

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

BOARD MEETING AGENDA

April 23, 2020  
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 23, 2020.

**Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.**

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

We strongly encourage public comments to be submitted via email. You may submit comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using "public comment" as the subject line. Your comment will be read into the record and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.

For those who cannot watch the Board Meeting live at [bart.gov](http://bart.gov), you may listen to the Meeting by calling 1-888-204-5987 and entering access code 6866418.

Presentation materials will be available via Legistar at <https://bart.legistar.com>

Individuals may also be given an opportunity by the moderator to speak on any item on the agenda by calling 1-888-204-5987 and entering access code 6866418 in advance of the item. Public comment will be limited to three (3) minutes per person. Your phone will be muted until you are called upon.

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.

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>).

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](http://bart.legistar.com); and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](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](http://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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> 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 Meetings of March 26, 2020 (Special) and April 9, 2020 (Regular).\* Board requested to authorize.
- B. Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness.\* Board requested to adopt.
- C. Amendment No. 3 to Concession Permit M342-12 with Imperial Parking Corporation For Administration of Parking Permit Programs.\* Board requested to authorize.
- D. Amendment to Memorandum of Understanding with QIC Limited to Study Improved Connections to the Shops at Tanforan Mall at the San Bruno BART Station.\* Board requested to authorize.

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.)

4. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. COVID-19 Update: Impact of and Responses to COVID-19.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

NO ITEMS.

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

Director Saltzman, Chairperson

- A. Transit-Oriented Development Policy Amendment – Affordable Housing Financial Terms.\* Board requested to authorize.
- B. Update on BART and Valley Transportation Authority Phase I.\* For information.

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Response to Roll Call for Introductions Item No. 20-830, Creation of Audit Ad Hoc Committee.\* Board requested to ratify.
- B. 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.)
- C. 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.)
- D. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

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

Board of Directors  
Minutes of the 1,860th Meeting  
March 26, 2020

A Special Meeting of the Board of Directors was held on March 26, 2020, convening at 8:58 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Simon provided instructions on the virtual meeting process and called for written Public Comment on Item 3 Only. Written comments submitted by the following individuals were read into the record by Ms. Williams.

Andrew Klein  
Aleta Dupree  
Carl Anderson  
Rafael Cardenas  
Gena Alexander  
Colleen McCann  
Terese Stanek  
Clarence Fischer  
Ralph Robinson  
Tiana McDonald  
A T  
Jeff Fernandes  
Tina Denise  
Shannon Darensburg  
David Molowitz  
Sal Cruz  
Tamara Miller  
Minky  
Rick Gutierrez  
Denise Lillian  
Camom9123  
Shanett Deshotel

President Simon called for public comments from telephone participants, and announced that public comment would be limited to one minute per speaker, given the large number of people on the line.

The following individuals addressed the Board via telephone:

Niysha Edward  
Darrell Keys  
Ryan Rivera  
Jesse Androtti  
Michael Granat  
Stephane Barnes  
Bing Wong  
Jessica Kwon  
Nathifa Clark  
Suzanne Gamble  
Buddy Roark  
Sal Cruz  
Fatima Wong  
Latosha Love  
Gena Alexander

Ms. Williams read written comments submitted by Camom9123 and Vicky Roan into the record.

President Simon thanked the District Secretary's Office for facilitating the Meeting; expressed gratitude for the comments offered by staff and members of the public; indicated that the full Board of Directors, a few dozen senior managers, other staffers, and the press were listening to the commenters' observations, demands, and overall commitment to the system; expressed gratitude to essential workers for reporting to work at BART and to other essential workers for ensuring that medical and other essential workers can move forward during this crisis; and indicated that BART was listening and would continue to listen and act.

President Simon brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board; noted that the presentation was available on Legistar and bart.gov; and indicated that if access to the presentation was desired, one could send an e-mail to [Board.Meeting@bart.gov](mailto:Board.Meeting@bart.gov) and the URL would be sent back in reply.

Mr. Robert Powers, General Manager; Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Val Menotti, Chief Planning and Development Officer; Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Gia Ilole, Acting Assistant General Manager, Administration; Ms. Alicia Trost, Chief Communications Officer; Mr. Jeffrey Lau, Chief Safety Officer, System Safety; Mr. Rodd Lee, Assistant General Manager, External Affairs; Chief of Police Ed Alvarez; Mr. Matthew Burrows, General Counsel; Mr. Michael Jones, Deputy General Manager; and Mr. Maceo Wiggins, Director of the Office of Civil Rights presented the item.

President Simon thanked the entire BART staff, highlighting various departments for their work and efforts to inform the public and keep the process transparent; indicated that these are unprecedented times; and acknowledged and thanked Board Members for taking time off from their paid jobs to conduct advocacy.

Director Allen commented on the following subjects: concern over frontline workers' comments regarding how they are being protected; whether BART Police Officers have been provided with masks; the Centers for Disease Control and Prevention (CDC)'s guidance for law enforcement

personnel regarding disinfecting, gear, eye protection, gloves, and masks; public contact with station agents, others in the stations, and train operators; a desire to address the CDC guidance for law enforcement professionals and the concerns communicated by Amalgamated Transit Union (ATU) workers; clarification of previous and current cleaning practices for surfaces at the end of each line and station touch surfaces; whether BART Police Officers are conducting inspection sweeps at Embarcadero Station; the rate of people who have paid fare; feedback received from various sources indicating that the number of people who have been swept off for not paying fare has increased and feedback from riders indicating that the numbers of transient people, people who appear to be in distress in their housing situations, and drug users, have either remained the same or have increased; the expectation that calls for police service would decrease if ridership has decreased by 91% but that the decrease in calls for police service does not equate to the absence of bad actors on trains; requested a report to the Board regarding information about the sweeps at Embarcadero Station for the past four weeks; concern that a vulnerable population of homeless still appear to be living in the streets, indicating that she has heard of potential solutions but no solutions have been implemented; worries about homeless people entering the system with the potential to the spread of the COVID-19 to workers and essential service riders; with the assumption of 9% paid ridership, BART should be preventing people from entering the system without paying fare at the faregates because this prevention may reduce activity on the trains that gives rise to calls for police service; a proposal to close secondary station entrances; focus on reducing operating costs; the receipt of state and federal funding to assist with lost revenue; that work on real estate partnerships, developer discounts, and developing parking lots are secondary to the current situation; a desire for review of BART's management, overhead, and non-operational activities to identify ways to reorganize the work to toward addressing COVID-19; support for efficiently working with labor unions to move shifts and conduct training; the need to work efficiently with regard to management and overhead at the administrative level; overtime costs being overbudget and desire to reduce expenses through reducing overtime; the status of the Fiscal Year 20 budget and Fiscal Year 20 projections, particularly in conjunction with Fiscal Year 2021 preliminary budget information and the expectation that information about the amount of financial assistance would be provided in the next budget discussion; percentage of service reductions, the amount saved in energy expenses through service reductions, areas to save money, including overtime and car cleaning, and whether the overtime costs had been quantified; and if the Shelter-In-Place and 9% ridership continues for more than a couple of months that BART may need to consider furloughs though implementing a furlough process would be a worst case scenario if COVID-19 is not controlled.

Director Ames thanked President Simon for leading the way with the virtual meeting; and commented on the following subjects: the concept that BART is a lifeline; that BART needs to plan for the worst and hope for the best; the public comments received; the relationship between the amount of time that BART can sustain service and financial scenarios; the financial scenario in which the Shelter-In-Place order ends in June; the budget scenarios that had been developed; concern for sustaining service; commended staff for ideas to reduce service; that she would be open to eliminating Sunday service if there were a potential bus bridge option; whether capital projects could be added to the Fiscal Year 2021 budget so employees could be moved from operating positions to capital positions, assuming operating service decreases, and re-purposing work toward capital infrastructure during a recession; the seismic retrofit work being stopped due to the social distancing requirement; desire for the issue to be resolved by providing workers with protective gear; the need for cost reductions, noting that she foresees that people will stay at home until a cure is available, that BART should be forecasting a decrease in ridership for the next eighteen months or longer, that BART should have some budget goals, create scenarios reducing revenues by 30%-40%, freeze contracts, and eliminate non-essential projects, and that

BART might consider revising the 10-year financial model and reducing pay; that she does not wish for lay-offs or furloughs to occur, but that BART needs to stay together to keep service sustainable; the need for more frequent budget meetings; and potentially testing BART staff for COVID-19 and information regarding protocols for such testing.

Director Dufty expressed gratitude to staff, frontline workers, and safety personnel for their courage and dedication during this extraordinary time, highlighting frontline employees' commitment to the mission to help people move; expressed appreciation for the frontline workers who had addressed the Board; commented on public comments regarding cleaning cabs, efforts to clean touchpoints, the existence of touchpoints in the train operator cabs, and the importance of cleaning train operator cabs; asked staff for any additional information regarding cleaning train operator cabs; commented on the provision of personal protective equipment (PPE) and San Francisco Supervisor Catherine Stefani's work with Flexport for the delivery of 50,000 masks, 34,000 gloves, and several hundred thermometers to San Francisco; indicated that he contacted Supervisor Stefani and shared Mr. Powers' contact information with her to see if there is any assistance available for BART; commended BART's social media and public information campaign; suggested that BART reach out to other companies that might be able to help arrange for donation of needed items, noting that there may be entities that are proud of how BART is continuing to operate and meet its responsibilities; requested that staff reach out to Kaiser for assistance with protecting personnel in the Operations Control Center (OCC), noting a public comment regarding the difficulty of achieving social distancing in the OCC and the importance of the OCC; indicated that there is a lot of territory to cover and that it cannot all be covered in one meeting; and commented on the positive nature of the respect and appreciation expressed between executive staff, labor partners, and frontline workers.

Director Li thanked frontline employees for engaging with the Board and their work to keep the system running, public commenters who called in, especially healthcare, social, grocery store, and essential workers who continue to ride BART, and senior management for partnering with the labor unions; and noted that she has received feedback indicating that communication between the senior management and labor unions has been regular and often. Director Li commented on the following subjects: expected federal funding and the disbursement of federal funding; how the Metropolitan Transportation Commission (MTC) would determine how to allocate funding to Bay Area transit operators; support for the most subsidization to be allocated to the transit operators that have been the most impacted; what steps Board Members and members of the public can take to ensure that the allocation of funding is executed in the most equitable manner; how BART would determine how to fill budget gaps based on the amount of emergency funding provided; support for prioritizing service; the necessity to make efforts to prevent layoffs and furloughs; the importance of Board Members being engaged regularly and frequently, as well as with union partners, regarding the allocation of funding as funding is received; a letter issued by the California Transit Association (CTA) and if any of the 500 million to 1 billion dollars of emergency funding approved by Governor Newsom would be allocated to funding public transit; the potential low likelihood of BART or transit operators receiving emergency funding from the state, and the state government's prioritization of medical equipment and testing; a suggestion that staff seek state funding to help ensure that frontline employees are provided with PPE; that PPE should be provided to essential workers, noting that a transit operator had commented that COVID-19 testing should be provided to essential workers; guaranteed additional paid sick leave and that BART should increase paid sick leave by one week or ideally two weeks to cover the full recommended fourteen-day period to keep frontline employees safe and incentivize them to utilize their sick leave; that it is critical to continue any planning work that can be continued, such as Transbay Rail Crossing work and

transit-oriented development (TOD) policy guidelines; and requested that TOD guidelines be presented to the Board and updated information be provided regarding the Board's work plans.

Director McPartland commented on the following perspectives as the basis for his comments and questions: hazardous materials, medical setting, disaster mitigation setting, and medical vulnerability of employees and patrons. He referenced the 90-day detail cleaning of rail cars and asked for the frequency of the fogging machine cleaning of rail cars; asked whether the fleet could be fogged quicker if the trains were reduced from 10-car trains to 8-car trains and whether the information he provided to Mr. Lau regarding fogging machines was helpful and pursued; commented on the effectiveness of six-foot social distancing in the underground stations, given the Piston Effect; indicated six-foot social distancing in stations, particularly on platforms in underground stations, is not effective; referenced a photograph of a patron boarding a train while wearing an N-95 mask and commented on his use of an N-95 mask when boarding an airplane and his use of the mask if he were to board a BART train; indicated that employees, especially those in underground stations, should stay in the station booth if possible and wear an N-95 mask outside the station booth; noted that wearing an N-95 mask is probably not critical for train operators because the Piston Effect within the station or platform has already dissipated when they open the door; shared his experience with working in emergency departments, noting that the employees with fewer colds and exposures utilize appropriate PPE and shower and change clothes before returning home; suggested that BART could potentially recommend that employees place their work clothes in bags before returning home; recommended against Director Ames' comment regarding accelerating earthquake and other major projects based on public safety and employee exposure, noting that the Shelter-In-Place order is at the state level to reduce exposure in the workplace or the environment; commented on the existence of active pathogens on a cruise ship seventeen days after passengers had disembarked and the relationship between infection by viral particles and one's fragility; and suggested consultation with an epidemiologist in public health.

President Simon acknowledged the ideas and concerns that had been expressed; noted that staff and management have been in consistent contact with the Governor's Office of Emergency Services and the public health departments of the counties in which BART operates; commented that BART is attempting to procure masks, hand sanitizer, and PPE and that BART is in a global contest with other institutions for these products; and indicated that procurement staff is working to obtain needed materials.

Director Raburn thanked the frontline workforce for its dedicated efforts to keeping the system running and commended staff for working to seek funding to keep the system running, noting their success on several fronts. Director Raburn commented on the following subjects: that BART should consider prioritization of the Operations Control Center (OCC), noting the OCC's critical importance and the inability to provide social distancing in this space; the various uses of ultraviolet radiation, including the Moscow Metro's use of ultraviolet light on various surfaces and the difficulty with using chemicals to clean when better tools could be used in a more frequent and portable setting; service considerations when evaluating service reductions, noting that a Title VI equity analysis was not included as a consideration; that equity is of critical importance and that BART should ensure that changes do not result in a disparate impact on a particular group, such as an employment group; that FedEx workers at the San Francisco International Airport face a commute time of almost two hours using transit and that BART needs to be fully aware of the impacts on different groups of riders; that it seems that cost savings are calculated after decisions are made, and that potential cost savings need to be reviewed upfront in order to make difficult decisions; the consequences of economic uncertainty

on TOD, including the cancellation of Kaiser Permanente's headquarters, and that the North Concord Station does not have a development partner at this time, and that he suspects further impacts to be forthcoming; that the long-term survival and growth of BART is dependent on sustainable TOD near BART stations; that there have been many reports of homeless passengers seeking shelter on trains and that potentially infected passengers may infect other passengers; that passengers sheltering all day on the system could infect many car loads of passengers and that BART should prevent free walk-through into the stations; appreciation for the closure of some passageways and support for any efforts that could help make the system safer for passengers; whether the stimulus package, if passed and signed, is expected to be sufficient to meet BART's needs to offer even existing service levels; whether it would be safe for BART to continue with the existing service reductions for the next two weeks; gratitude for congressional leaders' assistance with providing funding for transit, noting that the Bay Area would receive 1.3 billion dollars; and thanked Alameda – Contra Costa Transit District (AC Transit) for providing full levels of service so that BART's 9 p.m. closure does not have as great of an impact on passengers, although this does not always work beyond the Transbay Transit Center.

Director Saltzman thanked all BART employees who have worked long hours to keep the system moving, BART management, and riders who have continued to use BART for essential work or have ceased using BART for non-essential reasons; and commented on the following subjects: agreement with Director Raburn's comments with regard to ensuring that there is no disparate impact caused by service reductions, noting her understanding of limitations; the importance of determining what the riders need, given the small number of riders; that eliminating Sunday service would be the worst service reduction option, noting that doctors, nurses, supportive housing workers, food bank workers, and other essential workers work on Sundays; that BART cannot assume that AC Transit will continue service, noting that the Santa Clara Valley Transportation Authority (SCVTA) announced that it would be closing light rail service and that Muni (San Francisco Municipal Transportation Agency) announced that it would be closing subways, light rail, and nearly all rapid bus service; the decision process for service reductions and that riders' feedback is desired; commended open communication efforts and suggested that staff have an answer ready for questions from the public regarding headway changes; that long-term service changes would be limited to either fifteen or thirty-minute headways; thanked staff for their communication with the public and elected officials regarding BART's dire needs, noting that publishing daily ridership and the impact on revenue had been helpful in advocacy with elected officials; the passage of the federal package which would include additional funding for transit, the impact of the funding on Fiscal Year 2020 and Fiscal Year 2021, and the long-term effect of the funding; the importance of continued communication with the Board regarding funding and other updates; the importance of communicating with riders and the public regarding financial impacts, long-term ridership loss, sales tax revenue, and gas tax revenue and the effects of the absence of additional funding, such as service reductions; agreement with Directors' comments regarding protecting BART workers; that staff continue efforts to protect workers, continue working with labor unions, and respond to individual employees' comments expressed at the Meeting; and satisfaction with the facilitation of the Meeting and that staff continue to refine the meeting process and review other agencies' processes.

Director Foley thanked all essential workers, especially BART's system service workers, utility workers, station agents, train operators, maintenance professionals, and police officers for their work to help keep BART running and move essential workers in the Bay Area; thanked management and union leadership for working together, noting that their collaboration is necessary at this time; and commented on the following subjects: opposition to Sunday service closure; that supporting essential workers is critical, highlighting that almost 13,000 potentially

essential workers used BART on the previous Sunday; that as service is reduced in the evenings, BART needs to maximize capital work and accelerate preventative maintenance work that requires a shut down, if safe to do so; the need to delay the preliminary budget and that it would be useful for various financial scenarios to be presented at the next meeting so that the Board understands potential budget trajectories; that the OCC is a priority and that staff re-evaluate safety and cleanliness procedures and that staff follow-up with employees who communicated cleanliness concerns; support for comments regarding homelessness in the system by Directors Allen and Raburn in relation to passenger and employee safety; that staff help to minimize the use of the system by non-essential workers; that the District would need to consider how reserves are used now and in the future; the importance of increased reserves needed to provide stability in the future; and consideration of multi-year budgeting.

President Simon made the following remarks: that in the next two weeks, Board Members and the public will want consistent updates regarding safety, security, cleanliness, funding, and BART's financial outlook; that the questions and comments from the public and Board Members were of critical importance; that BART's goal is to keep moving; that a healthcare worker who was featured in a BART video advised that ill people continue to seek treatment and that first responders, the BART Police Department, and operational teams travel to work using BART; that the General Manager and his team have been directed to model all scenarios; that no institution could have planned for a global pandemic, but this institution is working to ensure that BART is moving, thoughtful, planning, and trying to procure all necessary safety resources for staff; that BART is one of the nation's leaders in the transportation field in responding to the unprecedented nature of the situation; thanked the Board Members, staff, and the public; that [bart.gov](http://bart.gov) would provide ongoing daily updated information regarding BART's service; and advised close monitoring of [bart.gov](http://bart.gov) and BART's Twitter and Facebook pages.

The Meeting was adjourned at 12:40 p.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 1,861st Meeting  
April 9, 2020

A regular meeting of the Board of Directors was held on April 9, 2020, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Simon gave instructions on the virtual meeting, accessing presentation materials online, and public comment and announced that the order of the agenda items would be changed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 12, 2020.
2. Suspension of Board Rules Regarding the Annual Budget.

Director Dufty made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Dufty Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Ames.

1. That the Minutes of the Meeting of March 12, 2020 be approved.
2. That the timeline requirements for Fiscal Year 2021 Annual Budget preparation and presentations be suspended.

President Simon called for Public Comment from telephone participants and gave instructions on the Public Comment process.

Ms. Williams read a written comment submitted by Edward Giordano into the record.

The following individuals addressed the Board via telephone:

Ryan Rivera  
Amarez Danza  
Nathifa Clark  
Aleta Dupree

President Simon thanked Ms. Williams and the District Secretary's Office; commented on receiving feedback from public speakers; requested that Mr. Robert Powers, General Manager, submit a memo to

the Board regarding the current status of providing adequate personal protective equipment (PPE) and safety measures for frontline employees, efforts to source products, current distribution of products, and the goals for ensuring that every frontline staff member has the equipment they need; and commented on hearing requests for assistance from employees.

Director Dufty commented on a public comment regarding reimbursement for providing supplies for employees and noted that he believes that reimbursement is reasonable.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation, before the Board. Mr. Myat San, Group Manager, Electrical and Mechanical Engineering, Maintenance and Engineering, and Mr. Powers presented the item.

Director Dufty commented on the bid amount being 2% lower than the Engineer's Estimate, the absence of multiple bidders, the competitive nature of the bidding environment, the lack of firms that are capable of performing the work, and indicated that BART was fortunate to receive a bid from a firm that has previously worked with BART, noting the firm's professionalism and the bid amount being lower than the Engineer's Estimate.

Director Allen noted that five potential contractors purchased the plans and asked whether the remaining four contractors were asked why they did not submit bids and for clarification of the timing to start the project; commented on her experience with asking large contractors why they were not interested in BART work, noting that she received feedback suggesting that most large agencies that attempt to complete large projects typically publish a listing of upcoming projects 18-24 months in advance so that large firms can schedule their bidding for the work and that BART does not publish the projects with enough time for large firms to be included in the bidding schedules; and expressed desire for staff to publish lists of upcoming large projects for the next two years, or more if possible, noting that contractors in this competitive environment need to schedule their bidding.

Director McPartland commented that at the last Transbay Tube drill, he noticed that the work performed in the Tube is potentially impeding the access route and emergency responders' ability to work, noting that extension cords were placed in front of doors and the fire department's inability to access the stand pipes at the vent structure on the Oakland side; emphasized that maintaining emergency access while work is performed is essential; asked for the proposed completion date and duration of the project; expressed a desire to ensure that that proper PPE is available for workers because COVID-19 may resurge in the fall during the flu season; commented that wayside workers have proper safety equipment, including helmets, hard shoes, gloves, vests, and flashlights, but no respiratory protection; that workers at the worksite, especially individuals in stations, train operators, and station agents, should be provided with respiratory protection given the information issued by the Governor's Office regarding respiratory protection; indicated that he would contact union representatives regarding respiratory protection; and expressed disappointment regarding the submission of only one bid and satisfaction regarding the bid amount being lower than the Engineer's Estimate.

Director Saltzman moved that the General Manager be authorized to award Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation, to Rosendin Electric, Inc., for the Bid amount of \$12,552,540.97, pursuant to notification to be issued by the General Manager. President Simon seconded the motion.

Director Foley expressed support for Director Allen's comment regarding making contracts as visible as possible for contractors' scheduling purposes and expressed disappointment regarding the submission of one bid and satisfaction regarding the bid being lower than the Engineer's Estimate.

Director Dufty indicated that in addition to the bid being lower than the Engineer's Estimate, Rosendin Electric, Inc. has performed other work for BART and this history is important because BART can have confidence in the firm; commented that renovation of the Powell Street Station was an important piece of work and that he asked Mr. Powers and Mr. Carl Holmes, Assistant General Manager, Design and Construction, to arrange meetings with five of the key construction firms; that he received feedback from Web Corp and Swinerton suggesting that the firms were grateful, noting that the environment was more competitive with private sector work, and that he believes BART will receive more competition in the future; and expressed that his experience with major companies indicated that they were satisfied with BART's outreach.

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

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Ms. Tamar Allen, Assistant General Manager, Operations, presented the item.

Director Ames commented that she is concerned about the timing of the labor bidding for operations and asked for clarification of the timing of the labor bidding process for operations, the ridership plan regarding the number of trains, the timing between trains, and how the timing of the bid process relates to testing.

Director Dufty thanked Mr. Edwards for working on this project on a full-time basis; commented that Mr. Holmes and his team are also providing great leadership; and expressed confidence in Mr. Edwards' leadership and work on the project.

Director Li echoed Director Dufty's comments.

Director McPartland expressed that he is looking forward to completion of the project and indicated that his reservations are focused on a different phase.

Director Raburn congratulated Mr. Holmes and Mr. Edwards for reaching the three important milestones and asked whether any benefits have been realized from the operations-to-capital workload shift.

Director Foley thanked and congratulated Mr. Edwards and Mr. Holmes for their hard work; asked for confirmation that they are not experiencing any challenges with the impacts of COVID-19 and that the project is on-schedule; asked whether the work orders or trouble tickets are paper copies touched by multiple people, or digital without any physical contact with the orders or tickets; and expressed appreciation for staff's work.

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19, before the Board. Mr. Powers; Ms. Pamela Herhold,

Assistant General Manager, Performance and Budget; Ms. Alicia Trost, Chief Communications Officer; Mr. Val Menotti, Chief Planning and Development Officer, Systems Development; Ms. Tamar Allen; Mr. Carl Holmes; Chief of Police Ed Alvarez; Ms. Gia Ilole, Assistant General Manager, Administration; Mr. Jeffrey Lau, Chief Safety Officer, System Safety; Mr. Michael Jones, Deputy General Manager; and Mr. Matthew Burrows, General Counsel, presented the item. The presentation contained sections on Ridership, Federal Stimulus Legislation, Long-Term Budget Projections, Service Modifications, Front Line Safety Efforts, and Employee and Labor Partner Engagement.

Ms. Williams read written comments submitted by the following individuals into the record:

Jack Evans  
Elisabeth Romero  
Doug Dray  
Christopher McKenzie  
Hildegard Dodd

Aleta Dupree addressed the Board via telephone.

Director Allen commented on the following subjects: the Fiscal Year 2020 (FY20) budget being projected as overbudget; the inclusion of full service in the original budget; reduction of service and the projected loss of \$184 million in revenue; the amount that will be spent in excess of the amount budgeted to finish the year; desire to reduce expenditures in the system to mitigate lost revenues; utilizing scenario analysis for Fiscal Year 2021 (FY21) and characterizing the low scenario as the worst-case scenario; the percentage of the low scenario operating sources in relation to the original FY21 budget; the reduction in expected ridership; the low scenario reflecting the lowest expectation from a realistic standpoint; that the low scenario is probably too high; satisfaction with the low, medium, and high scenario analysis format; providing actual real projections of expenditures under the three scenarios; the potential for projections to change; providing an educated guess regarding the financial scenarios and expenditures with certain levels of fare revenue reduction and service reduction at the next Board meeting; whether other Board Members were in agreement with adding information regarding operating uses to the FY21 budget scenarios for the next meeting; ascertaining current revenue; the end of the current Fiscal Year; updating revenue and sale tax proceeds numbers as they change; presentation of FY21 budget reduction options to the Board; the inability to match the revenue decrease; reliance on federal and taxpayers' assistance with mitigating revenue decreases; that BART cannot expect taxpayers to provide the \$246 million to \$440 million in revenue loss without reviewing which programs and projects could be deferred for one or two years until BART recovers from this crisis; the labor bidding process; whether the labor bid will include the current level of service; the reason for not using 30-minute headways as the service level in the labor bid; train operators training on the Fleet of the Future during reduced service hours; the inclusion of employees engaged in training in the labor bid; the preservation of current employees in the labor bid; the timing of the labor bid for maintenance and other positions; continuing to bid positions for capital work if the positions are not needed for operations work; the expectation that calls for police service from riders would decrease as ridership decreases to 7%-9% of normal; the expectation that the total number of call for police service from riders would decrease more than it has and that the number of calls for police service suggests that the amount of bad behavior on trains has not decreased as much as paid ridership has decreased; that the number of welfare checks has not declined much and that the data suggests the presence of a fair number of homeless individuals and others in need of assistance on trains; the change in the number of officer initiated, station agent, and patron/citizen calls for service; that while paid ridership has decreased by 93%, police activity on the trains has not declined much;

continuing to focus efforts on restricting bad actors' access to the system; and a desire to place a police officer at every faregate even if overtime must be used, noting that BART needs to do everything possible to keep employees and essential workers safe. Director Allen thanked Ms. Herhold, staff, and senior management for their work during this unprecedented time and commented on the following subjects: her concerns regarding financial issues; instability; the unknown amount of federal assistance; the inability to rely on taxpayers' assistance; her desire for additional information; the lack of information presented to the Board and the public; creating an Audit and Finance Subcommittee that includes outside professionals; providing an Audit Committee presentation to the Board and the urgency of establishing of an Audit and Finance Subcommittee at the next Board meeting.

Director Ames commented on the following subjects: desire to imagine the worst-case scenario; the lack of information regarding worst-case scenario related to ridership and necessary reductions in expenses; the long-term and short-term risks to the agency outlined in the Long Range Outlook; the need for reviewing a benchmark that may assist with creating a worst-case ridership scenario; the risk of the negative impact on jobs and the University of California, Los Angeles' (UCLA) ridership study results, noting that BART relies on San Francisco jobs and commute-related job trips; analyzing unemployment in the core system at the job centers and how quickly ridership can return; the global recession; her expectation that BART will not have 70% ridership by next June; that risks to BART will continue for 18 months to 2 years until a vaccine is created and deployed; utilizing observation of businesses' recovery and maybe San Francisco's recovery as the benchmark; belief that San Francisco will not recover next year, given the trends; a public comment regarding concern about bringing the COVID-19 virus home; desire to review a decrease in ridership that is lower than the information presented and based on jobs returning to the area; utilizing data to support the ridership loss; refocusing efforts on capital projects; whether station hardening and improving faregates would be considered essential infrastructure work; Director Allen's suggestion to place a police officer at every faregate to prevent fare evasion; that BART needs to be proactive and state that station hardening is needed for public safety purposes; whether funding is available for station hardening; public comments regarding fear, BART Police Department data, and riders' fear of being on trains; controlling fare evasion to increase ridership when jobs return; the importance of scrub crews and power-washing surfaces and floors given the COVID-19 virus' ability to live on floor surfaces and the potential for transmission of the COVID-19 virus onto train floors by people who walk onto a platform and into a train; characterizing additional cleaning of the stations and trains as essential infrastructure work, noting the operational cost of the work and potential available funding; whether additional steam cleaning and funding from other federal sources would be pursued; desire for additional funding to be pursued because people are going to expect more cleanliness; desire to match service with ridership; that BART should follow the growth in employment, noting that the ridership model should focus on the return of jobs; the potential assistance provided by the stimulus package toward the end of the year; and the prediction of massive declines in the economy and the expectation of years of recession. Director Ames expressed appreciation for Ms. Herhold's work to develop other scenarios and requested that the Inspector General provide her risk assessment; expressed desire to review the Inspector General's risk assessment as the Board considers establishing an Audit and Finance Subcommittee, temporarily re-open union contracts, and temporarily freeze upcoming raises to reduce expenses; commended Ms. Tamar Allen for re-deploying staff to capital work; noted that she was looking forward to reviewing worst-case scenario information, more data on expected jobs returning to the Bay Area, and a more realistic decrease in projected ridership before new contracts are bid; and indicated that she does not wish for massive lay-offs or furloughs to occur and that BART needs to analyze expenses and implement temporary reductions to avoid lay-offs and furloughs.

Director Dufty expressed gratitude for frontline workers' efforts – including Station Agents, Police Officers, Community Service Officers, System Service Workers, and Train Operators – over the past few weeks and commented on the following subjects: feedback he has received from the public and public comments at the Meeting regarding BART's response to the current situation; the public's observation of frontline employees' greatness; staff's assumption of leadership roles and the unexpected nature of the current time; the devastating financial reality faced by BART; social distancing; possible resurgence of the COVID-19 virus in the fall; the challenges that BART's leadership team is addressing; gratitude for staff's diligence, noting difficulty with continuing to provide transportation for critical personnel; the lack of response to homelessness amid the COVID-19 response in the Bay Area; Governor Newsom's allocation of \$50 million of \$150 million to address homelessness and COVID-19 and the lack of leveraging the \$50 million to assist BART; his work with Mr. Powers and BART's lobbyists to contact Senator Scott Wiener and Assemblymember Phil Ting to request that the state budget include a provision that any city or county that receives funding to address homelessness be required to coordinate and present a plan to any major transit agency within their jurisdiction regarding efforts to address homelessness; San Francisco's efforts to address critical public health needs and the lack of resolution regarding homelessness; press coverage regarding opening a shelter at the Moscone Center and the Palace of Fine Arts; the absence of an implemented plan to adhere to social distancing within shelters or among the thousands of people on the streets; that BART is fighting hard to state that if counties are going to receive state funding to address homelessness, then the counties must be required to advise BART on how they are going to engage and serve the people that are entering the system because their needs have not been addressed; his appreciation for Mr. Powers' work; his scheduled virtual meeting with the Mayor's Office regarding the homelessness issue; and whether a hiring freeze had been implemented for Community Service Officers. Director Dufty commended Chief Alvarez for implementing train checks twice daily and Chief Alvarez's responsiveness to staffing issues presented by COVID-19; commented on a photograph he had received depicting a person laying across the floor in an empty train car, that BART is taking all possible action with the available resources in the current reality, noting that cities and counties around BART have not yet addressed the impact of COVID-19 on the homeless population, and the Shanghai Metro System's offer of protective masks; asked whether management could buy and distribute fabric and materials, and ask employees who are working from home if they can sew fabric masks; commented on a public comment regarding the lack of access to masks due to the limited supply and asking lobbyists to contact Governor Newsom regarding acquiring masks; acknowledged Ms. Trost's leadership in communicating with the public every day regarding ridership; congratulated Ms. Ilole for her selection as Assistant General Manager, Administration; expressed support for providing reimbursement to frontline workers' expenditures for protective equipment; commented on previous reliance on employees to obtain basic cleaning supplies; asked whether reimbursement to frontline workers' expenditures for protective equipment could be provided, noting the public comment regarding reimbursement; and thanked Ms. Nathifa Clark for her comments regarding the care and support to keep the Operations Control Center (OCC) free from COVID-19 and thanked the thousands of BART employees who have helped BART respond to the COVID-19 challenge.

Director Li commented on the following subjects: BART employees' efforts to keep the system running, including frontline and OCC employees; her gratitude for senior management's transparency, noting that BART is setting a model for how transit operators need to communicate publicly during a crisis; BART's COVID-19 testing partner and the absence of COVID-19 cases among BART employees; comparison of BART to Metropolitan Transportation Authority (MTA) New York City Transit regarding positive COVID-19 test results among employees; efforts to mitigate transmission of the COVID-19 virus; the

thoughtful nature of decisions regarding service that had been made; satisfaction with maintaining weekend service with the modified Saturday opening time, noting that essential employees depend on weekend service; feedback she has received from essential workers regarding the 9 p.m. closing, noting changes in parallel service; desire to discuss the 9 p.m. closing; the work performed by Community Service Officers who are no longer enforcing parking; whether the Community Service Officers are walking around or standing at the faregates; the work performed by Proof-of-Payment Officers and the number of citations; desire for the number and type of citation to be provided in future presentations; whether Homeless Outreach Teams (HOT) are still assigned to BART; desire for information regarding the activities of HOT and CORE; a constituent's inquiry regarding hand sanitizer for the public; whether hand sanitizer is still in supply and will be placed at central locations as entrances are changed and possibly closed; the prior four-week supply of hand sanitizer when hand sanitizer was first placed in the stations; whether BART has coordinated with local jurisdictions, particularly San Francisco, to place resources such as pit stops or handwashing stations at or near BART plazas; possibility of state assistance to procure PPE; support for working with Shanghai Metro; the expectation of limited to no additional transit assistance from the state and federal governments at this time and that state assistance is focused on homelessness, housing, and procuring medical equipment; her hope that BART will be prioritized as a recipient of PPE due to its status as an essential service with essential employees; looking forward to her upcoming meeting with Mayor London Breed's Chief of Staff regarding homelessness; that COVID-19 (Coronavirus) does not discriminate and that unhoused people should not be equated to people who have contracted the Coronavirus; the lack of safe places for unhoused populations to shelter-in-place; and looking forward to working with BART's leadership, Board Members, and local jurisdictions to prioritize BART and public transit needs regarding resources for unhoused populations, noting that this was clear at the Board Workshop and is becoming more clear during the global pandemic.

Director McPartland noted that his comments were from the life safety perspective and commented on the following subjects: commending Chief Alvarez for his efforts regarding law enforcement and redistribution of staff; the positive COVID-19 test results for more than 50% of the Hayward Fire Department security staff; the absence of positive COVID-19 test results among the Hayward Fire Department personnel; providing masks to BART Police Department personnel and ensuring they wear gloves when they are in contact with patrons; commending Ms. Tamar Allen for her contingency planning regarding the back-up OCC; providing Station Agents with gloves and masks; Governor Newsom's announcement regarding wearing masks in public; whether the Board could develop a policy that people should not enter BART stations without wearing a mask; the timeline for receiving gloves, masks, and PPE from Shanghai and whether Shanghai Metro's offer to BART was certain; protecting BART's personnel and contractors; the absence of masks as part of PPE worn by workers in the Transbay Tube; that Transbay Tube workers should be included in the list of people who should be wearing masks; the possibility of requesting PPE from the state; if there was any advantage to BART declaring an emergency or disaster; that if BART cannot obtain PPE for System Service Workers, Station Agents, and Train Operators who come directly in contact with the public, then BART should go through other avenues to get material as fast as possible; desire to clean trains every day, noting that foggers were obtained to decontaminate trains on a cyclical basis, that the number of trains in service had been reduced by 50%, that trains were originally cleaned every 90 days, and that trains are currently cleaned every four days; the procedure for handling a hazardous material incident relative to BART and Shelter-In-Place; reducing the number of cars in a train to ensure that the entire fleet in service can be cleaned each night; his experience as a first responder; cautioning against placing people in harm's way just so the railroad can run; and reducing the number of cars or re-allocating law enforcement personnel to clean trains every day.

Director McPartland submitted the following RCI request: Within one week, report back to the Directors how and when staff will be able to fully clean/decontaminate all scheduled main line revenue rolling stock on a daily basis. Director Allen seconded the request.

Director McPartland noted that the RCI request was for an action; requested that the Board support him; indicated that BART is putting people at risk by allowing them to ride on potentially contaminated cars and that displaced staff members could be re-allocated to cleaning train cars; and suggested that he might discuss this issue with union leaders for the BART Police Officers' Association and Train Operators. He clarified the request, asking that the staff report and/or memo include the potential plan, costs, time, and staffing levels.

Director Raburn commented on the following subjects: the extraordinary nature of the current situation; the reduction of service with Board Members' support, even if the support is tacit; the change in environmental protections at the federal level as service is being reduced; Fruitvale Station's status as the leading station in passenger volume in the East Bay and the fifth busiest station in the entire system; his experience with visiting Fruitvale Station, noting his observation of dependent passengers who use the system on a daily basis, Revenue Protection Guards, the emergency gate being locked but operable by the Station Agent, and the absence of faregate jumping for fifteen to twenty minutes; commending Chief Alvarez for deploying available staff; the 39 passenger exits per day from the Oakland Airport Connector (OAC) and whether any load shift is occurring or any cost savings is possible for the operation of the OAC or eBART system; whether reducing service levels also provides reduction in expenditures; whether any savings are available in the operation of eBART; the \$173 million shortfall in the FY20 budget; the multiple capital load shed figures presented in the Fiscal Year 2020 budget; the preparation of a needs assessment; the effectiveness of the letter submitted by Bay Area transit agencies to legislators in Washington, D.C.; that Core Capacity grants should be released and the status of Core Capacity grants; whether Stimulus 4 letters were being drafted; whether any input was being prepared for the MTC's meeting on April 22, 2020; the Stimulus 4 package shifting from opening the infrastructure toward support for small business programs; his support for small business programs, his participation in the Small Business Support Services workshop, and the number of participants in the Workshop; the messages from the Federal Small Business Association and the State Governor's Office at the Workshop; his use of Google Mobility to analyze South Korea and Germany, noting that Germany is locked down and that South Korea has 80% ridership and is moving toward recovery; that there are two different models to follow; that BART cannot draw a conclusion from the Google Mobility data, but that testing, tracing, and treatment have been available in both South Korea and Germany; that his observations of South Korea ridership on trains depicts everyone wearing masks; that South Korea was prepared and the United States is suffering from lack of preparation; whether the assumptions in the budget include the proposed additional police officers, and whether the proposed number of additional police officers matches Chief Alvarez's needs assessment.

Director Saltzman thanked the whole BART team for their work during this time and commented on the following subjects: that BART has the best on-time performance since she began serving as a Board Member, noting the absence of passenger-caused delays; that transit agencies have been struggling to maintain service levels after implementing reductions; that it is impressive that BART has been stable and that this is important for the riders; whether the funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the savings from implemented service reductions would fill the budget gap for FY20 without additional reductions; the importance of communicating to the public that BART will not stop running in June if the budget is not balanced; desire for information at the next meeting regarding the FY20 budget after the upcoming MTC meeting; her concern that the projections

in the FY21 budget are not sufficiently conservative, including the low revenue scenario; that the lack of information and the projections suggest a volatile situation with the expiration and return of the Stay-at-Home orders; that all the projections estimate that ridership will begin to return in the summer and continue to grow through the rest of the year; the possibilities that ridership may return after the summer or that ridership may return in the summer but decline in fall and winter; desire for an extremely low revenue scenario to be presented the next time this information is provided, noting that this is the safest way to budget for next year; whether a lower-revenue scenario could be presented; implementing budget reductions in a way to avoid lay-offs and provide the ability to scale up quickly as ridership returns; preparing for a better scenario than what is projected; that laying off employees would be extremely hard for employees and the system, and would prevent BART from scaling back up and returning to full service; and that the Board needs to have some discussions regarding how to return to full service. Director Saltzman thanked staff and Board Members for their advocacy for funding; commented that advocacy for funding would likely need to continue for the next year or more, and that BART will need to educate outside decision makers about why additional funding is necessary to maintain current service and restore full service; requested that staff and Board Members advocate for funding when speaking to decision-makers; noted that advocacy for funding will be the first priority for the Board and staff for the next year at least; requested a comprehensive update on the speed at which capital projects are moving forward within the next month; requested that information explaining BART Police Department staffing be posted on [bart.gov](http://bart.gov) for the public; associated herself with comments from Directors Dufty and Li regarding homelessness, noting that BART needs to partner with the counties, cities, and the state; and indicated that an opportunity exists for the state to house people and that BART needs to be a part of the advocacy efforts to house people, as housing impacts the District's financial situation because of the amount of time and money spent offering services, helping people, and cleaning encampments, and that this issue is important for the region and BART.

Director Foley expressed concern that the low budget scenario assumption is not low enough; expressed desire for 25% or 50% scenarios in the future; asked whether all the safety issues raised during the March 26, 2020 Board Meeting had been resolved and whether any new issues had arisen; commented that he supports the reimbursement of personal expenses for PPE; asked why employees feel the need to purchase their own PPE; referenced Director McPartland's suggestion of reaching out to the state and requested that staff contact the state regarding masks before the state offers masks to other locations; expressed support for cloth masks or face coverings, noting that cloth masks or face coverings could be used as alternatives in some situations; asked whether any budgetary savings would be recognized if a station were closed and the employees shifted to a different location; asked for an explanation of the impacts on the 2150 Webster Street BART headquarters project and requested that the Board be advised of any impacts of the Shelter-In-Place on the headquarters project; expressed support for BART declaring an emergency at some point if doing so would provide access to funding; commented on the Ms. Hildegard Dodd's public comment regarding paper submittals, indicating that BART should try to move away from a paper process and move toward an all-digital process throughout the District; expressed disagreement with the assumption that a public bail out is a negative solution, noting that BART is a public agency with a flawed revenue model that relies on fare revenue for more than 60% of its budget, and that BART needs to move toward a more sustainable revenue model and reconsider how to fund the agency in the future to insulate the agency against valleys and peaks in ridership; thanked all BART employees and essential workers for reporting to work every day, noting that BART cannot operate without its employees and that employees need to be able to work safely; and requested that staff continue to work with labor unions and maintain the highest level of station and train cleanliness for riders.

Director McPartland commented on Director Foley's suggestion to reconsider BART's funding model.

President Simon commended staff and commented on the following subjects: the PPE procurement, indicating that the cost for products is high and that encouraging Ms. Tamar Allen and her team to locate safety gear as the number one priority; Chief Alvarez's deployment strategy and her observation of BART Police Officers wearing PPE and assisting a homeless individual at Powell Street Station; that staff is doing everything possible to ensure that riders, housed and unhoused residents, and staff move through this unprecedented situation; that staff is contacting transit institutions in the United States, Shanghai, Hong Kong, and Singapore to learn about the return of ridership and new infections; Ms. Herhold and staff's efforts to create best and worst-case modeling and review situations around the world; that the Board and community had been in conversation with staff; that BART's communication team is communicating with the public at least three to five times per day regarding BART's activities; the importance of continuing to bolster communication efforts because bad information will continue to surface and BART needs to safeguard against this; that with 8% ridership, BART is transporting almost 9,000 people to and from work, including hospital workers, in-home healthcare workers, and grocery workers who are among those at the highest risk of COVID-19 transmission in their jobs; her observation of a System Service Worker named Alex cleaning the station entry gates on her hands and knees at Montgomery Street Station; and that she would be working with Board Members, the Inspector General, and staff to move forward with Director Dufty's request for creating an audit committee.

President Simon called for the General Manager's Report. Mr. Powers commented on executive staff's efforts, accessibility, and decision-making and continuing to work on other projects and initiatives while responding to COVID-19. Mr. Powers thanked the Board Members' for their patience and support.

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

President Simon acknowledged that all Board Members had been communicating with their constituents, conducting outreach, and calling legislators.

Direct Dufty requested that the meeting be adjourned in honor of the 41 MTA New York City Transit workers who passed away due to the COVID-19 virus.

Director Li reported that she continues to speak with local elected officials and MTC Commissioners, noting the upcoming MTC meeting on April 22, 2020, and that she had attended a virtual San Francisco Bay Area Planning and Urban Research Association (SPUR) event regarding transit funding.

Director McPartland thanked everyone for their participation and Mr. Burrows for his clarification of a disaster declaration in relation to funding, and indicated that staff should consider contacting the Region 3 or the Governor's Office of Emergency Services (Cal OES) to request direct resources.

The Meeting was adjourned at 1:06 p.m.

Patricia K. Williams  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 4/14/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/9/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Michaela Morales Dept: Finance <i>[Signature]</i> Signature/Date: <i>R. Bobete</i>	General Counsel <i>[Signature]</i> 4/13/20	Controller/Treasurer <i>[Signature]</i> 4/13/2020 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 4/13/20 [ ]

### DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS

#### PURPOSE:

To request the Board to adopt the resolution permitting reimbursement by the District for expenditures related to the Phase 1 purchase and replacement of BART vehicles (the Project) from the proceeds of debt to be issued by MTC, BAIFA or BART in the future.

#### DISCUSSION:

Under IRS rules relating to expenditures made in anticipation of a later tax-exempt financing, the District needs to indicate its intent to be reimbursed for such expenditures prior to or at the time the expenditures are made. This resolution indicates such intent and will assist the tax treatment of debt issuance by MTC, BAIFA or BART to finance the Project.

#### FISCAL IMPACT:

This action allows the District to get reimbursed for expenditures related to Phase 1 purchase and replacement of BART vehicles made prior to the issuance of debt from such debt proceeds.

DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF  
INDEBTEDNESS (cont.)

**ALTERNATIVES:**

Do not adopt this resolution therefore the District cannot seek reimbursement for expenditures related to the purchase and replacement of BART vehicles from subsequent debt proceeds.

**RECOMMENDATION:**

Adopt the following Motion.

**MOTION:**

The Board adopts the resolution that declares its intent to reimburse certain Project expenditures from future debt proceeds.

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

Resolution No. \_\_\_\_\_

RESOLUTION OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS.

WHEREAS, the San Francisco Bay Area Rapid Transit District (the "District") intends purchase new and replacement BART vehicles (the Project");

WHEREAS, the District anticipates that the Metropolitan Transportation Commission or the Bay Area Infrastructure Financing Authority will assist the District by issuing debt to help finance the Project, and the District (and for purposes of this resolution and the Treasury Regulations referenced herein, the "Issuer") expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that debt obligations in an amount not expected to exceed \$650 million will be issued in order to finance the Project, and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures;

WHEREAS, Section 1.150-2 of the regulations promulgated by the United States Department of the Treasury (the "Treasury Regulations") requires the Issuer to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing, if such proceeds are to be deemed spent upon the reimbursement allocation, for purposes of federal tax law;

BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.      Recitals. All of the above recitals are true and correct and this Board of Directors so finds.

Section 2.      Compliance with the Requirements of Section 1.150-2 of the Treasury Regulations. For purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations, this Board of Directors hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3.      Effective Date. This resolution shall take effect immediately.

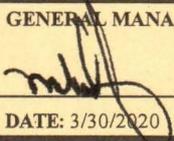
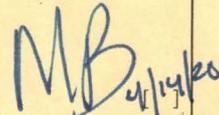
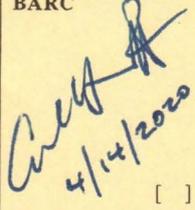
Adopted: \_\_\_\_\_

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
CERTIFIED A TRUE COPY

\_\_\_\_\_  
Patricia K. Williams, District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  4/15/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/30/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ryan Greene-Roesel Dept: Systems Development  Signature/Date:  4.14.20	General Counsel   4/14/20	Controller/Treasurer   4/14/2020	District Secretary  [ ]	BARC   4/14/2020 [ ]

### Authority to Execute a Third Amendment to the Concession Permit Administering the District's Parking Permit Programs

#### PURPOSE:

To authorize the General Manager or his designee to execute an amendment to the Concession Permit M342-12 for the administration of BART's Parking Permit programs with Imperial Parking Corporation ("Impark"). The amendment would extend the term of the Concession Permit for six months, with four options for subsequent three-month extensions, through March 30<sup>th</sup>, 2022. This amendment also modifies the fees paid by BART to Impark for these services. This extension is necessary to provide BART with time to incorporate permit purchases into the official BART mobile app.

**DISCUSSION:** BART provides various parking programs for its passengers, with options to purchase parking permits on a Monthly, Single Day, or Airport/Long-Term basis. Advanced reservations are required to guarantee a parking space in the Permit section of a parking facility until 10am each weekday, after which time the unused spaces are open on a first-come, first-served basis. BART currently offers approximately 6,400 monthly, 2,100 single day, and 600 airport/long term permits each weekday.

Since BART began selling advanced reserved parking permits in 2001, it has employed a third party vendor. Impark, a professional parking vendor, currently administers the sale of

permits for these programs. The Concession Permit was originally issued in 2012 to Pacific Park Management, Inc., through a competitive Request for Proposal process. In the Fall of 2014 Pacific Park Management transferred the Concession Permit to Impark, which has successfully operated the program since that time. Under the Concession agreement, Impark sells advanced reserved parking permits through the website Select-a-spot.com. It also provides supporting customer services and handles all financial transactions and reconciliations, as well as associated credit card transaction fees. BART compensates Impark for processing the permits.

On June 7, 2019, the BART Board approved an amendment to extend the parking management contract for a 15-month period through September 30<sup>th</sup>, 2020 to provide additional time to update the BART Mobile App to add the Permit Parking reservation system. The implementation of that update has been delayed to accommodate reprioritized parking needs, specifically, the incorporation of the Early Bird parking feature (Jan. 2019) as well as the Daily Fee parking payment (Mar. 2020) into the BART Mobile App. The priority of the Daily Fee feature increased to facilitate elimination of magnetic stripe tickets. Magnetic stripe tickets as a method of parking payment are currently the only way to pay for Daily Fee parking in the station with a credit card. Because of this necessary reprioritization and subsequent delay in implementation of the Permit Parking feature, staff seeks another amendment to the Concession Permit, which will provide BART the additional time required to implement the permit feature in the mobile app.

Impark's fee structure for each optional extension periods is shown below. The current rates would not change during the initial six-month option period, but adjusted rates would apply for subsequent option periods. The new rates would not impact the customer permit pricing, and staff have found them to be fair and reasonable, given increased costs since the original Concession permit was issued.

	Current Fees	6 Month Option 10/1/20-3/31/21	3 Month Options			
			4/1/21-6/30/21	7/1/21-9/30/21	10/1/21-12/31/21	1/1/22-3/31/22
Contracted Customer Service Phone Center/Month	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Monthly Reserved Permit Processing	\$3.00	\$3.00	\$3.10	\$3.10	\$3.10	\$3.20

Fees						
Unreturned Monthly Mirror Hangtag Fees	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00
Monthly Mirror Hangtag Replacement Fee	\$4.40	\$4.40	\$4.40	\$4.40	\$4.40	\$4.40
Monthly Mirror Hangtag One-Time Customer Fee	\$4.85	\$4.85	\$4.85	\$4.85	\$4.85	\$4.85
Single Day Reserved Processing fees	\$0.80	\$0.80	\$0.85	\$0.85	\$0.85	\$0.90
APLT (Airport / Long Term) Processing Fee	\$1.15	\$1.15	\$1.20	\$1.20	\$1.20	\$1.25
Cancellation Fees	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00

**FISCAL IMPACT:** Under the existing and proposed program, Impark deducts authorized costs from monies collected, and forwards the balance to the District. The parking permit vendor fees come out of the Parking Management Fee line item (Account #681357) of the annual operating budget for the Customer Access and Accessibility Department (ID# 1102491). The projected vendor cost for FY21 under the current rate structure is about \$850,000 for administering the program and paying credit card transaction fees. FY21 costs would increase by about \$8,000 under the revised rate structure. If all contract options are exercised, the total impact to BART's operating cost will be approximately \$42,000 over the entire 18-month term of the extension. This action is not anticipated to 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.

The impact by Fiscal Year is detailed below:

Fiscal Year	Additional vendor costs due to rate structure increase
FY20	\$0
FY21	\$8,000
FY22	\$34,000

These estimates assume sales of advanced reserved permits remain consistent from year to year.

**ALTERNATIVES:** Conduct a new request for proposal process to select a vendor to provide the services currently provided by Impark. This alternative would require a shorter-term extension with Impark to cover continuation of parking management services during the RFP process, and to allow time to transition monthly permit holders to the new system.

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:** The General Manager or his designee is authorized to execute a third amendment of the Concession Permit M342-12 with Imperial Parking Corporation to extend the term of the permit for six months, with four options for subsequent three-month extensions, through March 30<sup>th</sup>, 2022, and establish new rates for the provision of services during the extension term.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>mehl</i> 4/15/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 4/6/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Barbara Inaba Dept: Systems Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Val Monte</i> 4.14.20	<i>MB</i> 4/14/20	<i>[Signature]</i> 4/14/2020	[ ]	<i>[Signature]</i> 4/14/2020 [ ]

### Amendment to Memorandum of Understanding with QIC Limited at San Bruno BART Station to Pursue a Feasibility Analysis and Assessment Related to Improved Connections to The Shops at Tanforan

#### PURPOSE:

To authorize the General Manager to execute an Amendment to the Memorandum of Understanding (MOU) between BART and QIC Limited to continue to cooperatively pursue a Feasibility Analysis and Assessment (Feasibility) to determine the commercial viability in integrating the San Bruno Station with the proposed initial phase of The Shops at Tanforan (Tanforan) redevelopment and improvements to ultimately create a vibrant town center.

#### DISCUSSION:

On October 26, 2017, the Board authorized an MOU with QIC for a 24-month period. Pursuant to the MOU QIC completed a preliminary Feasibility in conjunction with the use of BART property at the San Bruno Station. Initial feasibility analysis findings include:

- Station plaza improvements are expected to benefit BART and QIC with respect to physical improvements, ongoing maintenance support by QIC and better flow between Tanforan and Station;
- Moving the San Bruno Joint Police Station is expected to be financially unfavorable for QIC as it would outweigh the benefit of creating a more seamless journey from Tanforan to the Station;
- Creation of a ground lease for the Station Plaza area, excluding the Joint Police Facility; may be advantageous for QIC's proposed Town Center project for enhanced integration with the Station, and BART seeing increased ridership as the redevelopment

is intended to create a greater mix and intensity of use.

This proposed Amendment to the MOU will allow QIC to continue to conceptualize and evaluate the economic viability of the initial Phase I entertainment and leisure zone project as a part of its proposed town center. This Amendment to the MOU will:

1. Extend the MOU for an additional 2 years to allow for further Feasibility Analysis and Assessment;
2. Allow for additional reimbursable BART costs not to exceed an additional \$20,000 for a total of \$60,000; and
3. Acknowledge Tanforan Assembly Center Memorial Committee's (TACMC) schedule and installation of its Tanforan Memorial on the BART Station Plaza during the term of this MOU Amendment. QIC will incorporate and facilitate any Tanforan Memorial Relocation (Relocation), will meet and satisfy TACMC's, BART's, and TACMC's National Park Service Grant's requirements and will pay for all Relocation costs. Any Relocation by QIC shall be close to the BART San Bruno Station entry.

The San Bruno BART Station is located between The Shops at Tanforan and Huntington Avenue. The Shops at Tanforan, is owned by Tanforan Associates, LLC (Tanforan Associates) which is owned and operated by QIC Limited (QIC) and its affiliates.

In 2016, QIC identified an opportunity to collaborate with BART regarding QIC's proposed redevelopment and improvements for ultimately creating a vibrant town center which will improve The Shops at Tanforan economic viability while delivering on BART Transit Oriented Development Policy strategies, most notably the following:

A3: Considers property assembly with adjacent land owners for optimal TOD;

B2: Form partnerships to help build TOD both on and off BART property; and

C1: Seamlessly connect BART stations with surrounding communities.

The MOU sets forth criteria for a Phase I project Feasibility of the design and implementation objectives for the Station and Station Plaza in the context of Tanforan Associates' redevelopment and enhancement plans.

QIC and BART will endeavor to move towards definitive documentation, in the form of a Ground Lease and other necessary and relevant documents, subject to further approvals required by each Party's Board.

The Feasibility will be funded by Tanforan Associates.

If this Motion is approved, the following is a summary of the next steps expected:

- Execute this Amendment to MOU and continue Feasibility no later than 24 months.
- Present the Feasibility to the respective Boards to obtain direction on whether to pursue moving forward with any of the designs and collaborative ventures.

The Office of the General Counsel has approved the Amendment to MOU as to form.

**FISCAL IMPACT:**

Tanforan Associates will reimburse BART for its staff time spent on this Amendment to MOU and during the Feasibility and Assessment study phase for an amount not to exceed \$60,000.

**ALTERNATIVES:**

Do not enter into an Amendment to MOU with QIC. This action could result in a missed opportunity to meet the TOD policy goals through improved connectivity and to integrate the San Bruno BART Station to Tanforan, improve access and bring new riders and revenue to the District.

**RECOMMENDATION:**

It is recommended that the following Motion be adopted:

**MOTION:**

The General Manager or his designee is hereby authorized to execute an Amendment to Memorandum of Understanding with QIC Limited in connection with the San Bruno Station and The Shops at Tanforan (Tanforan) to continue to pursue a Feasibility Analysis and Assessment to determine the commercial viability of integrating the San Bruno Station with the proposed initial phase of Tanforan redevelopment.

# MAP



San Bruno BART Station & The Shops at TANFORAN

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors **DATE:** April 17, 2020  
**FROM:** General Manager  
**SUBJECT:** COVID-19 Agenda Item: Update on BART's COVID-19 Efforts and Impacts

At the Board of Directors meeting on April 23, 2020, BART's COVID-19 efforts and its impacts to the District will be presented for information.

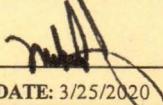
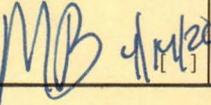
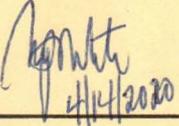
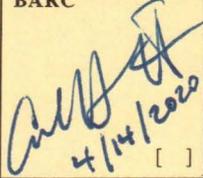
If you have any questions, please contact Michael Jones at (510) 464-6126.

 For  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  4/15/2020		GENERAL MANAGER ACTION REQ'D: No		
DATE: 3/25/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shannon Dodge Dept: Planning & Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  4.14.20	 4/14/20	 4/14/2020	[ ]	 4/14/2020 [ ]

### Transit-Oriented Development (TOD) Policy Amendments

#### PURPOSE:

To request that the Board of Directors adopt a revised Transit-Oriented Development Policy to incorporate amendments that will clarify BART's expectations for delivery of transit-oriented development projects with affordable housing components.

#### DISCUSSION:

The Board of Directors adopted the current Transit-Oriented Development ("TOD") policy (the "Policy") on June 9, 2016 and approved an amendment to the Policy on August 22, 2019. The Board-adopted 2016 Policy and the 2016 Performance Measures and Targets establish a goal of 35% of all housing units in TOD projects to be affordable, with a priority to very low-, low-income and/or transit-dependent populations. The Performance Targets also set a goal for production of 2,450 affordable units by 2025, and 7,000 affordable units by 2040. BART has entered into ground leases with developers for projects at numerous stations that include affordable housing components. It would be beneficial to provide greater clarity on how the District intends to balance the delivery of affordable housing units to meet the Board-adopted goals with the expected financial return on these projects.

As acknowledged in the Policy, BART's TOD program can help play an important role in addressing the region's severe housing crisis through inclusion of affordable housing. The State Legislature and Governor have also prioritized affordable housing in BART TOD by the adoption of AB 2923 amending the Public Utilities Code to require BART to, among other things: 1) develop a strategy to increase affordable housing options for very low income and low-income residents within and around BART TOD project areas, and 2)

ensure that 30% of housing units on district-owned land are affordable. To aid in achieving BART's affordability goals, staff propose two modifications and one clarification to the Policy as reflected in the proposed new policy, attached to this report as Attachment 1.

The first modification clarifies that staff may negotiate with developers of affordable and mixed-income housing for a discount on BART's property relative to the appraised value of said property – but limits the amount of this discount. Any such discount would be contingent on the project having an identified funding shortfall, as verified by BART's third-party consultant. In most cases, for a project to qualify for a discount it would be required to provide 35% affordable housing or greater. The level of discount for a given project is proposed to be calibrated to the income levels of the future residents - with more deeply affordable housing eligible for a deeper discount.

The modified Policy directs staff to develop a framework for establishing conditions under which a discount would occur, in order to provide BART staff and developer partners with greater clarity. While not part of the Policy being considered for adoption, the staff framework is included as Attachment 2, and identifies the parameters for establishing fair market value, lays out a rubric for scaling the discount to the depth of affordability, and describes other affordability and transportation expectations for a project in order for BART to agree to a discount. Staff retain the ability to modify the framework, provided it remains consistent with the Policy.

Under the proposed framework, a negotiated discount would be applied to the portion of the property designated for affordable and market rate residential uses, and not any other portion of the property. The application across all residential uses is to account for any cross subsidies, density bonuses, inclusionary units, or other complex relationships between market rate and affordable housing.

Consistent with BART's current practice, BART staff would obtain Board approval of all TOD projects, including their underlying financial terms, prior to executing any leases or lease option agreements with developers. If in the course of negotiations staff determine that a particular project could only be feasible with a discount greater than the limits set forth in the Policy staff would seek authorization from the Board on whether to allow such a discount.

The second modification directs staff to pursue partnerships with outside agencies or private parties to address the region's housing and homelessness crisis. If an external partner, such as a philanthropic organization, brings significant funding commitments to support BART's TOD program, BART could consider a discount greater than 60% of the land value. This modification reflects the rapidly changing funding environment for housing and the recent creation of the Bay Area Housing Finance Authority. New and ambitious partnerships are forming at the state and regional levels - as well as in the philanthropic community - to combat homelessness with new resources.

If such a proposed partnership emerged, staff would return to the Board for approval of any agreement and would evaluate potential impacts and benefits at that time.

Finally, staff propose to clarify that the minimum ground lease term for affordable housing deals involving low income housing tax credits is 75 years, rather than the current policy expectation of 66 years. This longer ground lease term is needed for tax credit deals to ensure projects meet financing requirements for paying back the debt associated with loans that the projects receive (known as the “true debt test”).

## **FISCAL IMPACT:**

### Annual Foregone Operating Revenue

The fiscal impact of the proposed changes will depend on the pace at which TOD projects advance, and the level of discount granted by BART. If BART built an additional 2,200 units by 2025, additional ground lease revenue to BART is estimated to be roughly \$3.3 million per year. An average discount of 15% to 40% on these additional units, if built by 2025, could result in BART foregoing \$490,000 to \$1,300,000 of this annual revenue.

### Capital Revenue Generated

Advancing affordable housing on BART property significantly increases the likelihood that BART may obtain State of California grant funding from sources that are tied to production of affordable housing. As one example, through California’s greenhouse gas emission reduction cap-and-trade program, the state has established the Affordable Housing & Sustainable Communities (AHSC) program to provide annual funding for affordable housing projects combined with low-carbon transportation connections. Over the past 5 years, BART has received funds for transportation improvements connected to 8 different affordable housing projects; currently 8 more AHSC applications are pending with an average BART request of \$4.8 million per application. If ten projects on BART property are awarded an average of \$4.5 million in state AHSC funds between 2021 and 2040, the benefit to BART is estimated at \$45 million.

Replacement parking is eligible for funding through the CA Infill Infrastructure Grants (IIG) program, up to \$50,000 per parking space. Like AHSC, applications for the IIG program must include an affordable housing project. No other external state grant source is currently available for replacement parking for BART patrons.

## **ALTERNATIVES:**

Do not adopt the TOD Policy as presented. Continue to operate under the existing TOD

Policy.

Amend the TOD Policy in a different way.

**RECOMMENDATION:**

It is recommended that the Board approve the following motion.

**MOTION:**

The BART Board of Directors hereby adopts the attached Transit-Oriented Development Policy, which supersedes the previously adopted Transit-Oriented Development Policy.

Attachments:

1. Proposed new TOD Policy showing changes from existing TOD Policy in redline
2. Draft Framework for Determining Financial Return from Affordable Housing (for information only)

**Transit-Oriented Development Policy**  
**Adopted June 9, 2016 | Amended August 22, 2019**  
*Proposed Update March 12, 2020*

**VISION**

The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large scale public investment. This includes real estate assets essential to BART's transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART's purpose and goals. BART leverages these opportunities by working in partnership with the communities it serves in order to implement the regional land use vision and achieve local and regional economic development goals. Strengthening the connections between people, places, and services enhances BART's value as a regional resource.

**GOALS**

- A. Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- B. Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- D. Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.
- E. Transportation Choice.** Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

**STRATEGIES**

- A. Manage Resources Strategically to Support Transit-Oriented Development**
  - 1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.
  - 2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives (e.g., **Low Income Housing Tax Credit-funded affordable housing, requiring a ground lease term of no less than 75 years**), or where other strategies would generate greater financial return to the District.
  - 3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.

**Transit-Oriented Development Policy**  
**Adopted June 9, 2016 | Amended August 22, 2019**

*Proposed Update March 12, 2020*

4. Develop a procedure that will allow BART to respond to unsolicited proposals for property development on BART-owned land. Although BART does not encourage unsolicited proposals, they can be a valuable means for BART to partner with local communities and/or the development community to produce innovative or unique developments that deliver benefits in excess of what is typically provided by the market.

5. Revisit the Transit-Oriented Development Policy every 10 years.

**B. Support Transit-Oriented Districts**

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.
2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.
3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

**C. Increase Sustainable Transportation Choices using Best Practices in Land Use and Urban Design**

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.
2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.
3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

**D. Enhance Benefits of TOD through Investment in the Program**

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.
2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.
3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

**Transit-Oriented Development Policy**  
**Adopted June 9, 2016 | Amended August 22, 2019**

***Proposed Update March 12, 2020***

**E. Invest Equitably**

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.
2. Implement BART's adopted Affordable Housing Policy and aim for a District-wide target of 35 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations. **To aid in achieving BART's 35% affordability goal, provide up to a 60 percent discount in ground lease for projects with at least 35% affordable housing (30% for projects with a high rise). Establish a framework for varying the eligible project discount based on the depth of affordability of the deed-restricted housing units, the demonstrated need for discounted ground rent, and efforts to benefit BART in other ways.**
3. **Pursue state, regional, and philanthropic partnerships that alleviate and prevent homelessness through production of affordable housing. BART's property will be offered at a greater discount if matched with regional-scale, external funding commitments for housing and homelessness.**
4. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.



## **DRAFT Framework for Determining Financial Return from Affordable Housing**

*“The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large-scale public investment. This includes real estate assets essential to BART’s transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART’s purpose and goals.”*

### **- BART Transit-Oriented Development (TOD) Policy**

BART’s land assets represent an investment of public resources over the course of several decades. As the steward of this investment, it is BART’s responsibility to ensure its transit-oriented development projects are addressing public needs. In negotiating the terms of its deals, BART staff work to advance the six core goals of the TOD Policy: Complete Communities, Sustainable Communities Strategy, Ridership, Value Creation and Value Capture, Transportation Choice, and Affordability.

Each negotiation is a balance of these goals, which reflect BART’s vision for the public good to be achieved from BART’s TOD Investments. The following framework describes BART’s intentions toward its own financial return expectations for affordable housing, with consideration for the ongoing need to balance BART’s Board Adopted TOD Goals.

### **Baseline Considerations for Financial Return from TOD Projects**

**Fair Market Value:** BART expects to receive fair market value for its property in its ground leases, except as stipulated in this framework.

**Sources of Revenue from TOD:** BART will consider all types of revenue in its real estate transactions, including: sales proceeds, baseline ground lease payments, lease option payments, participation in gross (or, for affordable housing, residual) receipts, transit benefit fees or other property transfer fees, other one-time or ongoing payments.

**Net Ridership Gains:** All new projects must result in a net gain in ridership to BART. BART does not consider ridership gains as revenue that will replace fair market value for its land.

**Parking Revenue:** BART now charges for parking at all its stations where commuter parking is provided. The revenue BART receives from its parking may be considered as one baseline measurement of BART’s fair market value return.

### **Methodology for Evaluating Financial Return to BART**

BART expects to receive fair market value for its land from every TOD project, except as stipulated in this framework. Fair market value is defined as a dollar amount in an open and competitive market that a well-informed seller, who desires but is not required to sell, would

accept, and that a well-informed buyer, who desires but is not required to buy, would pay for property after due consideration of all the elements affecting value.

The fair market value will serve as the basis for BART's expected financial return from TOD projects. BART staff will use the following process to ensure that fair market return is achieved:

- 1) Establish the expected fair market value of the property prior to negotiation of financial terms, using an appraisal or other standard industry method of property valuation, considering:
  - a. Applicable zoning, including Section 29010 of the CA Public Utilities Code (AB 2923, Chiu/Grayson, 2018).
  - b. BART's Board adopted policies, including BART's project stabilization agreement requirements and affordable housing requirements which may suppress land value.
  - c. Intended uses as articulated in the developer's proposal and agreed to by BART.
  - d. Appraisal performed for BART, or appraisal/valuation scope is approved in writing by BART.
  - e. Competitive offers made during the solicitation process, where applicable.
- 2) As the term sheet is negotiated, BART staff will work to ensure that the net present value of expected compensation from the developer is in line with fair market value of the property. The fair market value expectation may be revisited based on changing market conditions, availability of outside funding, or other factors.
- 3) A discount to fair market value may be considered for projects that provide affordable housing above and beyond BART's minimum requirements as stated in the TOD Policy. Details about this discount are provided below.

### **Consideration of Discount for Affordable Housing**

The affordable housing discount framework covers the following parameters.

- 1) Depth of Affordability: Average income served as a percent of Area Median Income (input parameter)
- 2) Percent Affordable Units of Total Units Provided: Number of affordable units included, divided by the total number of residential units provided in the project (input parameter)
- 3) Discount: Potential percent discount from fair market value of land to be offered by BART (output parameter)
- 4) Conditions: Other BART expectations for developers receiving a discount from BART

For projects exceeding BART's minimum affordable housing requirement of 20 percent, BART may consider providing an additional discount not to exceed 60 percent of fair market value, using the tiered approach shown in Figure 1. The discount will be calculated from the value of the residential portion of the overall project. A project must be eligible for the tier in order to be considered for the minimum amount of discount in that tier.

- **No discount** will be provided for affordable housing at BART TOD properties with less than 35% deed-restricted affordable housing, unless the affordable component is primarily offering supportive housing for very low-income individuals (see High Discount below) or the project includes a high rise residential component desired by BART as noted in Figure 1. No discount will be provided for affordable projects exclusively serving moderate income households, those earning over 80% of Area Median Income (AMI).
- **A Low Discount of 10 to 20%** will be considered for affordable housing projects with units restricted to an average of 61% - 80% of AMI. These units will typically include some moderate-income housing (affordable to 80 - 120% AMI) as well as some housing affordable to lower incomes.
- **A Standard Discount of 20 to 30%** will be considered for affordable housing projects with units restricted to an average AMI of 46% - 60%. This is considered the typical range for a “standard” affordable housing project. High rise residential projects will be considered for a Standard Discount if at least 30% of their units are affordable, provided they meet the same income threshold.
- **A High Discount of 30 to 60%** will be considered for affordable housing projects with units restricted to an average AMI of 45% or below. A High Discount will also be considered for supportive housing projects with units restricted to an average AMI of 45% or below. “Supportive housing” includes affordable buildings offering on-site social services for vulnerable residents (e.g. formerly homeless households, differently abled residents, emancipated foster youth, etc.) – so that they may thrive and retain their housing.

**Figure 1: Framework for an Affordable Housing Discount on BART-Owned Property**

		Affordable Housing as % of Total Project Units		
		Less than 35% of Units Affordable (except as noted)	35% and above	
Average Income Served as % of Area Median*	Market Rate/Moderate (81% or more)			No Discount
	Affordable/Moderate (61% - 80%)			Low Discount
	Affordable – Mostly Low/Very Low (46% - 60%)	Projects with High Rise - eligible if 30% of units affordable		Standard Discount
	Deeply Affordable – Very/Extremely Low (45% or less)	Supportive Housing Only		High Discount

\* Average AMI of deed-restricted affordable units only

**Share of Affordable Housing (x axis):** BART will calculate the share of deed-restricted affordable housing as a percentage of residential units in the overall BART TOD project.

**Average Income Served (y axis):** BART will evaluate average income served for the affordable component(s) of the project only, based on its deed restrictions and consistent with standard methodologies established by the California Tax Credit Allocation Committee for its funding applications.

**High Rise Thresholds:** In some locations BART will be incentivizing high rise development with buildings taller than 12 stories. Because current sources of subsidy discourage production of below market rate units in a high rise, affordable housing is more likely to be provided in a mid-rise adjacent building in these projects. As such it may be harder for a project with a high rise to hit BART's 35% affordability goal. Projects including a residential high rise will be subject to a different standard for calculating the share of affordable housing: the threshold to be eligible for the Standard Discount will be 30% deed-restricted affordable units, not 35%.

### **Conditions**

Projects seeking to receive a discount must work to meet the following conditions. If these conditions cannot be met, developers must provide justification to BART staff. To be considered for the maximum allowable discount in a tier, the project must meet most of the conditions described below.

- **“But for” test:** Third party consultant will review sources and uses and pro forma to ensure all possible sources of subsidy have been exhausted.
- **Benefits:** Must deliver exceptional level of benefit to BART or the community.
- **Local support:** Commitment by the jurisdiction to provide funding.
- **Revenue-Sharing:** BART shares in residual receipts over the term of the ground lease.
- **Leverage:** Leverage BART's discount as a project contribution to ensure a project is more competitive for local, state, regional and/or federal sources of subsidy to support affordable housing and station access projects.
- **Transportation:** A project should pursue eligible sources of revenue that provide additional funding to transportation or infrastructure on BART property, such as Affordable Housing & Sustainable Communities (AHSC) or the Infill Infrastructure Grant. When applying for these sources, a Project receiving a discount should prioritize eligible BART improvements. Transit pass requirements of programs such as AHSC should be met with flexible Clipper card purchases (or equivalent) to enable and encourage BART ridership.

### **Board Approval**

The final determination of fair market value, and explanation for any discount, will be presented to the Board when a project term sheet is presented for review and approval.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

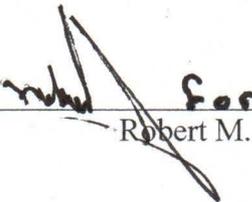
**DATE:** April 17, 2020

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda: BART-VTA Phase 1 Extension - For Information

At the Board of Directors meeting on April 23, 2020, the Silicon Valley BART Extension (SVBX) Phase I, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.

  
\_\_\_\_\_  
Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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MEMORANDUM

**TO:** Board of Directors

**DATE:** April 17, 2020

**FROM:** District Secretary

**SUBJECT:** 2020 Organization of Committees and Special Appointments Revision

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Simon is bringing a revision to the 2020 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on April 23, 2020.

The proposed change is:

- Creation of the Audit Ad Hoc Committee
- Appointments to the Audit Ad Hoc Committee
  - Rebecca Saltzman, Chairperson
  - Debora Allen, Vice Chairperson
  - Bevan Dufty

The jurisdiction of the Ad Hoc Committee is to receive all audits of the District and discussing them as it feels appropriate; discussing and determining the procedures and processes governing the operation of the Committee itself and seeking further authority from the Board if necessary; and giving reports to the full Board on its activities.

The draft revised 2020 Organization of Committees and Special Appointments is attached.

Should you have any questions about the revisions, please contact President Simon or me at your convenience.

Thank you.



Patricia K. Williams

cc: Board Appointed Officers  
Executive Staff

MOTION:

That the Board of Directors ratifies the proposed revisions to the 2020 Organization of Committees and Special Appointments.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**SPECIAL APPOINTMENTS – EXTERNAL**

**ALAMEDA COUNTY TRANSPORTATION COMMISSION \*\***

Rebecca Saltzman, Primary                      Robert Raburn, Alternate

**ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS**

Bevan Dufty

**BART AND AC TRANSIT COORDINATING COMMITTEE \*\***

Robert Raburn (Co-Chair)                      Liz Ames                      Rebecca Saltzman

**CAPITOL CORRIDOR JOINT POWERS BOARD\*\*\***

Debora Allen, Contra Costa County                      John McPartland, Alameda County  
Bevan Dufty, San Francisco County                      Robert Raburn, Alameda County  
Janice Li, San Francisco County                      Rebecca Saltzman, Contra Costa County  
Liz Ames, Alameda County Alternate

**DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)\*\*\***

Robert Raburn

**OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY\*\*\***

Bevan Dufty

**PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS\*\*\***

Debora Allen                      Mark Foley

**SOUTH HAYWARD BART STATION ACCESS AUTHORITY\*\***

Liz Ames                      John McPartland                      Robert Raburn, Alternate

**TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY\*\*\***

John McPartland

**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)\*\***

Debora Allen, Primary                      Lateefah Simon, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.

\*\*\* Brown Act Board, subject to public meeting requirements.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**STANDING COMMITTEES**

**ADMINISTRATION\*\***

John McPartland, Chairperson  
Janice Li, Vice Chairperson  
Debora Allen

**ENGINEERING AND OPERATIONS\*\***

Bevan Dufty, Chairperson  
Robert Raburn, Vice Chairperson  
Liz Ames

**PLANNING, PUBLIC AFFAIRS, ACCESS AND LEGISLATION\*\***

Rebecca Saltzman, Chairperson  
Debora Allen, Vice Chairperson  
Robert Raburn

**SPECIAL COMMITTEES**

**LABOR NEGOTIATIONS REVIEW SPECIAL COMMITTEE\*\***

Mark Foley, Chairperson                      Janice Li, Vice Chairperson                      Rebecca Saltzman

**PERSONNEL REVIEW SPECIAL COMMITTEE\*\***

Bevan Dufty, Chairperson                      Lateefah Simon, Vice Chairperson                      John McPartland

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP SPECIAL COMMITTEE\*\***

Debora Allen                      Liz Ames                      Bevan Dufty                      Robert Raburn

**AD HOC COMMITTEE**

**AUDIT AD HOC COMMITTEE\*\***

Rebecca Saltzman, Chairperson                      Debora Allen, Vice Chairperson                      Bevan Dufty

**SPECIAL APPOINTMENTS – LIAISON**

**CONTRA COSTA TRANSPORTATION AUTHORITY\*\* LIAISON**

Debora Allen, Primary                      Mark Foley, Alternate

**PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEES LIAISON**

Robert Raburn                      Lateefah Simon

**SAN FRANCISCO TRANSPORTATION AUTHORITY\*\* LIAISON**

Janice Li, Primary                      Bevan Dufty, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.