calculated and monitored monthly as part of the on-time performance tracking system. Ride time for individual trips is tracked via complaint. In general when complaints have been received, the paratransit trip has been found to take less time than an equivalent trip by bus.

13. RESERVATION POLICIES

What are your policies for reserving trips? Describe these for each type of trip below. What advance notice is required or allowed? Are there limits on availability?

Individual Trip Reservation – Subscriptions (Standing Orders):

All trips are by reservation. The reservation telephone center is open from 7:00 am to 7:00 p.m. daily, seven days per week. There is a 5:00 p.m. cut-off for next day service. Reservations are taken up to 7 days in advance.

Standing order reservations are made for recurring trips. However, per ADA requirements, standing orders are limited to 50% of the service during times when there may be any denials due to capacity limitations. Requests for standing orders during constrained periods are

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placed on a first come/first served waiting list. Riders waiting for their desired time to open may make individual daily reservations up to one-week in advance.

Individual Trip Reservation – Same Day Trips:

Same day trips are generally provided only when necessary to meet medical “go backs” (e.g. the rider was unable to meet their original pick-up due to a late running doctor’s appointment).

Group/Program Trips:

An extremely limited group trip program is available to Social Service Agencies. Certain restrictions apply and agencies scheduling group trips on this program must request the trip seven days in advance and provide written trip details.

14. CANCELLATIONS AND NO SHOWS

How far in advance is a rider required to cancel a trip before a no show is counted? Describe these for each type of trip below. What is your policy concerning riders with repeated no shows or late cancellations?

Individual Trips– Subscriptions (Standing Orders):

Individual Trips– Same Day Trips:

Group/Program Trips:

Response:

Cancellations must be made more than one hour prior to the beginning of the pick-up window. Cancellations made less than one hour before the pick-up window are counted as “no-shows” unless the cancellation is due to circumstances beyond the rider’s control, e.g. illness. The number of late cancels and other no-shows which are the rider’s fault are tracked. Riders may be suspended for 30 days for incurring more than six per quarter. There is an established procedure for such suspensions, including an appeals process. No-show and suspension policies are clearly spelled out in the Rider’s Guide given to all riders at the time of certification

15. PROGRAM ENROLLMENT

What is the maximum and average time between receiving an application and enrolling an applicant in the program?

Response:

The ADA requirement is that if an eligibility determination has not been made within 21 days of receipt of a completed application, the agency must provide presumptive eligibility and service for that applicant until the process is complete. EBPC complies with this requirement.

16. WAITING LIST

Is there a waiting list? If so, what are the policies that apply to it? How many people are on it? What is the average wait?

Response:

Waiting lists are prohibited by the ADA. There is no waiting list for service from EBPC.

17. CUSTOMER SATISFACTION

Describe how you will measure customer satisfaction, for example, by participating in a county-wide rider survey, tracking customer comments, or other means?

Response:

EBPC measures customer satisfaction in several ways: EBPC contracts for an independent annual telephone survey of a random sample of 400+ riders. This survey asks questions about many aspects of the service including overall customer satisfaction. The next survey is tentatively scheduled for April 2009.

Comment cards are available in the vehicles. These comments are almost always positive. If positive, they are tracked and reported monthly as commendations. If negative, they are processed like all other complaints.

EBPC has a Ride Reporter program where an individual rider from each of the four parts of our service area reports their travel experiences to the Program Coordinator. Ride Reporters' identities are not known to other staff. Although this is a small number of trips, the Program Coordinator uses information from the Ride Reporters as a double check on other methods. In FY 08-09 a special 6-month Ride Reporter program involving PAPCO and SRAC members was put into place.

18. COMPLAINTS AND COMMENDATIONS

Describe your complaint and commendation process. Please describe your process from beginning to end, including instructions provided to customers for filing complaints or commendations, your documentation procedures, your follow up and any changes you have made to your program as a result of customer complaints and commendations.

Response:

Customer complaints received by the Broker's Office by telephone, letter, or in person are responded to and tracked by type. The numbers of complaints are reported to staff and to the SRAC by category. Complaint statistics and details are used to determine areas of the service needing attention from staff. Information uncovered in the complaint process is used to improve the service most often through specific attention to individual

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Special Transportation for Seniors and People with Disabilities**

employees or through modification of service practices. The Broker's Operations Manager regularly reviews complaints and their responses to identify trends and issues.

Commendations are received at the Broker's office, logged, tabulated, and distributed to the employee.

19. PLANNING PROCESS

- A. List all activities undertaken in connection with this plan, including consumer or public meetings, meetings with other agencies, presentations to boards, commissions or committees, and provide general dates for these activities.
- B. Indicate whether this plan has been reviewed by a local paratransit advisory committee.
- C. Describe any surveys or analysis conducted and staff reports.
- D. Describe how the planning process is connected to the service plan: how do the services planned correspond to the results of the planning process?

A. Public Meetings and Dates:

EBPC's Rider Advisory Committee, the Service Review Advisory Committee (SRAC), along with the EBPC executive committee, the Service Review Committee or SRC, reviewed the FY 09-10 application for Measure B funding at their combined March 3, 2009 meeting and took action to approve it. The agenda and minutes from that meeting are attached.

BART's Board of Directors will review the plan March 26, 2009. The Board resolution will be forwarded.

B. Has this plan been reviewed by a local paratransit advisory group?

- ☒ Yes → **Committee Name: Service Review Advisory Committee**
 Meeting Date: March 3, 2009
- ☐ No

Narrative Responses for C and D above:

EBPC is designed to fully meet the ADA paratransit obligations of BART and AC Transit in their combined service area. The FY 09-10 Measure B application maintains the agencies' objectives to meet all requirements of the ADA.

20. NEEDS IDENTIFICATION

- What needs or priorities have been identified that will be met by proposed service changes?

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- What needs or priorities will still not be met even after implementing proposed service changes?
- How many potential riders do you estimate will use this service this coming fiscal year?

Response:

EBPC provides paratransit transportation for persons with disabilities who cannot use fixed route transit throughout Alameda County as well as other parts of the combined AC Transit and BART service area. The design meets the service criteria required under the ADA.

All ADA-required priorities are met by EBPC services. When individuals have needs that cannot be met by an ADA paratransit service, EBPC attempts to refer that person to other appropriate community services or paratransit systems.

EBPC has approximately 21,000 riders certified as eligible to use the ADA program as of December 2008. Of these, generally about 60% or 12,600 schedule at least one trip per year.

21. MINIMUM SERVICE LEVELS

Is your program currently meeting the Minimum Service Levels? (See appendix)

☐ Yes. ☐ No. ☒ N/A – ADA Provider.

If your answer is “No”, which ones are you not meeting and how?

Response:

22. COORDINATION

Describe how services will be coordinated with other Measure B paratransit services and/or mandated ADA paratransit services so that trips can be made throughout Alameda County. Examples of coordination may include (but are not limited to) reciprocal fare agreements, reciprocal agreements to provide trips into adjoining areas, arrangements for clients to ride on other systems, and transfer arrangements. Attach copies of agreements or memoranda of understanding for coordination.

Response:

EBPC is one of three ADA paratransit services in Alameda County. The other two are LAVTA and Union City’s services. Between the three services, travel is available for all eligible riders throughout the county and to adjoining areas. EBPC has on staff a full time regional trip coordinator to assist riders in placing reservations for travel into the service areas of adjacent operators.

There is frequent communication between staff of the cities operating local paratransit programs in Alameda County and EBPC, both informally and through ACTIA’s Technical Advisory Committee meetings. This ongoing interaction has enhanced understanding and coordination between EBPC’s ADA program and the local paratransit program offerings.

23. PERFORMANCE MEASUREMENT

- How will you obtain and/or track necessary financial and operating information for program management and reporting?
- If private vendors or contractors are providing the information, what steps will you take to verify or check the accuracy of the information?
- If performance data is collected by sampling, what steps will be taken to ensure that samples are representative and randomized?

Response:

A variety of financial and operation information is compiled, verified, and reviewed monthly by the Program Coordinator's office and agency staff. In addition, a performance report of key indicators is available for public review and is distributed in conjunction with the SRAC mailings.

On time performance is verified by a review of 100% of the driver manifests on five sample days, per month selected randomly, by the Program Coordinator's office.

EBPC data is audited by MTC (TDA Performance), and the BART internal audit department conducts periodic reviews. EBPC is also included in the FTA's Triennial Review of the individual transit agencies. In addition, EBPC underwent an FTA Paratransit Compliance Assessment in February 2003 during which no significant compliance issues were found.

24. PUBLIC INFORMATION AND OUTREACH

Describe planned outreach to ensure that potential users of the services (including coordinated services) learn about them.

Response:

EBPC informs potential users of our service through brochures and Rider's Guides which have been widely distributed to individuals and Senior Centers, social workers, dialysis centers, city program managers, adult day health centers and others.

Information about EBPC is included on both BART's and AC Transit's websites and in written materials about the agencies. EBPC is included in MTC's Welfare to Work information.

Staff meets with its Service Review Advisory Committee every other month. EBPC staff also organizes or participates in numerous rider outreach meetings, discussions with Social

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Special Transportation for Seniors and People with Disabilities**

Service agency representatives, senior and disabled fairs, and paratransit and public transportation forums.

EBPC staff also participates regularly in paratransit rider based committees, such as ACTIA's Technical Advisory Committee and Paratransit Advisory and Planning Committee, AC Transit's Accessible Service Committee, and the BART Accessible Task Force.

Through a Measure B Gap Grant, East Bay Paratransit has created the position of Rider Care Specialist. This Specialist is a liaison between East Bay Paratransit and its riders and their care givers to address problems and misunderstandings that arise when the rider does not fully understand the design or limitations of ADA paratransit service. The Rider Care Specialist meets with social service agencies and also with individual riders to educate them on making the best use of their transportation options.

In FY 08-09 East Bay Paratransit established a website at www.eastbayparatranit.org. This site has information about the policies and procedures for the ADA paratransit system and also contains downloadable forms.

25. BUDGET AND OPERATING PLAN AND FUND BALANCE RESERVE

Use the spreadsheet provided to show past, current, and planned financial and operating information. If the budget shows funds being carried over from the budget year to future years, explain below the purpose of this planned carryover in the space provided below.

Explanation of Fund Balance Reserve:

Total Measure B Fund Balance Reserve (includes designated and undesignated funds):
\$

Total Measure B Designated Funds* – Capital	\$
Total Measure B Designated Funds* – Operations	\$
Total Measure B Undesignated Funds	\$
Total Measure B Fund Balance Reserve (should equal 3 lines above)	\$
Designated Capital Funds have been carried over for three years or less	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date when Capital Funds originally designated	/ /
Please describe how you plan to use your designated Capital funds*:	
Please describe how you plan to use your undesignated funds, if any:	

Additional explanation of any notable accounting, contracting, or performance measurement practices that would affect program statistics not noted on the budget spreadsheet:

**Please see "Measure B Budget and Reporting Instructions" for a description of appropriate uses of designated funds. Designated Capital funds must be expended within three years of original designation.*

26. FTA SECTION 5310 FUNDS

Do you intend to apply for 5310 funds in the next fiscal year? ☐ Yes ☒ No.

27. MINIMUM SERVICE LEVEL (MSL) GAP GRANT FUNDS

Do you intend to apply for minimum service level gap grant funding for the next fiscal year?
☐ Yes ☒ No

If your answer is "No" but your answer to Question 21 was also "No", meaning you will not meet minimum service levels, please explain.

Response:

If "Yes", please complete the table and questions below.

Minimum Service Level (MSL) your program anticipates not meeting (see appendix)	Please describe how your program falls below this minimum service level	Funds you are requesting to meet this minimum service level
		\$
		\$
		\$
		\$
		\$
Total		\$

Additional Questions to determine minimum service levels gap grant funding:

1. Please explain any community-specific issues that have impacted your ability to not meet minimum service levels?
2. Have you explored and documented other transportation options for seniors and people with disabilities provided by non-profit organizations in your community that might also close this service gap? Please describe.
3. If MSL gap funding was not available to meet this need, would other funding sources be available to meet this need?
 - a. If other funding was not available, how would you prioritize which minimum service levels to cut?
4. Does your program provide ADA equivalent service to those outside the ADA service corridor in your jurisdiction?

28. ANNUAL AUDIT

Date Annual Program Compliance report submitted to ACTIA: Dec/2008/

29. APPROVALS AND ASSURANCES

Attach:

- A copy of a governing body resolution authorizing submittal of the plan, or a statement that the governing body has such an item on a forthcoming agenda.
- Resolution or comments from the relevant local consumer advisory group.
- Copies of agreements or memoranda of understanding for coordination.

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Special Transportation for Seniors and People with Disabilities**

**Annual Program Submittal for Measure B Funding
Appendix**

PAPCO Approved Minimum Service Levels

	Minimum Service Level	A Program <i>Exceeds</i> this MSL if...
1.	Regarding who programs serve: <ul style="list-style-type: none"> • People 18 and above with disabilities who are unable to use fixed route services. • Seniors 80 and above without proof of a disability 	<ul style="list-style-type: none"> • It serves minors with disabilities. • Seniors under 80 without proof of disability.
2.	Regarding the type of service programs provide: <ul style="list-style-type: none"> • Accessible individual demand-responsive service 	<ul style="list-style-type: none"> • It offers additional services for participants, such as group trips or meal delivery.
3.	Regarding the time and days service is provided: <ul style="list-style-type: none"> • At least five days per week between the hours of 8 am and 5 pm (excluding holidays) 	<ul style="list-style-type: none"> • It offers service more than five days a week. • Its service hours begin before 8 am and/or extend after 5pm.
4.	Regarding the service area of a program: <ul style="list-style-type: none"> • Residents using this program are able to meet life needs, including but not limited to travel to major medical facilities, full service grocery stores and other basic necessities, if ADA services, or coordination between base programs are unable to provide these trips. 	<ul style="list-style-type: none"> • It provides trips to locations beyond those which residents would travel to fulfill life needs, such as recreational trips outside city boundaries.
5.	Regarding fares: <ul style="list-style-type: none"> • Fares should be comparable to East Bay Paratransit and equated to distance 	<ul style="list-style-type: none"> • If a rider pays less than they would for a comparable trip on East Bay

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	Minimum Service Level	A Program <i>Exceeds</i> this MSL if...
	for van/sedan trips <ul style="list-style-type: none"> Fares for Taxi trips should not exceed 50% of the total cost of the trip 	Paratransit for a van/sedan trip. <ul style="list-style-type: none"> If a rider pays less than 50% of the total cost of the trip for a taxi trip.
6.	Regarding interim service for individuals applying for or awaiting ADA certification <ul style="list-style-type: none"> Interim service should be provided within three business days upon receipt of application Interim service should be provided at the request of a health care provider or ADA provider. 	<ul style="list-style-type: none"> It provides interim service in less than three business days.
7.	Regarding reservations: <ul style="list-style-type: none"> Programs should accept reservations between the hours of 8 am and 5 pm Monday – Friday. 	<ul style="list-style-type: none"> It accepts reservations before 8 am and/or after 5 pm. It accepts reservations on weekends.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2009**

Jurisdiction:	BART as part of the East Bay Paratransit Consortium
Fiscal Year for Which Funds are Requested:	FY 2009/2010
Preparer:	Susan Gallagher, Mary Rowlands
Date of Preparation:	March 6, 2009

Line Number	Col. A Actual Prior FY - 07/08	Col. B Projected Current FY - 08/09	Col. C Plan for Budget FY - 09/10	Col. D Budget vs. Current
Section 1: Revenues				
1 Measure B	\$6,251,287	\$5,914,315	\$5,914,315	0.0%
2 MSL Gap Grant				#DIV/0!
3 Fares	\$1,937,621	\$2,110,611	\$2,152,824	2.0%
4 General fund				#DIV/0!
5 Fund balance--undesignated*				#DIV/0!
6 Reserve funds--designated for capital*	\$20,651,782	\$23,313,273	\$24,775,588	6.3%
7 Reserve funds--designated for operations				#DIV/0!
8 Other:				#DIV/0!
9 Total reported revenue	\$28,840,690	\$31,338,199	\$32,842,727	4.8%
10 Fares retained by vendors**				#DIV/0!
11 Adjusted revenue	\$28,840,690	\$31,338,199	\$32,842,727	4.8%

*See "Definitions of Terms" for definitions of "Fund Balance" and "Reserve." Total fund balance and reserve funds for the Budget FY should equal projected Net Revenue (Line 30) for the current FY.

**If accounting procedures permit, include fares retained by providers with "fares." Otherwise show them here.

Section 2: Operating Expenditures by Expense Category

12 Labor and fringe				#DIV/0!
13 Administrative expense	\$265,636	\$260,000	\$266,000	2.3%
14 MSL Gap Grant Expenditures				#DIV/0!
Contracts and grants (list each):				
15 Veolia contract	\$28,373,764	\$30,958,199	\$32,451,727	4.8%
16				#DIV/0!
17				#DIV/0!
18				#DIV/0!
19 Taxi reimbursement				#DIV/0!
20 Purchase of EBP Tickets				#DIV/0!
21 Transportation expense				4.8%
22 Miscellaneous	\$201,290	\$120,000	\$125,000	4.2%
23 Total reported operating expenditures	\$28,840,690	\$31,338,199	\$32,842,727	4.8%
24 Adjusted operating expenditures*	\$28,840,690	\$31,338,199	\$32,842,727	4.8%

*Including fares retained by providers and not reported as revenue.

Section 3: Capital Expenditures

25 Vehicles				#DIV/0!
26 Other:				#DIV/0!
27 Total capital expenditures	\$0	\$0	\$0	#DIV/0!
28 Section 4: Depreciation (if allowed)				#DIV/0!
29 Section 5: Net Revenue	\$0	\$0	\$0	#DIV/0!

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2009**

Jurisdiction: **BART as part of the East Bay Paratransit Consortium**
Fiscal Year for Which Funds are Requested: **FY 2009/2010**

Col. A Actual Prior FY - 07/08	Col. B Projected Current FY - 08/09	Col. C Plan for Budget FY - 09/10	Col. D Budget vs. Current
--------------------------------------	--	--	---------------------------------

Section 6: Operating Expense Allocation by Function

30 Management	\$265,636	\$260,000	\$266,000	2.3%
31 Customer service & outreach	\$600,000	\$625,000	\$650,000	4.0%
32 Trip provision	\$27,975,054	\$30,453,199	\$31,926,727	#REF!
33 Purchase of EBP tickets				#DIV/0!
34 Meal delivery				#DIV/0!
35 MSL Gap Grant Expenditures				#DIV/0!
36 Other services (explain below)				#DIV/0!
37 Adjusted operating expenditures*	\$28,840,690	\$31,338,199	\$32,842,727	4.8%
38 Explanation of other trips or services:				
39 Description of MSL Gap Grant Expenditures:				

*This total should match Line 24. Any fares retained by providers and not reported as fares should be included in allocated cost for trip provision.

Section 7: Operating Statistics (Programs receiving under \$50,000 may report total trips on the line for "other trips")

Trips provided

40 Individual demand-responsive trips	662,047	703,537	717,608	2.0%
41 Lift/ramp-assisted trips included in above	152,428			#DIV/0!
42 Taxi trips included in above	4,550			#DIV/0!
43 Same-day trips included in above	0			#DIV/0!
44 Subscription trips included in above	268,236			#DIV/0!
45 Group trips	275			#DIV/0!
46 Shuttle or fixed-route trips				#DIV/0!
47 Other trips: _____				#DIV/0!
48 Subtotal - Trips provided	662,322	703,537	717,608	2.0%
49 Attendant trips included in above				#DIV/0!
50 Companion trips included in above				#DIV/0!
51 Number of EBP Tickets Purchased				#DIV/0!
52 Meals delivered				#DIV/0!
53 Vehicle service hours for providing trips (excluding taxis)	373,102	397,479	405,428	2.0%

54 Explain any notable accounting, contracting, or performance measurement practices that would affect program statistics.

Operating statistics for subscriptions, attendants, companions, and lift assisted passengers are not projected or budged. Actual data collected is reported.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2009**

Jurisdiction:	BART as part of the East Bay Paratransit Consortium
Fiscal Year for Which Funds are Requested:	FY 2009/2010

	Col. A	Col. B	Col. C
	Actual Prior	Projected	Plan for
	FY - 07/08	Current FY - 08/09	Budget FY - 09/10
<u>Section 8: Revenues - Detailed</u>			
Measure B - BART	\$1,654,426	\$1,565,245	\$1,565,245
Measure B - AC Transit	\$4,596,861	\$4,349,070	\$4,349,070
Fares	\$1,937,621	\$2,110,611	\$2,152,824
General Fund - BART	\$6,402,052	\$7,258,115	\$7,680,432
General Fund - AC Transit	\$14,249,730	\$16,055,159	\$17,095,156
Total Revenue	\$28,840,690	\$31,338,199	\$32,842,727

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Annual Program Submittal for Measure B Funding
Attachment 1 - Vehicle Fleet
REVISED February 2009**

Name of Jurisdiction:	BART, as part of the East Bay Paratransit Consortum
Contact Name:	Susan Gallagher
Phone:	510-464-6184
Email:	sgallag@bart.gov
Address:	300 Lakeside Drive, 16th Floor, Oakland
Secondary Contact	Mary Rowlands, EBP Program Coordinator
Name and Title:	
Phone:	510 893-5949

Instructions: Please complete table below. If necessary, please contact your contractors to obtain the information.

Make	Type of Vehicle (specify bus, large van, minivan, sedan)	Fuel Type	Lift/Ramp Equipment (specify lift, ramp, or none)	Capacity		Number of Vehicles	Owner (specify if contractor)	City vehicle(s) garaged in
				Ambulatory	Wheelchair			
ford crown vic	Sedan	gas	none	4		57	contractor	n/a
Ford E450	van	diesel	lift	2	5	72	contractor	n/a
Ford E450	van	diesel	lift	2	7	6	contractor	n/a
Ford E50	van	diesel	lift	16	2	1	contractor	n/a
Chevrolet	van	diesel	lift	2	5	10	contractor	n/a
Ford E350	van	gas	lift	2	3	23	contractor	n/a
Chevrolet	van	C-diesel	lift	4	4	7	contractor	n/a
Ford E450	van	gas	lift	2	5	27	contractor	n/a
					sedans:	57		
					Vans:	146		



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Administration Committee		
DATE: 3/20/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Matthew Burrows Dept: Legal Signature/Date: 3/20/09	General Counsel 3-20-09 []	Controller/Treasurer []	District Secretary []	BARC []
Status: Routed		Date Created: 03/18/2009		

TITLE:

Approval of Amended Agreement with Meyers Nave for Internal Affairs Investigation

NARRATIVE:

PURPOSE

To request that the Board authorize the General Counsel to execute an amended agreement with the law firm of Meyers Nave Riback Silver & Wilson (Meyers Nave) for the conducting of the internal affairs investigation into the events of January 1, 2009 at the Fruitvale station.

DISCUSSION

In January, 2009 the Board of Directors announced that the District would hire an outside consultant to conduct an internal affairs investigation regarding the actions of the police personnel present at the Fruitvale station platform on January 1, 2009. This function is normally performed by District police personnel. After interviewing six prospective teams in person and several others over the telephone the General Counsel and General Manager selected Meyers Nave to perform this function.

The scope of the work encompasses a complete review of the actions of all officers on the platform that morning and whether or not each complied with all applicable laws, rules, regulations and procedures. The specific duties include, but are not limited to, reviewing and analyzing documentary evidence, interviewing relevant witnesses, reviewing and analyzing relevant policies and procedures and generating an internal affairs investigatory report with recommendations and conclusions. Due to the vast amounts of witnesses and other information, both recorded and otherwise, the investigation is expected to take a total of approximately 3 months from inception to completion.

The initial estimate for this project was a range of \$100,000 to \$150,000. Both the General Counsel and General Manager have authority under the annual Budget Resolution to enter into agreements up to \$100,000. Pursuant to this authority, the General Counsel engaged Meyers Nave in an agreement for \$99,000, while the breadth of the investigation and resulting budget could be finalized.

After Meyers Nave received the relevant files from the BART police department and had the opportunity to thoroughly review their contents, they realized that the volume of information and breadth of the necessary investigation is greater than anticipated when the original estimate was

provided. The original estimate assumed that approximately 40 witnesses would need to be interviewed. This number was based upon the number of witnesses interviewed for the criminal case. As the internal affairs investigation spans a much broader spectrum, including actions by officers that have no criminal implications, but may relate to adherence to internal rules and regulations, the spectrum of witnesses is much larger. Additionally, the incredibly voluminous amount of data, including 50 compact discs of information as well as video and other evidence is greater than initially anticipated. As such, the services under this agreement are expected to exceed the original rough estimate and may reach \$250,000.

Meyers Nave will continue to report directly to the General Counsel.

FISCAL IMPACT

Funding of the estimated costs for this amended agreement will be provided from the FY09 operating budget. To date, billings have totaled approximately \$45,000.

ALTERNATIVES

The District could direct Meyers Nave not to reinterview those witnesses who gave statements in the criminal investigation and instead rely on their original statements. The District could also request Meyers Nave interview fewer witnesses who were not relevant to the criminal investigation, but may have relevant information regarding the internal affairs matter. The District could also direct Meyers Nave to rely on summaries of evidence prepared in the criminal case instead of reviewing actual evidence itself. All options would be as opposed to completing a comprehensive and independent review of all pieces of evidence pertinent to the internal affairs investigation.

RECOMMENDATION

That the Board of Directors adopt the following Motion:

MOTION

That the General Counsel is authorized to execute the amended agreement with Meyers Nave for conducting the Internal Affairs Investigation into the January 1, 2009 incident in the amount of \$250,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm DeChaudin</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c 3/18/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robin Anderson Dept. Finance-Treasury-CHB <i>Robin Anderson</i> Signature/Date: 3/16/09	General Counsel <i>Andrew K...</i> 3-17-09 []	Controller/Treasurer <i>[Signature]</i> 3/17/09 []	District Secretary []	BARC <i>[Signature]</i> 3/17/09 []

NONCOMPETITIVE MAINTENANCE SERVICES AGREEMENT FOR CURRENCY PROCESSING SYSTEMS, INCLUDING SOLE-SOURCE PROCUREMENT OF REPLACEMENT MATERIALS AND PARTS

NARRATIVE:

PURPOSE: Request that the General Manager be authorized to execute a five-year noncompetitive services agreement in the amount of \$715,016, with Giesecke & Devrient America, Inc. (G&D) for maintenance services, including replacement materials and parts, for the two high-speed currency processing machines and integrated reconciliation systems located at the Cash Handling Building.

DISCUSSION: In 1999 the District purchased a single currency processing system consisting of a high-speed currency processing machine, an integrated reconciliation program and work station, and a commercial-grade air compressor. A second currency processing system was purchased in 2002. Both systems have been maintained under service agreements with G&D since their purchase. The current five-year agreement was approved by the Board in 2004 and expires April 9, 2009. An interim agreement has been approved to assure continuity of services for the period from April 10, 2009, through June 30, 2009, during which time staff will complete negotiations and execute the proposed new agreement if approved by the Board. The new agreement would support maintenance of the currency machine systems through June 30, 2014.

The high-speed currency processing systems verify, count, sort, band, and reconcile paper money (bills) collected from the District's automatic fare collection equipment and other sources. They also sort 'fit' bills for recycling in the District's bill-changer (BBCs) machines. These two systems are vital to Cash Handling Building operations and are operated six days a week. The service agreement provides for on-site support for operating problems, repairs as necessary, extended preventive maintenance, software and integrated systems support, telephone support, and replacement parts. Over the last year, the value of replacement parts obtained under the agreement was approximately \$21,000. It is therefore estimated that the value of parts in a new five-year agreement will be approximately \$105,000.

The currency processing systems are extremely complex systems. The services provided under this noncompetitive agreement relate to proprietary software, parts, and technical services. The G&D units replaced a similar machine which was repaired under a maintenance agreement with the equipment manufacturer for its entire 15-year life. It is expected that the G&D machines will also be maintained by a maintenance service agreement over the course of their useful lives.

G&D has provided satisfactory service under the existing service agreement and we expect that service to continue under the new service agreement. G&D maintains seven similar units at the Federal Reserve in San Francisco and the same technical staff is available for servicing the District's two systems.

Under Public Contract Code Section 20221, whenever the expected expenditure for supplies, equipment or materials exceeds \$100,000, competitive bidding is required. However, pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment, or material without observance of normal competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement therefore, and that the purchase is for the sole purpose of duplicating or replacing supply, equipment or material in use. Accordingly, staff is seeking authority to execute a noncompetitive ("sole-source") agreement with Giesecke & Devrient America, Inc. for maintenance services that includes furnishing replacement supplies, equipment, and materials for two high-speed currency processing systems located at the Cash Handling Building. The negotiated price for maintenance services and furnishing of supplies, equipment, and materials will not exceed \$715,016. Staff has determined that the price is fair and reasonable based upon prior purchase history and further price analysis.

The Office of the General Counsel will approve the agreement as to form.

FISCAL IMPACT: The quoted service agreement pricing is \$66,006 per machine per year with an estimated 4% annual increase based on the CPI. G&D states that their current pricing standard is 5% and the 4% annual increase quote is favorable to BART considering that the equipment is aging. The price includes several discounts totaling 19.8% for annual payment in advance on a five-year agreement for multiple systems at one location. The annual price for both systems over the next five years, including the estimated 4% annual increase is:

Year 1	\$66,006 x 2 machines = \$132,012
Year 2	68,646 x 2 machines = 137,292
Year 3	71,392 x 2 machines = 142,784
Year 4	74,247 x 2 machines = 148,494
Year 5	77,217 x 2 machines = 154,434

Total for 5-Year Agreement: \$715,016

The maximum compensation for this five-year agreement will not exceed \$715,016. The Treasury Department is the financial sponsor of this agreement. Funds are available in the FY10 operating budget for expenses in the first year of the contract, and the Treasury Department will likewise be the source of funding for future years.

ALTERNATIVES: There are no known alternatives. Maintenance and repair by BART staff is not possible due to proprietary software, parts, and technical services required for these systems.

RECOMMENDATION: On the basis of analysis by staff, it is recommended that the Board adopt the following motion.

MOTION: The Board finds, pursuant to Public Contract Code Section 20227, that Giesecke & Devrient America, Inc. is the single source for procurement of supplies, equipment, and materials required for the maintenance of the two high-speed currency processing systems located at the Cash Handling Building; that the proposed procurement of supplies, equipment, and materials from Giesecke & Devrient America, Inc., is for the sole purpose of duplicating or replacing supplies, equipment, or materials already in use at the District; and that the General Manager is authorized to execute a five-year agreement with Giesecke & Devrient America, Inc., for a total amount not to exceed \$715,016, for maintenance services for the two high-speed currency processing systems, including furnishing necessary supplies, equipment, and materials.

TWO-THIRDS VOTE REQUIRED.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delmonico</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/5/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli Dept. Government & Community Relations	General Counsel <i>Andrea Cunniff</i> 2/3/09	Controller/Treasurer <i>[Signature]</i> 2/4/09	District Secretary	BARC <i>Paul Mann</i> 2-4-09
Signature: <i>[Signature]</i>	[]	[]	[]	[]
Status: Routed		Date Created: 01/14/2009		
TITLE:				

BART 2009 State and Federal Advocacy Programs

NARRATIVE:

PURPOSE: To review and approve the District's state and federal advocacy program.

DISCUSSION: based on BART priorities and in consideration of the dramatically changing political environment and dynamics in both Sacramento and Washington, DC, staff has outlined the following state and local legislative and advocacy objectives for the year ahead.

Proposed **State** Advocacy Program for BART:

(1) General State Budget Oversight and Action. The continuing state budget crisis will require monitoring and coordination within BART and among transit allies and the California Transit Association (CTA) to participate in the process, articulate important state transit assets and to defend adequate transit funding. With a projected state budget deficit approaching \$44 billion over the next eighteen months, BART and other transit agencies will need to work hard to resist additional cuts in the current State Transit Assistance (STA) program, in addition to convincing legislators to keep the program which has been proposed for elimination.

Part of this effort must include assuring that any available Proposition 1B funding (including the Public Transportation Modernization, Improvement, Service Enhancement Account [PTMISEA], the State and Local Partnership program and security funds) is made available in ways that benefit BART. For example, there have been discussions that should a budget deal be completed, the distribution of PTMISEA funds could be accelerated as part of the governor's "stimulus" package.

(2) Secure Stable Transit Funding. Following a third year of fiscal crisis in the capitol from budget deficit issues, transit funding is once again a target to fill the General Fund shortfall. In addition to educating new and continuing legislators on the importance of STA operational funding, significant strides need to be made to find a *secure* dedicated funding source for transit in the state.

To better guarantee that its system remains in a state of good repair, BART will need to work with a coalition of transportation, business and environmental interests on the difficult challenge of establishing a dedicated stream of transit funding. This may take a significant organized effort to begin planning for a ballot measure seeking a constitutional amendment, which may seek to redirect “spillover” funding from sales tax on motor fuel to flow directly through Proposition 42 to the State Transportation Improvement Program (STIP), local streets and roads and transit programs. These options are presently being discussed for action by MTC, CTA and the new transit/environmental coalition organized to secure transit funding so important new environmental legislation can be implemented.

(3) Greenhouse Gas/ Land Use issues. California now has two of the most historic, innovative and strict environmental laws in the nation to combat greenhouse gas (GHG) emissions. Unveiled last December by the California Air Resources Board, the “Scoping Plan” for **AB 32** (passed in 2006) will implement a sweeping climate change strategy for the state. **SB 375** passed last year and will require regional transportation planning agencies to develop “sustainable community strategies” to help limit greenhouse gas emissions. **SB 375** also provides incentives for local governments to incorporate these strategies into the transportation elements of their general land use plans.

The BART Board supported **SB 375** and worked with the author (now Sen. Pro Tempore Steinberg) to make the bill more amenable to BART Transit Oriented Development (TOD) needs. Senator Steinberg and the Governor have said that follow-up legislation may occur this year to fine-tune **SB 375**. BART should be a part of that discussion because such efforts may assure fewer hurdles to TOD development in the Bay Area.

BART has also been an active participant in helping to develop the Scoping Plan for **AB 32** (directly and through CTA), and continuing our participation in any implementation effort may assure greater opportunities for transit funding. The Scoping Plan identifies several measures including a cap-and-trade system to reduce emissions.

(4) Address Specific BART issues. BART should work with its Bay Area Delegation, staff and the 34 new legislators in the state capitol to build key relationships and articulate specific BART needs as they arise, including:

- Responding to and working with state legislators who have introduced bills to address various aspects of the incident that took place at the Fruitvale Station on New Year’s Day. Bills may be introduced to require a public review mechanism and to mandate specific training requirements for BART Police.
- Reintroducing **AB 1221 (Ma)**, which passed the legislature last year but was vetoed by the Governor. In addition to expanding the definition of a transit village plan to 1/2 mile, **AB 1221** would have established certain requirements through the Infrastructure Financing District Act when seeking bond financing for the plan. A similar bill will again be sponsored by BART in order to enhance TOD local financing.

- Supporting legislation which could establish local fee-based revenue streams for transit. Last year BART supported a variety of bills which would have helped finance local programs to combat GHG emissions and support greater transit access. There will again be a variety of such bills this year, including one sponsored by MTC.
- Supporting legislative and administrative efforts which assist development of the CA High Speed Rail system, and connectivity of regional transit to that system.
- Supporting legislation which enhances transit access, including greater pedestrian and bicycle options.

Proposed **Federal** Advocacy Program for BART

(1) Pursue BART Priorities Through Federal Stimulus and Reauthorization Process.

The 111th Congress has begun in the context of a national recession, a financial crisis, and transportation authorization legislation that is expiring. Therefore, the options for funding transit are unknown at best. There may be positive funding opportunities for BART resulting from “economic recovery” (stimulus) legislation, or longer-term efforts which will need to be outlined and pushed in a contentious Reauthorization effort -- which may take years to resolve. Some of these actions to be taken by BART may include:

- Working to secure a long-term funding commitment for nearly 700 new BART cars in any stimulus and/or Reauthorization effort;
- Organizing and submitting BART project candidates for possible “Ready to Go” stimulus funding in year-one and year-two of any economic recovery effort;
- Working with other “Old Rail” systems from around the country to direct greater funding for metropolitan rails systems (capital and core capacity) through Reauthorization; and
- Supporting efforts which assist transit access goals -- including enhancement of bicycle and pedestrian projects.

(2) Seek increased funding sources for security needs. With a long list of security needs left unfunded, BART must work with Congressional leadership and the new Administration to assist the open transit systems most at risk of terrorist attacks. This would include pursuing greater funding through Homeland Security programs and appropriations and more flexible ways to spend that funding.

(3) Monitor and Respond to Climate Change Legislation. Transit can play a vital role in reducing GHG emissions and fulfilling the goals of a federal climate change bill. President Obama has signaled his preference for a cap-and-trade program over a carbon tax approach to the GHG problem, and it appears likely that Congress will favor an approach that involves

auctioning emission credits and “investing” the proceeds in programs to reduce GHG emissions. BART should be an advocate for greater investment in transit as a means to reach the specified public goals for reducing GHG emissions.

(4) Work to Have New Administration Support Public Transit. With increased Democratic majorities in the House and Senate, the new Obama Administration has the opportunity to provide strong leadership with the Congress on key issues involving public transit. This includes economic stimulus and climate change legislation, transit reauthorization and other legislative initiatives. BART’s federal advocacy team would in addition seek to build this support at the U.S. Department of Transportation, the EPA, the Department of Energy and within the White House.

(5) Pursue support for BART’s seismic retrofit efforts. BART has been successful in obtaining small amounts of funding to assist its seismic retrofit goals. While recent news indicates that the costs of retrofitting the Transbay Tube will be lower than expected, additional funds would help with plans for a wider application of necessary seismic work. This may require working to pass authorization or appropriations legislation to further this goal in the new Congress.

(6) Address Specific BART issues.

- If necessary, continue efforts with other transit agencies to resolve SILO/LILO transaction problems which could result in \$40 million in costs to BART if AIG's bond rating declines. This may require administrative action through the Department of Treasury or corrective legislation.
- Prepare and coordinate BART’s participation at annual American Public Transit Association (APTA) March Legislative conference.
- Monitor federal efforts that could impact CA High Speed Rail project (i.e. possible support for Senator John Kerry’s “High Speed Rail for America Act.”)
- Continue support for legislation and/or Administration support for tax or employee incentives to assist transit ridership.
- Work to assure continued federal financial support (FTA) for the Oakland Airport Connector (OAC).
- Build greater federal support for efforts to move transit toward applications which increase energy efficiency.

FISCAL IMPACT:

N/A.

ALTERNATIVE:

Decline to adopt the proposed legislative program or make changes/additions as appropriate.

RECOMMENDATION:

That the Board approves the following two motions:

MOTION:

- 1). The Board approves the described components of a BART state advocacy program.
- 2). The Board also approves the described components of a BART federal advocacy program.