

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

BOARD MEETING AGENDA

March 28, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 28, 2019, in the BART Board Room, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

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.

Patricia K. Williams
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 Meeting of March 14, 2019 (Special) and March 14, 2019 (Regular).*
Board requested to authorize.
- B. BART Accessibility Task Force Membership Appointment.*
Board requested to authorize.
- C. Amendment to Legal Services Agreement with Glynn & Finley, LLP.*
Board requested to authorize.
- D. Reject All Bids for Contract No. 59EP-110, Real-Time Display Enhancement Project.* Board requested to reject.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Pension Funding Policy and an Internal Revenue Service (IRS) §115 Irrevocable Supplemental Pension Trust.*
Board requested to adopt.
- B. Agreement with iLand Internet Solutions (iLand), for the District's Enterprise Licensing Agreement.* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Agreements for Temporary Bus Bridge Services.*
Board requested to authorize

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

Director Raburn, Chairperson

- A. Federal and State Legislative Update.* For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Independent Police Auditor. For information.

9. BOARD MATTERS

- A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- 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.)

- C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

10. 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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer

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

B. PUBLIC EMPLOYEE EMPLOYMENT:

Title: Inspector General

Government Code Section: 54957(b)(1)

12. 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 1,834th Meeting
March 14, 2019

A special meeting of the Board of Directors was held March 14, 2019, convening at 9:04 a.m. in the Board Room, 2040 Webster Street, Oakland, CA. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: Director Simon. Director Allen entered the meeting later.

President Dufty called for Public Comment on Item 3 Only.

The following individuals addressed the Board:

Nicolas Nagle
Aaron Eckhouse
Seth Mazobu
Victoria Fierce
Gerald Cauthern

Director Allen entered the meeting.

Pedro Galuao

President Dufty brought the matter of State Legislation for Consideration Senate Bill 50 (Wiener) – Planning and zoning: housing development: equitable communities’ incentive, before the Board. Mr. Roddrick Lee, Department Manager of Government and Community Relations; and Ms. Amanda Cruz, Legislative Program Manager, presented the item. The item was discussed

Director Raburn moved that the Board of Directors support Senate Bill 50. Director Saltzman seconded the motion, which carried by electronic vote. Ayes – 5: Directors Foley, Li, Raburn, Saltzman, and Dufty. Noes - 3: Directors Allen, Ames, and McPartland. Absent – 1: Director Simon.

The Meeting was adjourned at 9:50 a.m.

Patricia K. Williams
District Secretary

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

Board of Directors
Minutes of the 1,835rd Meeting
March 14, 2019

A regular meeting of the Board of Directors was held March 14, 2019, convening at 10:01 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: Director Simon.

President Dufty announced that agenda items would be taken out of order and 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, ridership, upcoming events, and outstanding Roll Call for Introductions items. She noted the installation of ticket vending machines inside the paid area of stations in downtown San Francisco.

Ms. Tamar Allen, Assistant General Manager, Operations, gave a presentation on the system outage on March 9, 2019. The presentation was discussed.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of February 28, 2019.

Director Li moved that the Minutes of the Meeting of February 28, 2019, be approved. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, and Dufty. Noes - 0. Absent – 1: Director Simon.

President Dufty called for Public Comment. No comments were received.

Director Allen, Vice Chairperson of the Administration Committee, brought the matter of Agreement with Salesforce, Inc., for the Salesforce Email Studio for the District's Existing Enterprise Licensing Agreement, before the Board. Ms. Angela West, Assistant Chief Information Officer, and Ms. Alicia Trost, Department Manager, Communications, presented the item. The item was discussed. Director Saltzman moved that the General Manager be authorized to negotiate and execute a four-year license agreement with Salesforce, Inc., in an amount not to exceed \$1,126,644, to procure Salesforce Email Studio software. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, and Dufty. Noes - 0. Absent – 1: Director Simon.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15LK-120A, Market Street Escalators Renovation Project, before the Board. Ms. Tamar Allen, Mr. Carl Holmes, Assistant General Manager, Planning, Development and Construction; and Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item.

Peter Straus addressed the Board.

The item was discussed.

Director Raburn moved that the General Manager be authorized to award Contract No. 15LK-120A, Market Street Escalators Renovation Project, to Schindler Elevator Corporation, for the Bid Price of \$96,478,922.00, subject to the District's protest procedures; and that the General Manager be authorized to exercise Option 1 for \$6,114,852.00 subject to agreement and funding availability from San Francisco Municipal Transportation Agency (SFMTA). Director Li seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, and Dufty. Noes – 0. Absent – 1: Director Simon.

Director Foley brought the matter of BART Safety, Reliability, and Traffic Relief Program (Measure RR): Equity Program and Small Business Update, before the Board. Mr. Holmes and Mr. Maceo Wiggins, Department Manager, Office of Civil Rights, presented the item. The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Metropolitan Transportation Commission Update, CASA (Committee to House the Bay Area), before the Board. Mr. Holmes, Ms. Abigail Thorne-Lyman, Program Manager, Systems Development; and Mr. Ken Kirkey, Integrated Planning Department Director, Metropolitan Transportation Commission, presented the item. The item was discussed.

Geeta Rao addressed the Board.

Director McPartland exited the meeting.

President Dufty announced that Item 6-B-b, Plan Bay Area 2050, would be continued to a future Board Meeting.

Director Raburn brought the matter of Surveillance Technology Approvals - BART Research Methodologies, before the Board. Director Saltzman moved that having determined that the benefits of data collection and usage for research and learning as described in the Executive Decision Document outweigh the costs that may be incurred by such activity, and the proposed Surveillance Use Policy will reasonably safeguard civil liberties and civil rights, the Board approve the attached impact and use reports, "BART Research OEA- BMRDDCU-SUP-06" and "BART Research OEA-BMRDDCU-SIR-06;" and that the General Manager or her designee be authorized to proceed with the use of data collection and usage for research and learning as described in these reports. President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Ames, Allen, Foley, Li, Raburn, Saltzman, and Dufty. Noes – 0. Absent – 2: Directors McPartland and Simon. (The policies and reports are attached and hereby made a part of these Minutes.)

The following individuals addressed the Board:

Gerald Cauthern

John Arantes

President Dufty announced that Item 8-A, Quarterly Report of the Independent Police Auditor, would be continued to a future meeting.

Ms. Rose Poblete, Controller/Treasurer, presented the Quarterly Report of the Controller/Treasurer for the period ending December 31, 2018. The report was discussed.

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

Director Allen reported she had attended the Walnut Creek BART Station soft opening of the new parking garage, a Valley Link meeting, an Exchange Club of San Ramon Valley meeting, a Contra County Board of Supervisors meeting, an overnight CORE Team tour at Pittsburg/Bay Point Station, a Contra Costa Mayors Conference Meeting, and had spoken at a Rossmoor group meeting.

Director Foley reported he had attended the overnight CORE Team tour at Pittsburg/Bay Point Station and had met with Pittsburg Mayor and City Council Members.

Director Saltzman requested that the District include the Station Access Policy guidelines for access priorities to stations in construction contract specifications, with access priorities given to pedestrians, bicyclists, transit riders, passengers being dropped off, and those parking cars, in that order. Director Raburn seconded the request.

Director Li reported she had attended the San Francisco Outer Mission Merchants and Residents Association Meeting with President Dufty, the SPUR Good Government Awards event, and met with San Francisco State University about Gator pass.

Director Li requested that the meeting be adjourned in memory of Tess Rothstein.

Director Raburn reported he had attended the University of California Architectural Design Review Studio Event.

Director Ames reported she had attended a meeting with the City of Fremont Public Works Director and the Dumbarton Transportation Corridor Meeting in Menlo Park.

President Dufty reported that he had attended meetings with State Legislators in Sacramento.

President Dufty requested on behalf Directors Simon, Saltzman, and Raburn that the meeting be adjourned in memory of Victor McElhaney, the son Oakland City Councilwoman Lynette Gibson-McElhaney.

President Dufty requested that the meeting be adjourned in memory of Londa McCauley Jackson, mother of Byron Hudson, System Service Worker at BART.

President Dufty called for Public Comment. No comments were received.

President Dufty announced that the Board would enter into closed session under Item 12-A (Public Employee Employment) of the regular meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 1:20 p.m.

The Board Meeting reconvened in closed session at 1:28 p.m.

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

Absent: Directors McPartland and Simon.

President Dufty and Director Li exited the meeting.

The Board Meeting recessed at 2:17 p.m.

The Board Meeting reconvened in open session at 2:19 p.m.

Directors present: Directors Allen, Ames, Foley, Raburn, and Saltzman.

Absent: Directors Li, McPartland, Simon, and Dufty.

Vice President Saltzman reported there were no announcements to be made.

The Meeting was adjourned at 2:20 p.m. in memory of Londa McCouley-Jackson, Victor McElhaney, and Tess Rothstein.

Patricia K. Williams
District Secretary



Surveillance Use Policy

BART Research

Data collection & usage for research and learning

BART Research

OEA-BMRDDCU-SUP-06

21 Day BART Board Notice – Feb. 7, 2019

15 Day Public Notice – Feb. 13, 2019

BART Board Meeting – Mar. 14, 2019



This report covers a range of current and future research methodologies that may fall under the District Surveillance Ordinance. Participation in BART surveys, focus groups, or other research conducted by BART that make use of PII (Personally Identifiable Information) is strictly voluntary, and any locational information collected is used for research purposes only.

A. Purpose

This section should include: The purpose(s) that the surveillance technology is intended to advance.

BART conducts research for a variety of purposes, such as to:

- Provide market information and metrics to help inform District decisions related to strategic planning, budget priorities, station access policy, marketing strategy, and other areas.
- Gather insight into latent demand, usage of TNCs and other emerging travel modes, and understand impact on public transit usage.
- Understand effectiveness of marketing initiatives by analyzing riders' aggregate travel behavior changes over time.
- Identify reasons for change in ridership patterns.

Methodologies using electronic and/or mobile data collection may be used to facilitate the following:

- Faster and less expensive data collection by eliminating the need to manually enter survey results.
- Expanded research capabilities using real time and location-based mobile technologies.
- "In the moment" ratings of BART facilities to improve rating accuracy, and image data that helps explain the reasons for ratings.
- The use of research panels to detect changes in travel patterns over time.
- Analysis of Bay Area residents' travel behavior, e.g., trip purposes, travel modes, travel mode shifts, vehicle occupancies, changes in car ownership habits, as well as demographics (for both riders and non-riders).

B. Authorized Use

This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.

All survey data collected through all channels and technologies shall be used for lawful market research purposes only - see Section A above. Section C shows a non-exhaustive list of various information that may be collected from users who voluntarily participate in surveys.

In soliciting respondent consent for BART research projects, BART will disclose the types of data that will be collected, the nature of potential uses of such data by BART and, as applicable, third party partners in research, and describe the mitigations taken to protect respondent privacy. This material will hereinafter be referred to as "consent statements."

C. Data Collection

This section should include: The information that can be collected by the surveillance technology.

Data collected for research purposes may include:

- Names, addresses, emails, phone numbers
- Location information, such as points where trips started and ended, the date and time that such trips started and ended, and travel speed

Surveillance Use Policy – BART Research – Data Collection & Usage for Research & Learning

- Trip purpose, mode of travel, or demographics
- Images, audio recordings, or videos
- Payment data (e.g., for fares, parking, etc. Payment data may include serial numbers, entry/exit stations, timestamps, and/or fare products loaded or used. It will not contain credit card or bank account details.)
- Self-reported survey data
- Incentives awarded or redeemed

Any data collected in the surveys must be used and handled pursuant to this policy. Survey data shall not be used for personal purposes or to follow any individual or group without probable cause or a court order. Data shall not be used to intentionally violate anyone's right to privacy; and shall not be used to harass, intimidate, or discriminate against any individual or group.

Consent statements will delineate the data to be collected, their potential uses and BART/Research Partner mitigations to protect respondent privacy, and will be disclosed in BART's Annual Surveillance Report.

D. Data Access

This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.

- Access to survey data collected through any method described in Section A is limited to BART Research staff and the department manager.
- If BART partners with another agency, e.g., MTC's Travel Survey, access to the data may be limited by the standards and policies of the partner agency.
- Cloud-based research platforms that BART use have access to research data. Security aspects of research software are subject to review by the OCIO to protect data security.

E. Data Protection

This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

- BART's computer systems will be properly secured and maintained, including ensuring that security patches, upgrades, and anti-virus updates are applied as appropriate.
- Any files containing PII will be stored on secure BART computers and will not be stored in an unencrypted format on any portable media.
- Qualtrics, the current online survey software used by BART, deploys their own [security](#) and [privacy policy](#) to protect customer data.

F. Data Retention

This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

- Research data may be retained on District computers for as long as the data are required for research, learning, and ridership development.
 - Going back to previous surveys may help BART understand if travel behavior has changed due to extraneous factors, e.g., housing crisis, employment shifts, gasoline price changes, etc. The ability to recontact past respondents can help track trends over time.
- Online survey platforms may retain data for the duration of their agreements with the District.

Surveillance Use Policy – BART Research – Data Collection & Usage for Research & Learning

- Upon termination of services, survey platforms will retain data for a short amount of time to allow download of data.

G. Public Access

This section should include: How collected information can be requested by members of the public, including criminal defendants.

Requests for information under the California Public Records Act should be filed with the Office of the District Secretary. Email records@bart.gov. Phone (510) 464-6080, Fax (510) 464-6011. Mail Public Records Request c/o District Secretary BART 300 Lakeside Drive 23rd Floor Oakland, CA 94612.

PII will not be disclosed unless such disclosure is required by law or court order.

H. Third Party Data Sharing

This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.

BART research data will not be shared with any third party unless such disclosure is required by law or court order, or if shared under an agreement that ensures that the requirements of this document are met. For example, BART may transfer selected data to consulting firms or governmental organizations to use for travel modeling or environmental impact assessment, providing that data handling and security requirements are met. In cases such as these, where data at the individual record level are required for analysis, the third party will be required to either be under contract with BART, or bound by a Non-Disclosure Agreement (NDA) with BART. Such contracts and NDAs will require adherence to provisions of this Surveillance Use Policy and associated Surveillance Impact Report.

In other cases, BART may help fund or participate in market research projects where other agencies or organizations lead the data collection effort and therefore BART is not able to fully control the wording of the respondent consent statement or other aspects of the project. In such cases, BART will make best efforts to have the third party conform with the provisions of this Policy, and BART will disclose the consent statement wording in its Annual Surveillance Report.

I. Training

This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

Access to confidential data is tightly limited, and authorized users are provided with adequate guidance to implement this policy. BART will appoint a staff person to train research staff, including proper use of consent statements, NDAs, and secure storage of data.

J. Auditing and Oversight

This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.

BART Research will assign a staff person to monitor compliance with the provisions covered in this document, as well as reporting via the District's "Surveillance Annual Report."

Surveillance Impact Report

BART Research

Data collection & usage for research and learning

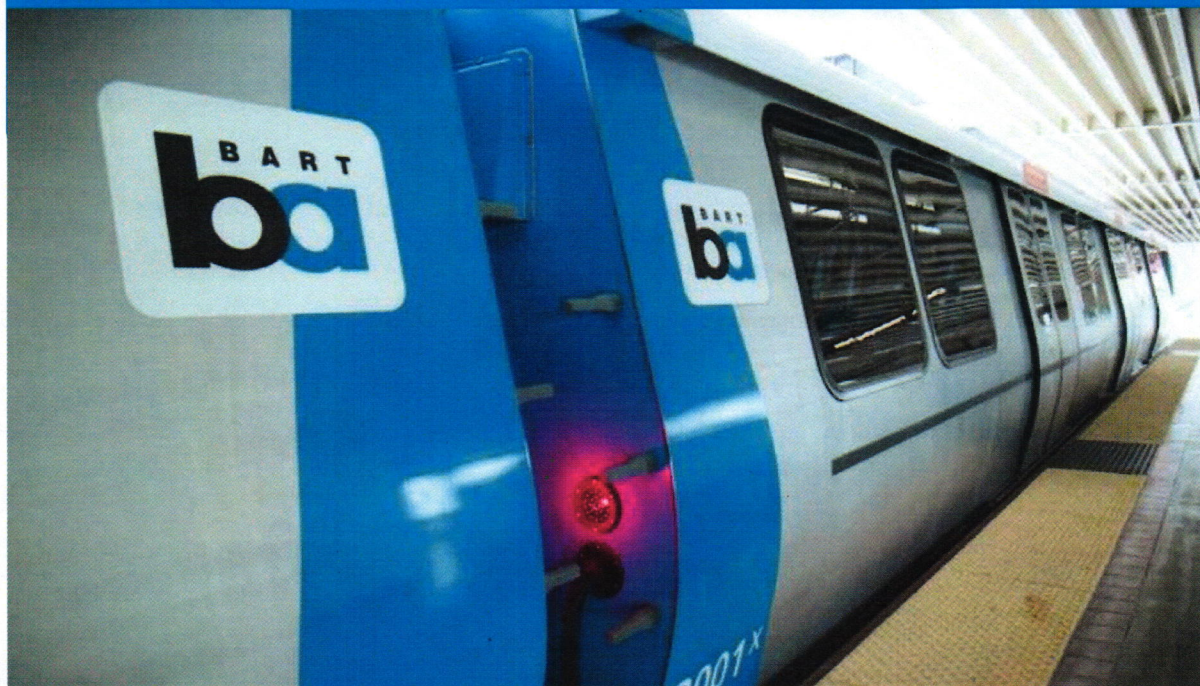
BART Research

OEA-BMRDDCU-SIR-06

21 Day BART Board Notice – Feb. 7, 2019

15 Day Public Notice – Feb. 13, 2019

BART Board Meeting – Mar. 14, 2019



This report covers a range of current and future research methodologies that may fall under the District Surveillance Ordinance. Participation in BART surveys, focus groups, or other research conducted by BART that make use of PII (Personally Identifiable Information) is strictly voluntary, and any locational information collected is used for research purposes only.

A. Information describing the proposed surveillance technology and how it generally works.

1. **Research panels:** BART invites randomly selected customers to opt-in / volunteer to participate in future research and keeps contact information on file (e.g., email addresses or phone numbers) to contact those individuals in the future. After a customer has volunteered to participate in research, they can opt-out at any time.
2. **App-based research:** BART may occasionally recruit people to participate in app-based surveys such as travel diaries that use Location Services to automatically trigger survey invitations and/or to collect respondent trip data. This may be done by BART alone, in partnership with other regional agencies such as the Metropolitan Transportation Commission (MTC), and/or by a research supplier selected by the District. Tracking of respondent location is only done with the respondent's permission prior to any location tracking.

Types of trip data automatically collected in an app can include location, speed, and time. Participants may also be invited to answer standard survey questions such as trip purpose, travel modes used, mode they would have used if usual mode is not available, satisfaction ratings, as well as demographics.

With some surveys, locational data may also be used to trigger survey questions that are specific to the location a respondent is traversing. For example, locational data could be used to invite respondents to provide "in the moment" ratings of the cleanliness of a particular station while they are walking through it. This can enhance the accuracy of their ratings.

3. **Collecting information through payment media:** BART may analyze ridership or payment data, e.g., from BART tickets or Clipper cards, for research purposes. For example, BART may request ticket or Clipper serial numbers from respondents in order to analyze rider travel patterns or to measure the effectiveness of District initiatives (see example on the next page). (Note that payment data may include serial numbers, entry/exit stations, timestamps, and/or fare products loaded or used. It will not contain credit card or bank account details.)

QUESTION 1 (Clipper Example)

BART is studying travel patterns of riders and their usage of Clipper cards*. We are offering a **\$5 Amazon.com** gift card to the **first 200 riders** who agree to participate in the study and provide us with their valid Clipper card number.

Are you willing to participate by providing your Clipper card ID number?

Yes

No

**BART Research will access a limited amount of Clipper data (for up to 18 months of Clipper card use, including entry/exit BART station, entry/exit date and time, and fares paid) for those who answer "Yes". These data will not include any personal financial information (e.g., credit card or bank account details). The data will be used solely for market research purposes and aggregated for reporting. Personal travel data will not be reported publicly and will not be sold or traded for any purpose.*

BART uses security measures to protect against unauthorized access, alteration, disclosure or destruction of customers' personal information.

QUESTION 2 [administered to those who answer "Yes" in Question1]

Please enter the Clipper Card ID number* in the box below to receive a \$5 Amazon.com gift card.**



**Fine print: By entering your Clipper number, you agree to allow BART Research to access a limited amount of Clipper data on your BART trips for up to 18 months (entry/exit station, entry/exit date and time, and fares paid). These data will not include any personal financial information (e.g., credit card or bank account details). The data will be used solely for market research purposes and aggregated for reporting. Personal travel data will not be reported publicly and will not be sold or traded for any purpose.*

4. IP / Location Stamps: Software used by BART to administer surveys may collect respondents' IP (Internet Protocol) address and/or Location Data at the time of taking survey. All surveys taken using Qualtrics (which is the current online survey platform that BART uses) automatically collect these data when a survey is taken. Survey methods include:

- Online surveys
- Embedding survey link in website
- Pop-up intercept surveys
- QR code surveys
- App surveys
- SMS surveys
- Other survey methods that BART may adapt in the future

Currently IP and/or location data are deleted in BART's files, but these data may be used in the future for data validation or quality control purposes. For example, for "in the moment" ratings of cleanliness inside BART stations, BART could check location data to see if it matches locations reported by survey respondents.

5. **Collecting image data:** In some research, BART may utilize image data. For example, BART could ask survey respondents to take pictures or videos to document the reason behind a low cleanliness rating. Also, BART may use audio and/or video recording to record focus group or in-person interviews as a resource to use when preparing a report afterwards or for quality control purposes. In these cases, participants are always clearly informed at the start of a session and can opt-out if they are not comfortable with being recorded.
6. **Utilizing third party research data:** BART may obtain research data from third parties for research purposes. For example, other organizations may provide BART with data, or BART may purchase data, to study travel markets or predict ridership on future extensions or connections to BART. Such data is subject to the policies of the organization providing the data.

All data collected via the methods described in this section (Section A) are subject to the "Surveillance Use Policy," submitted with this "Surveillance Impact Report."

B. Information on the proposed purpose(s) for the surveillance technology.

The research techniques discussed above serve the following purposes:

- Provide market information and metrics to help inform District decisions related to strategic planning, budget priorities, station access policy, marketing strategy, and other areas.
- Facilitate faster and less expensive data collection by eliminating the need to manually enter survey results.
- Expand research capabilities using real time and location-based mobile technologies.
- Facilitate "in the moment" ratings of BART facilities to improve rating accuracy, and image data that help explain the reasons for ratings.
- Facilitate the study of nonrider travel patterns.
- Facilitate use of research panels to detect changes in travel patterns over time.

C. If applicable, the general location(s), it may be deployed.

N/A

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

N/A

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

BART has received the following statement from a privacy advocacy organization regarding this Impact Report:

“In 2013, Edward Snowden and other data experts introduced to the general public the concept of ‘meta data,’ individual data points such as phone number called and time of day. Using a simple homemade app that captured only these data points (and never the content of the phone calls), Stanford lawyer and computer scientist Jonathan Mayer was able to accurately identify 80% of the volunteers in his study, using only open source databases such as Yelp, Facebook, and Google. Among the many individuals he identified, he successfully identified a woman that had an abortion, another woman that had cancer, and a man collecting guns and growing marijuana in his home.

Today, data scientists can accurately identify over 95% of individuals based solely on 4 geospatial (time, location) data points. Human are creatures of habit, typically driving the same way to work, our house of worship, and our neighborhood grocery store. Current attempts to ‘de-identify’ or anonymize data are insufficient, due to modern day computing power and the sheer collection of data points available from public and private sources.”

In recognition of these concerns, BART has taken the following steps to mitigate any perceived risk inherent in collecting these data from its customers, including but not limited to:

1. Limiting use to market research
2. Restricting third party access
3. Restricting BART employee access to a select few
4. Retaining data only as long as necessary
5. Fully informing potential participants prior to seeking their consent

BART takes precautions to ensure that PII (Personally Identifiable Information) is protected from inadvertent public disclosure. Precautions include:

- Providing BART survey respondents with opt-in and opt-out capabilities to ensure that participation is strictly voluntary;
- Storing survey data in a protected directory only available to the research team and the OCIO; and
- Aggregating and summarizing research information related to names, addresses, emails, Clipper serial numbers, or locational data, or stripping data of PII (including blurring image data to protect privacy), prior to public release.

PII will not be disclosed to the public unless such disclosure is required by law or court order.

BART research is subject to BART’s Surveillance Technology Ordinance and a specific Surveillance Use Policy that has been publicly noticed and presented to the BART Board for approval.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Staff and direct costs associated with the types of research discussed in this application vary over time. Current costs include approximately \$90,000 in staff time and approximately \$30,000 in annual fees for online survey software. BART is considering working with MTC on a household travel survey project that will employ locational data. The cost

to BART to increase sample sizes in the BART service area, and to revise the survey as needed, is expected to be under \$100,000.

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Some BART research data will be handled and stored by a third party, e.g., when using cloud-based survey software for online surveys. See Surveillance Use Policy for specifics.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

Adaption of new research technology is expected to increase speed and accuracy of data collection/reporting while reducing cost. BART uses survey technologies to improve survey accuracy, expand reach, and reduce reliance on paper and staff time. There are no known alternative methods that achieve these objectives.

For example, travel diary participants could be asked to manually fill out complex and lengthy forms to record all trips taken by members of their household during a given week. However, the forms would be quite burdensome, and respondents may fail to recall some of the trips they took or may leave out other important information.

Another example: Instead of establishing random on-line research panels, BART could conduct more surveys on-board trains. But the on-board surveys are much more expensive and time consuming. While the on-board surveys provide accurate information about the on-board passenger experience, ratings of stations can be subject to memory lapse, and it doesn't facilitate the study of changes in passenger travel patterns over time.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART is not aware of any such adverse impacts of the research methodologies outlined in this report.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 20 March 2019		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 3/4/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Elena Van Loo Dept: Customer Access & Accessibility <i>Elena Van Loo</i> Signature/Date: 3-14-2019	General Counsel <i>[Signature]</i> 3/20/19 []	Controller/Treasurer <i>[Signature]</i> 3/20/19 []	District Secretary []	BARC <i>[Signature]</i> 3/19/19 []
Status: Routed		Date Created: 3/4/2019		

BART Accessibility Task Force Membership Appointment

PURPOSE:

Request the BART Board of Directors to appoint a nominated candidate, Larry Bunn, to the BART Accessibility Task Force (BATF).

DISCUSSION:

The BATF has been in existence since 1975 to advise the BART Board and BART staff on accessibility issues at BART. The BATF by-laws provide for the committee to be composed of up to eighteen members who live or work in the BART service area. The BATF by-laws also state that to become a member of the committee an interested candidate must attend three of four consecutive meetings and then apply for membership. If the candidate is endorsed by the members of the BATF through a majority vote, then the appointment to the BATF is submitted to the BART Board of Directors.

Candidate for BATF membership:

- Larry Bunn, a candidate for membership to the BATF, was endorsed by a 14-0 vote with one abstention by the members of the BATF that were present at the February 28, 2019 BATF meeting.

This BATF membership recommendation is being submitted to the BART Board for consideration. The prospective candidate, if approved by the BART Board, will be officially seated as a member of the BATF on March 28, 2019 for a term of one year, or until the

BART Board announces appointments and/or re-appointments for a new term, whichever occurs sooner. If approved, the BATF will be comprised of 18 members.

FISCAL IMPACT:

Members receive a \$15 monthly stipend for travel to attend regularly scheduled monthly committee meetings. Additionally, members are eligible to be reimbursed for the actual cost of travel for additional pre-approved meetings.

Funds will be budgeted in the Customer Access Department operating budget (Dept. 1102491, Account 681500-Other Non- Professional Services). Funding for services in Fiscal Year 2019 are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any fiscal impact on the unprogrammed District reserves in the current fiscal year.

ALTERNATIVES:

Do not make the appointment.

RECOMMENDATION:

Appoint Larry Bunn to the BART Accessibility Task Force (BATF).

MOTION:

The BART Board accepts the recommendation of the BATF and appoints the nominated candidate, Larry Bunn, for membership to the BATF for a term beginning March 28, 2019 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs sooner.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rht M. Pann</i> 20 MARCH 2019		GENERAL MANAGER ACTION REQ'D: Approve		
DATE: 3/6/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debora Faniel Huff Dept: Office of the General Counsel <i>Debora A. Faniel</i> Signature/Date: 3/14/19	General Counsel <i>[Signature]</i> 3/14/19 []	Controller/Treasurer <i>[Signature]</i> 3/14/19 []	District Secretary []	BARC <i>[Signature]</i> 3/18/19 []

Amendment to Legal Services Agreement with Glynn & Finley, LLP

PURPOSE: To request that the Board of Directors approve an increase in funding for the continued retention of outside counsel to handle pending litigation by Senior Disability Advocates.

DISCUSSION: The firm of Glynn & Finley, LLP currently represents the District in the matter of Senior and Disability Action, of San Francisco Bay Area Rapid Transit District and Grace Crunican, in her official capacity as General Manager of the San Francisco Bay Area Rapid Transit District, USDC, Northern District of California, Case No. 4:17-cv-01876. This litigation involves claims related to disability access. The firm of Glynn & Finley, LLP represented the District in prior similar litigation and was retained for this litigation because of the similarity which would result in efficiency. Vicki Nuetzel of the Office of the General Counsel is also acting as counsel in this matter. It is recommended that Glynn & Finley, LLP continue representation through the conclusion of this matter.

FISCAL IMPACT: The value of the legal services agreement to date has totaled \$297,000 through August 2018. This action would be funded by existing operating funds as needed for continued representation on this matter, estimated to be an additional \$50,000. Funding will be budgeted in the Office of the General Counsel's operating budget (Dept. 0201121, Account 681352 Legal Fees) for FY 2019. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES: To not authorize this amendment to the Senior Disability Advocates agreement, would increase the chance of adverse results in these matter.

RECOMMENDATION: That the Board adopt the following motion.

MOTION: That the Board approves the amendment of this agreement with Glynn & Finley, LLP to continue its representation of the District to handle the defense of Senior Disability Advocates as necessary.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>20 FEB 2019</i> <i>Robert M. Powers</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 2/4/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Smith Dept: District Architect	General Counsel <i>[Signature]</i> 2/20/19 []	Controller/Treasurer <i>[Signature]</i> 2/20/19 []	District Secretary []	BARC <i>[Signature]</i> 2.20.2019 []

Reject All Bids for Contract No. 59EP-110 Real-Time Display Enhancement Project

PURPOSE: To reject all Bids for Contract No. 59EP-110, Real-Time Display Enhancement Project.

DISCUSSION:

This Contract is for the procurement, fabrication and installation of Real-Time display signs at six (6) downtown BART Stations. BART, in conjunction with the Metropolitan Transit Commission (MTC) has received grant funds to augment a number of existing real time transit information displays at key intermodal BART stations in Oakland and San Francisco: 19th St Oakland, 12th St Oakland City Center, Embarcadero, Montgomery, Civic Center and Powell.

The District provided Advance Notice to ninety-six (96) prospective Bidders who received the electronic version of the Contract book, including forms to submit, from the District's Vendor Portal, plans were sent to seven (7) plan rooms. The Contract was advertised on November 21, 2018 in local publications. A total of seventeen (17) firms downloaded the Contract Documents from the District's Vendor Portal. A pre-bid meeting and site tour was conducted on December 6, 2018; one (1) prospective Bidder attended. A total of three (3) Bids were received and publicly opened on January 8, 2019.

A Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No	BIDDER	LOCATION	TOTAL BID (\$)
1	Eagle Solutions Inc. dba Eagle Builders (Eagle Solutions)	San Ramon, CA	\$2,156,000.00
2	ITECH Solutions	San Jose, CA	\$2,340,000.00
3	LC General Engineering and Construction (LC)	San Francisco, CA	\$3,136,717.00
	Engineer's Estimate		\$1,670,000.00

All Bids received were significantly higher than the engineer's estimate, respectively, 19.1%, 40.1%, and 87.8% higher. Even if the contract were awarded to the lowest bidder there are insufficient funds available. Accordingly, Staff recommends rejection of all Bids. Staff will revise the Contract scope of work and re-advertise. Staff believes that re-soliciting a revised Contract scope will attract lower Bids.

FISCAL IMPACT: There is no fiscal impact resulting from rejection of all Bids.

ALTERNATIVES: The alternative is to award this Contract. However, District will need to allocate additional funds for the award.

RECOMMENDATION: Based on analysis by staff, it is recommended that the Board adopt the following motion:

MOTION: All Bids for Contract No. 59EP-110, Real-Time Display Enhancement Project, are rejected.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Grace Crunican</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/28/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration <i>Diane Iwata</i> Signature/Date: 3/20/2019	General Counsel <i>[Signature]</i> 3/21/19 []	Controller/Treasurer <i>[Signature]</i> 3/21/19 []	District Secretary []	BARC <i>[Signature]</i> 3/20/19 []

Approval to Establish a Pension Funding Policy and an IRS Section 115 Irrevocable Supplemental Pension Trust

PURPOSE

To obtain Board approval to establish a Pension Funding Policy and an Internal Revenue Service (IRS) Section 115 Irrevocable Supplemental Pension Trust.

DISCUSSION:

Over the past year, the Board and staff have been discussing different options to provide additional funds to pay down the District's pension liability. The District's actuary presented and recommended the establishment of a Section 115 Irrevocable Supplemental Pension Trust.

A Section 115 Irrevocable Supplemental Pension Trust can only be used for pension payments. It can be used in the future to pay down a liability base or be used as a stabilization fund if the required CalPERS pension contributions exceed the budgeted projections. Currently, it is anticipated that required pension contributions may double in the next ten years. If any assumptions change, these contributions could increase further. A Section 115 Irrevocable Supplemental Pension Trust could provide additional flexibility to help pay down the District's liability as well as offset any unexpected additional pension contribution requirements. The Controller-Treasurer could serve as trustee, and the Trust could be managed by trust advisors or alternatively, the District could join a group Trust with multiple employers.

It is also recommended that a Pension Funding Policy be established to memorialize the

Board's pension funding goals and strategies and to document the reason the Board is establishing the IRS Section 115 Irrevocable Supplemental Pension Trust.

FISCAL IMPACT:

The District intends to contribute \$10 million each fiscal year to the Trust over the next ten years beginning with FY19. Total contribution over the ten-year period would be \$100M.

The annual cost of the Trust is anticipated to be \$20,000 and 0.17% of assets. It is also anticipated that the legal cost for preparation of the Trust documents could be up to \$75,000. Legal cost will be budgeted in Benefits operating costs (Cost Center 0502426, Account 681300).

All funds would be from operating budget. Funding of the contribution in FY19 is included in the budget for Operating Reserve Allocation for Economic Uncertainty and will not have any Fiscal Impact on unprogrammed District reserves in the current fiscal year. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

ALTERNATIVES:

Continue to discuss additional pension funding options.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

The Board adopts the attached Pension Funding Policy and authorizes the Controller-Treasurer to establish a District-controlled IRS Section 115 Irrevocable Supplemental Pension Trust or join a group Trust with multiple employers.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

PENSION FUNDING POLICY

AS ADOPTED March 28, 2019

The San Francisco Bay Area Rapid Transit District (“District”) has an important responsibility to its riders, the citizens of the Bay Area, and its employees and retirees to manage its CalPERS pension costs and liabilities both in the short term and the long term. It is especially important that the District be able to meet its obligations to make required employer contributions to CalPERS (“CalPERS Contributions”), even in times of economic change and uncertainty. In order to understand the potential for dramatic increases in CalPERS Contributions, the District Board and staff have spent over a year consulting with an outside independent actuary to analyze the trends and drivers of such contributions for the District. The Board and staff have also fully analyzed and considered the various tools available to the District to help it meet its anticipated obligations for CalPERS Contributions. Based on this extensive analysis and its commitment to make all CalPERS Contributions as they come due, the District will establish the following goals and strategies for funding its CalPERS pension obligations:

GOALS

- A. Pay all CalPERS Contributions fully and on a timely basis.
- B. Establish and maintain reserves sufficient to ensure that the District can satisfy its obligations to make CalPERS Contributions and adjust to economic downturns.
- C. Manage District funds and resources to lower overall CalPERS liabilities when appropriate.

STRATEGIES

- 1. Review the District’s CalPERS Contributions annually during the annual budget process and adopt a budget that includes adequate funding to meet the required pension contributions.
- 2. At least biennially, update 10-year projections of expected future CalPERS Contributions and incorporate them into the District’s financial projections. As part of such biennial review, analyze whether making additional payments towards the District’s unfunded actuarial liability would be appropriate.

3. Establish a supplemental pension fund, in the form of an Internal Revenue Code section 115 trust ("Trust") or join an established group Trust with multiple employers, to accumulate monies to be used to fund future pension obligations.
 - a. Contributions to the Trust shall be recommended by District staff, included in the annual budget, and approved by the Board.
 - i. Recommended contributions shall consider expected future required CalPERS Contributions in relation to the District's expected future budget.
 - ii. District staff currently recommends a contribution of \$10 million each year for the next 10 years beginning in FY19. The amounts are projected to accumulate a Trust balance of between approximately 75% and 100% of one year's required CalPERS contribution after 10 years.
 - iii. The District may elect to make additional, non-budgeted contributions to the Trust from year-end surpluses.
 - b. Distributions from the Trust shall only be for pension funding, for Trust administration, to make a payment directly to CalPERS or to reimburse the District for such a payment.
 - c. Distributions from the Trust shall be recommended by District staff and approved by the Board.
 - i. Funds may be used to mitigate the budget impact of increasing CalPERS Contributions, which are currently expected to be highest in about FY33.
 - ii. Funds may be used to mitigate the budget impact of CalPERS Contributions in the event of an economic downturn or an unexpected increase in required CalPERS contributions.
 - iii. This policy does not require the District to make distributions from the Trust if the District can otherwise meet its required obligations.
 - d. At least biennially, the District shall review the Trust's balance in relation to projected CalPERS Contributions and the District's budget and financial forecast.
 - e. An investment policy for the Trust will be recommended by staff and approved by the Board.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 20 MARCH 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/27/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis Engstrom Dept: Office of the CIO	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 3/20/19	<i>[Signature]</i> 3/20/19 []	<i>[Signature]</i> 3/20/19 []	[]	<i>[Signature]</i> 3/20/19 []

Enterprise Software License Agreement, with iLand Internet Solutions

NARRATIVE:

Purpose

To request that the Board Authorize the General Manager to negotiate and execute a five (5) year software license agreement with iLand Internet Solutions (iLand) in an amount not to exceed \$2,350,000. This multi-year software agreement will provide the District with a Disaster Recovery as a Service (DRaaS) solution to maintain offsite servers and data to support the quick recovery of District Business Systems Operations in the event of a localized computer/server infrastructure disaster affecting the District's local datacenter(s).

Discussion

In working to maintain compliance with the National Institute of Standards and Technology (NIST) Cybersecurity Framework, the Health Insurance Portability and Accountability Act (HIPAA), and the International Organization of Standardization (ISO/IEC) the BART Office of the Chief Information Officer (OCIO) conducts detailed resiliency assessments of BART Business Systems including but not limited to those systems responsible for Personally Identifiable Information (PII), financial information, and asset management information.

Within these assessments, the OCIO sets reasonable criteria for the recovery of BART Business Systems in the event of a computer/server infrastructure disaster. Such criteria

includes limits on the Maximum Tolerable Downtime (MTD), Recovery Time Objectives (RTO), Recovery Point Objectives (RPO), System Inventories, and System Recovery Procedures.

Offsite datacenter capacity is a widely available commodity purchase based on the amount and required performance of computer Storage, Memory and Compute.

The requirements for this effort were defined by a committee established by the Office of the Chief Information Officer (OCIO) that included representatives from, Cybersecurity, Police IT Support, Database Administration, Backup & Recovery, Virtualization, and Desktop/Server Infrastructure. This committee solicited and reviewed a wide variety of highly complex and unique proposals and scored the proposals based on their ability to meet the District's defined Disaster Recovery Objectives, Overall Reliability, Service Portfolio, Regulatory Compliance and Cost.

After reviewing a wide variety of service providers in this area including but not limited to Amazon Web Services, Microsoft Azure, and VMware, iLand Internet Solutions was identified as the most cost effective and highest performing solution to meet the District's needs. In addition, iLand has been a leader in the Gartner Magic Quadrant, a leading Information Technology benchmarking group, for Disaster Recovery as a Service (DRaaS) for the last 3 years.

The District has explored alternatives such as the construction and operation of other datacenter facilities on BART property, but has found that these options do not provide reasonable assurance of continued operations in the event of a regional disaster.

iLand is uniquely qualified to provide the necessary software tools, expertise, and specialized synchronization applications required to provide BART with the ability to effectively recover from a computer/server infrastructure disaster and restore Business Systems Operations.

It was determined that there were no certified Small Businesses certified by the DGS among

It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for MBEs and 2.8% for WBEs. iLand will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply

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

Fiscal Impact

The proposed agreement is for a five (5) year contract at a total cost of \$2,350,000 from March 28, 2019-June 30, 2024.

Funds will be budgeted in the Office of the Chief Information Officer operating budget (0802842 - Telecommunications Program, 680230 - Repairs & Maintenance) as follows:

Proposed Funding	
FY19*	\$190,000
FY20	\$540,000
FY21	\$540,000
FY22	\$540,000
FY23	\$540,000
Total	\$2,350,000
<i>*Funding is expected to begin 3/28/2019.</i>	

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on un-programmed District reserves in the current Fiscal Year.

Alternative

1. Construct another datacenter on BART property to consolidate backups. This solution would cost several million dollars and would not provide reasonable assurance of continued operations in the event of a regional disaster such as a major earthquake, storm, or substantial damage to critical west coast power grid infrastructure.

2. Do not authorize the execution of the Agreement. In this circumstance, the District would not operate a DRaaS solution, and would require several weeks to recover business systems in the event of a disaster affecting the District's local datacenter(s).

Recommendations

Approve the following motion:

Motion

The General Manager or her designee is authorized to negotiate and execute a 5-year Enterprise License Agreement with iLand Internet Solutions in an amount not to exceed \$2,350,000 for Disaster Recovery as a Service (DRaaS).



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>20 March 2019</i> <i>Robt M. Pown</i>		GENERAL MANAGER ACTION REQ'D: (N/A)		
DATE: 2/25/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: John McCormick Dept: Operations Planning <i>John McCormick</i> Signature/Date: <i>3/15/2019</i>	General Counsel <i>[Signature]</i> <i>3/15/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>3/18/19</i> []	District Secretary []	BARC <i>[Signature]</i> <i>3.18.2019</i> []
Status: Approved		Date Created: 2/25/2019		

AUTHORITY TO ENTER INTO AGREEMENTS FOR TEMPORARY BUS BRIDGE SERVICES

PURPOSE:

To obtain Board authorization for the General Manager to enter into agreements with public and/or private bus operators, including but not limited to the Central Contra Costa Transit Authority (County Connection), to provide temporary bus bridge services in a total amount not to exceed \$60,000 per day for each day that the District cannot provide complete train service due to planned track maintenance projects.

DISCUSSION:

Staff seeks authority to enter into an agreement with County Connection and, if necessary, other public or private bus operators, to provide bus bridge services between BART stations during planned shutdowns for track maintenance projects occurring in Calendar Year 2019 that require a complete suspension of train service between affected stations.

The first such maintenance project will be the C55 Interlocking Refurbishment Project which will consist of track work between the Pleasant Hill and Concord stations. This project will require track shutdowns for approximately four or five weekends commencing in April 2019. The second such maintenance project will be the C35 Interlocking Refurbishment

Project which will consist of track work between the Lafayette and Walnut Creek stations. This project will require track shutdowns for approximately six or seven weekends commencing in August 2019. The specific dates, scenarios, and logistics of each project may change. An agreement may support one or more planned maintenance events during the agreement period.

As part of this authorization request, staff may also incur additional expenses (i.e. traffic control, permit fees, police services, etc.) to support the implementation of bus bridge operations. The total amount of this authorization is for an amount not to exceed \$60,000 per day, which includes both the temporary bus bridge services and any necessary additional expenses.

The Office of the General Counsel will approve all negotiated agreements as to form prior to execution.

This proposed Board authorization to enter into bus bridge services agreements would expire December 31, 2019.

FISCAL IMPACT:

Funding for these agreements and payment of related expenses will come from the budget of the sponsoring capital project. Capital Development and Control will certify the eligibility of identified Capital funding sources. The Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

Do not authorize the General Manager to enter into agreements to establish temporary bus bridge services. Without this authorization, there will be limited funding available to operate bus bridge services during maintenance projects, which could force BART patrons to seek alternate means of transportation.

RECOMMENDATION: Staff recommends that the Board adopt the following motion.

MOTION: The General Manager is authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to County Connection, to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$60,000 per day for each day that the District is unable to provide complete train service between affected stations due to track maintenance projects. This authorization will expire on December 31, 2019.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: March 22, 2019

FROM: General Manager

SUBJECT: Federal and State Legislative Update

At the March 28 Board of Directors meeting, staff will present a federal and state legislative update. The presentation will include an overview of the President's Fiscal Year 2020 Budget, state legislation related to the CASA Compact, and additional bills of interest to BART.

If you have any questions, please contact Rodd Lee, Department Manager, Government and Community Relations at 510-464-6235.


Grace Crunican

Attachment

cc: Deputy General Manager
Board Appointed Officers
Executive Staff