

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

BOARD MEETING AGENDA

May 11, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 11, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (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 no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 27, 2017.* 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. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION, WORKFORCE, AND LEGISLATION ITEMS

Director McPartland, Chairperson

- A. Proposed Modification to Small Business Program.* Board requested to authorize.
- B. Agreement with George Hills Company for Public Liability Claims Adjusting Services (Agreement No. 6M2061).* Board requested to authorize.

5. FINANCE, BUDGET, AND BOND OVERSIGHT ITEMS

Director Josefowitz, Chairperson

- A. Safety, Reliability, and Traffic Relief Program: Implementation Plan.* For information.
- B. Fiscal Year 2018 Preliminary Budget Sources, Uses and Service Plan, Capital Budget.* For Information.

6. OPERATIONS AND SAFETY ITEMS

Director Keller, Chairperson

- A. Change Order to Contract 79HM-120, SFTS - MB San Francisco Transition Structure - Marine Barrier, with Manson Construction , for Additional Weld Test Requirements (C.O. No. 41 Part 2).* Board requested to authorize.

- B. Change Order to Contract No. 59CT-120, Wayfinding Improvements Phase III, with LC General Engineering & Construction, for Capitol Corridor Transit Information Displays (C.O. No. 7). * Board requested to authorize.

7. PLANNING ITEMS

Director Raburn, Chairperson

- A. North Concord to Antioch Station Access Study and Proposed Brentwood Transit Center Update.* For information.

- 1. Resolution of Support for Brentwood Transit Center and Mokelumne Trail Bridge.* Board requested to adopt.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

- A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. PUBLIC COMMENT

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

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - Name of Case: Garrett vs BART
 - Case No.: Alameda Superior Court, Action NO. HG-15-794444
 - Government Code Section: 54956.9

B. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; Paul Oversier, Assistant General Manager, Operations and Carol Isen, Chief Employee Relations Officer

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

Government Code Section: 54957.6

12. OPEN SESSION

A. Collective Bargaining Agreements Regarding East Contra Costa BART Extension (eBART) Operating and/or Maintenance:

1. Resolution Ratifying Collective Bargaining Agreement with the Amalgamated Transit Union, Division 1555.* Board requested to adopt.
2. Resolution Ratifying Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Local 3993.* Board requested to adopt.
3. Resolution Ratifying Collective Bargaining Agreement with the Service Employees International Union, Local 1021, including the BART Professional Chapter.* Board requested to adopt.

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

Board of Directors
Minutes of the 1,786th Meeting
April 27, 2017

A regular meeting of the Board of Directors was held April 27, 2017, convening at 5:06 p.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Josefowitz, McPartland, Raburn, Simon, and Saltzman.

Absent: Director Blalock. Directors Allen, Dufty, and Keller entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 13, 2017.
2. Award of Invitation for Bid No. 9028, Brush, Traction Motor.
3. Employee Recruitment and Relocation for the Assistant General Manager, Planning, Development & Construction.

Director Simon made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous acclamation. Ayes – 5: Directors Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 4: Directors Allen, Blalock, Dufty, and Keller.

1. That the Minutes of the Meeting of April 13, 2017, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 9028, for Brush, Traction Motor, to Mersen Industries, Inc., for an amount of \$340,304.48, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

3. That the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates, both inside and outside of California, for the Assistant General Manager, Planning, Development and Construction position; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for the

position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.

President Saltzman announced that the order of agenda items would be changed.

President Saltzman called for Public Comment. Clarence Fischer addressed the Board.

Directors Allen and Keller entered the Meeting.

President Saltzman called for the General Manager's Report.

Acting Chief of Police Jeffrey Jennings gave a brief report on an incident that occurred on April 22, 2017, at the Coliseum Station.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a brief report on a power outage that had occurred at Montgomery Street Station on April 24, 2017.

Director Dufty entered the Meeting.

General Manager Grace Crunican reported on activities and meetings she had participated in and outstanding Roll Call for Introductions items.

The General Manager's Report was briefly discussed.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, brought the matter of State and Federal Legislative Update before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, and Ms. Amanda Cruz, Acting Program Manager of Legislative Affairs, presented the item.

Robert Allen addressed the Board.

The item was discussed.

Director McPartland moved that the Board support Senate Bill (SB) 614 (Hertzberg – Public Transportation Agencies: Administrative Penalties) if amended to remove changes to fines. Director Keller seconded the motion.

President Saltzman moved that the Board support Assembly Bill (AB) 179 (Cervantes – California Transportation Commission), AB 1640 (Garcia – Priority Funding for Transportation in Low-Income Communities), SB 150 (Allen – Regional Transportation Plans), SB 166 (Skinner – Residential Density and Affordability), and House Resolution 1664 (DeFazio – Investing in America: A Penny for Progress Act). Director Raburn seconded the motion, which carried by voice vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock.

Director Raburn moved that the Board support AB 1089 (Mullin – Local Elective Offices: Contribution Limitations). Director Josefowitz seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

Director Josefowitz moved that the Board support Assembly Constitutional Amendment 4 (Aguiar-Curry – Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval). President Saltzman seconded the motion, which carried by voice vote. Ayes – 6: Directors Dufty, Josefowitz, Keller, McPartland, Simon, and Saltzman. Noes – 2: Directors Allen and Raburn. Absent – 1: Director Blalock.

Returning to SB 614, Director Dufty moved that the Board support SB 614 as written. Director Josefowitz seconded the motion. The Board returned to the original motion, to support SB 614 if amended. The original motion failed by electronic vote. Ayes – 4: Directors Allen, Keller, McPartland, and Raburn. Noes – 4: Directors Dufty, Josefowitz, Simon, and Saltzman. Absent – 1: Director Blalock. The motion to support SB 614 as written carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Keller, Simon, and Saltzman. Noes – 3: Directors Allen, McPartland, and Raburn. Absent – 1: Director Blalock.

Director Josefowitz moved that the Board support AB 1113 (Bloom – State Transit Assistance Program). President Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

President Saltzman moved that the Board oppose AB 1509 (Baker – BART, Redirecting Existing Funds). Director Josefowitz seconded the motion, which carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock.

Director Josefowitz moved that that Board oppose AB 758 (Eggman/Baker – Tri-Valley – San Joaquin Valley Regional Rail Authority). President Saltzman seconded the motion. The item was discussed. Director Josefowitz called the question. President Saltzman seconded the motion. The motion to close debate carried by electronic vote. Ayes – 6: Directors Dufty, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 2: Directors Allen and McPartland. Absent – 1: Director Blalock.

The motion to opposed AB 758 carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Raburn, Simon, and Saltzman. Noes – 3: Directors Allen, Keller, and McPartland. Absent – 1: Director Blalock.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Update on Fare Evasion Reduction Initiatives before the Board. Mr. Oversier, Chief Jennings, and Mr. John McCormick, Department Manager, Operations Planning & Support, presented the item.

The following individuals addressed the Board.

Amanda Kahn Fried

Ellen Teapot

Connie Rainey

Jerry Grace

Eric Brooks

Sharma Tueis

The item was discussed.

Director Raburn, Chairperson of the Planning Committee, brought the matter of Wholesale Electricity Portfolio Policy before the Board. Ms. Holly Gordon, Sustainability Group Manager, presented the item.

The following individuals addressed the Board.

Rand Wrobel

Eric Brooks

The item was discussed. Director Josefowitz requested an additional bullet, "to achieve an average greenhouse gas emissions factor no greater than 100 pounds of carbon dioxide equivalent per megawatt hour through 2024," be added to the policy, and moved adoption of the amended policy. President Saltzman seconded the motion. Director Allen proposed a substitute motion, that the policy be adopted without the additional bullet. Director McPartland seconded the substitute motion, which failed by electronic vote. Ayes – 3: Directors Allen, McPartland, and Raburn. Noes – 5: Directors Dufty, Josefowitz, Keller, Simon, and Saltzman. Absent – 1: Director Blalock. The original motion carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock. (The BART Wholesale Electricity Portfolio Policy is attached and hereby made a part of these Minutes.)

Director Keller brought the matter of Sustainability Policy before the Board. Ms. Gordon presented the item. President Saltzman moved that the Board adopt the attached Sustainability Policy, which shall supersede the BART Sustainability Policy adopted in 2003. Director Dufty seconded the motion, which carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock. (The Sustainability Policy is attached and hereby made a part of these Minutes.)

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Fiscal Year 2018 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. President Saltzman moved that the Board direct staff to publish a Budget Pamphlet for Fiscal Year 2018 to be available for distribution no later than May 1, 2017; and that a public hearing on the Fiscal Year 2018 Preliminary Budget be set for Thursday, May 25, 2017, in the Board Room. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

Director Josefowitz brought the matter of Fiscal Year 2018 Preliminary Budget before the Board. Mr. Mau presented the item. The item was discussed.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Sole Source Procurement with Bombardier Transportation for Procurement of Program Stop/Identification Antenna Assemblies before the Board. Mr. Oversier presented the item. Director Dufty moved that the Board find, pursuant to Public Contract Code Section 20227, that Bombardier Transportation is the sole source for the procurement of Program Stop/Identification (PS/ID) Antenna and related hardware for the BART system; and that the General Manager be

authorized to enter into direct negotiations with Bombardier Transportation for the procurement of PS/ID Antenna and related hardware for an amount not to exceed \$1,003,650.00. Director Simon seconded the motion.

Sharma Tueis addressed the Board.

The item was discussed. The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

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

Director Keller requested the meeting be adjourned in memory of Ms. Jackalyne Pfannenstiel, wife of former Director Dan Richard.

Director Raburn reported he had testified at the Senate Transportation Committee in support of AB 680, and spoken at a meeting of the Silicon Valley Leadership Group.

Director McPartland reported he had met with Director Josefowitz and Assemblymember Catharine Baker at Dublin/Pleasanton Station, and had attended a Transportation Committee meeting in Sacramento.

Director McPartland requested the meeting be adjourned in memory of Mr. Don DeMarcus, husband of former Director Erlene DeMarcus.

Director Josefowitz reported he had met with Director McPartland and Assemblymember Catharine Baker at Dublin/Pleasanton Station.

Director Josefowitz requested a report on how BART checks and audits its emergency procedures and equipment, and recommendations on how these checks and audits can be improved. Director Keller seconded the request.

President Saltzman reported she had stayed across the street from the SEPTA headquarters in Philadelphia.

Director Simon thanked President Saltzman and the attendees for the evening meeting.

President Saltzman called for Public Comment. The following individuals addressed the Board.

Eric Brooks

Jerry Grace

The Meeting was adjourned at 9:35 p.m. in memory of Jackalyne Pfannenstiel and Don DeMarcus.

Kenneth A. Duron
District Secretary

BART Wholesale Electricity Portfolio Policy

Vision:

The San Francisco Bay Area Rapid Transit District (BART) plays a critical role in affecting the environmental footprint of the Bay Area's overall transportation sector, by providing an alternative to driving that is affordable, accessible, convenient and environmentally-friendly. BART has wide latitude in designing its wholesale electricity portfolio, and has a responsibility to manage its electricity purchases to advance sustainability goals while supporting low and stable operating costs. This BART Wholesale Electricity Portfolio Policy is designed to guide BART's electric portfolio design activities to support these goals and maintain BART's role as a transit leader.

Goals:

1. Support low and stable BART operating costs:
 - Actively and continually seek cost-competitive supply opportunities.
 - Strategically balance short-term, medium-term and long-term contracting arrangements to support stable and predictable energy costs.
 - Prioritize a supply portfolio that closely aligns with BART's electricity demand profile.
 - Prioritize a long-term predictable electricity cost structure that encourages transportation mode-switching.
2. Maximize the use of low-carbon, zero-carbon and renewable electricity supply:
 - Support state climate policies by prioritizing purchases from supply sources with very low or zero greenhouse gas ("GHG") emissions factors.
 - Support state renewable policies by prioritizing purchases from sources that qualify as renewable under criteria set by state law ("Eligible Renewable").

Performance Measures:

1. Maintain a long-term cost advantage compared to rates that BART would otherwise pay as a bundled utility customer; and
2. Maintain per unit energy costs within BART's Short Range Transit Plan (S RTP) projections; and
3. Achieve a portfolio that:
 - Has an average emission factor no greater than 100 lbs-CO₂e/MWh during the period 2017 through 2024 (inclusive).
 - Is from at least 50% Eligible Renewable sources and from at least 90% low and zero carbon sources by 2025.
 - Is 100% from zero carbon sources by 2035.
 - Is 100% from Eligible Renewable sources by 2045.

BART Sustainability Policy

Vision:

The San Francisco Bay Area Rapid Transit District (BART) is committed to advancing regional sustainability by providing safe, affordable, equitable, and environmentally-friendly transit to move people to jobs, recreation and services. BART incorporates cost-effective sustainability through fulfillment of the following goals:

Goals:

1. Advance smart land use, livable neighborhoods and sustainable access to transit by implementing:
 - the District's Station Access policy.
 - the District's Transit-Oriented Development policy.
2. Choose sustainable materials, construction methods, and operations practices by:
 - Adopting standards, designing projects, and purchasing products and services to minimize ongoing maintenance and reduce waste.
 - Considering net embodied energy; incorporating efficient construction, deconstruction, and recycling practices; and including local businesses.
3. Use energy, water, and other resources efficiently by:
 - Achieving 100% renewable electricity supply through on- and off-site sources.
 - Reducing energy use, water use, and consumption of other resources at all BART facilities and in non-revenue vehicles, through resource-efficient equipment, systems, and practices.
 - Designing new facilities to be resource efficient.
4. Reduce harmful emissions and waste generation by:
 - Powering non-electric facilities and vehicles with sources generating the lowest feasible greenhouse gas emissions and criteria air pollutants.
 - Reducing, reusing, and recycling materials, including hazardous and non-hazardous materials.
 - Managing wastewater and stormwater comprehensively, including strategies to re-use water safely.
5. Respond to risks from extreme weather, earthquakes, and other potential disruptions by:

April 19, 2017

- Assessing and addressing resilience in projects and operations to ensure BART is prepared for disturbances most likely to happen in the future, including impacts from climate change.
 - Implementing hazard mitigation strategies that contribute to community safety.
6. Improve patron and employee health and experience by:
- Choosing the safest possible materials and design strategies for trains, facilities, and systems.
 - Controlling noise to improve rider experience and reduce impacts on nearby residents and businesses.
 - Providing clean and comfortable stations and trains that are easy to navigate, while functioning smoothly.
 - Implementing programs for BART employees to decrease their environmental impact.
7. Serve as a leader in sustainability for transit agencies and the communities that BART serves by reducing BART's environmental footprint and encouraging other organizations and institutions to act similarly.

Strategies:

Commitment: Participate in the American Public Transportation Association (APTA) Sustainability Commitment or equivalent programs, and strive to achieve the highest level of recognition.

Action and Updates: Develop a Sustainability Action Plan to implement this policy, including specific actions, implementation strategies, decision making, and metrics. Review both the Plan and Policy at least every five years.

Standards: Identify the best available sustainable practices and standards and incorporate them into the BART Facilities Standards (BFS).

Partnerships: Develop partnerships with federal, state, regional and local agencies, community organizations and others to implement this Policy.

Engagement: Engage staff and riders in achieving the goals set out in this Policy. Listen to ideas and share information about progress with District staff and the public. Partner with community organizations and consider input from community members when identifying sustainability actions.

Environmental and Sustainability Management System (ESMS): BART is committed to continual improvement of an ESMS to enhance environmental performance, protect the environment, and fulfill applicable legal and other requirements.

Innovation: Take advantage of emerging technologies that support sustainable practices.

**ADMINISTRATION,
WORKFORCE,
and
LEGISLATION
MATERIAL**

May 11, 2017



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>10 April 2017</i> <i>Robert M. Powers</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/6/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tim Lohrentz Dept: Office of Civil Rights Signature/Date: <i>Tim Lohrentz</i> <i>4/7/17</i>	General Counsel <i>[Signature]</i> <i>4/7/17</i> []	Controller/Treasurer <i>Chin Gow</i> <i>4/7/17</i> []	District Secretary []	BARC <i>Powers</i> <i>10 April 2017</i> []

PROPOSED SMALL BUSINESS PROGRAM MODIFICATIONS

PURPOSE: To request that the Board adopt the modifications to the BART Small Business (SB) Program as authorized by California Public Contract Code (PCC) Section 2002, to include a local small business preference

DISCUSSION:

In September 2011, the District approved an SB Program for non-federally funded contracts and implemented the program in January 2013. The SB Program is based on bid preferences for SB Prime Bidders and, in larger contracts, for Bidders that meet an SB Subcontractor Participation goal. Under the current SB Program for contracts of less than \$10,000,000, the program provides an SB Prime Preference of up to 5% of the lowest responsive Bidder's price, up to a maximum of \$250,000. For Contracts of over \$10,000,000, the program provides the Prime Bidders that meet an SB Subcontractor Participation goal with a preference of up to 5% of the lowest responsive Bidder's price up to \$1,000,000. Disabled Veteran Business Enterprises (DVBES) certified by the California Department of General Services are considered SBs for this program.

In 2013 the State of California modified PCC §2002 to authorize local governments to include a local business preference as part of a small business program. With the passage of the BART Measure RR Bond by voters in Alameda, Contra Costa, and San Francisco counties in 2016, one of BART's goals is to maximize opportunities for local small businesses within those three respective counties. In part, BART can help achieve this goal by adding a local small business component to its existing SB Program.

The proposed modifications to the SB Program are as follows:

PROPOSED SMALL BUSINESS PROGRAM MODIFICATIONS (cont.)

1. To decrease the range where the SB Subcontractor Participation Goal applies from \$10,000,000 or larger to \$5,000,000 or larger. For contracts between \$5,000,000 and \$10,000,000, staff will decide which SB Preference – the SB Prime Preference or the SB Subcontractor Participation Goal – will be applied to the contract prior to the Invitation to Bid, depending on subcontracting opportunities and the potential for SBs to bid as prime contractors.
2. To add a local small business preference to the Small Business program when contracts are funded by BART Measure RR. The Local Small Business status would be limited to firms located in the three counties of Alameda, Contra Costa, and San Francisco. SBs and DVBES certified by the California Department of General Services and whose principal place of business is located within the three counties would be recognized as a Local Small Business (Local SB), with the location to be verified by BART. Contracts with BART Measure RR funding would have the following Local SB preference features:
 1. For Contracts under \$5,000,000, bidders which are Local SBs will be granted a Prime Preference of 5% of the Bid Price of the lowest responsible Bidder up to a maximum of \$250,000.
 2. For Contracts between \$5,000,000 and \$10,000,000, staff will decide if a Contract has a Local SB Prime Preference or a Local SB Subcontractor Participation Goal. For Contracts with a Local SB Prime Preference, bidders which are Local SBs will be granted a Prime Preference of 5% of the Bid Price of the lowest responsible Bidder up to a maximum of \$500,000. For Contracts with a Local SB Subcontractor Participation Goal, bidders will be granted a Prime Preference of 5% of the Bid Price of the lowest responsible Bidder if the bidder meets the Local SB Subcontracting Goal, up to a maximum of \$500,000.
 3. For Contracts greater than \$10,000,000, bidders will be granted a Prime Preference of 5% of the Bid Price of the lowest responsible Bidder if the bidder meets the Local SB Subcontractor Participation Goal, up to a maximum of \$1,500,000.

FISCAL IMPACT: To date, the actual total cost to cover the SB Bid Preferences during the first four years of the SB program has been less than \$30,000. Adding a Local SB preference to the SB Program may cause a net increase in fiscal impact although the proposal also has impacts that could decrease the cost of the SB bid preference. SB preferences are paid through the project budget.

ALTERNATIVES: The alternative is not to adopt the modifications and to maintain the SB Program as it is, with no local small business preference.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION:

The Board hereby adopts the modifications to BART's Small Business Program for non-Federal Contracts by adding a Local Small Business Preference on contracts that are funded in part or in whole by BART Measure RR, for firms located in the counties of Alameda, Contra Costa, and San Francisco, that meet either the SB Prime Preference or the SB Subcontractor Participation Goal.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/17/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steven Shatz Dept: Insurance	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/3/17	<i>[Signature]</i> 5/4/17	<i>[Signature]</i> 5/2/17	[]	<i>Powers</i> <i>4 MAY 2017</i> []

Agreement No. 6M2061 Public Liability Claims Adjusting Services

Purpose:

To obtain Board authorization for the Controller-Treasurer to award Agreement No. 6M2061 to George Hills Co. of Rancho Cordova, CA.

Discussion:

The Risk & Insurance Management Department uses a public liability claims adjuster to investigate claims, evaluate their merits and negotiate settlements of certain claims on behalf of the District. If litigation ensues, the adjuster will also process and pay legal invoices that have been incurred in the defense of the litigation. Monthly loss runs and ad-hoc reports are also provided by the adjuster when requested. A Source Selection Plan based on the Best Value methodology was developed for this Agreement. Under this approach, the District retained the right to award to other than the lowest cost proposal, based upon a determination that certain technical advantages available from a proposal will equate to added value to the District.

Prior to the release of the Request for Proposals (RFP), Advance Notice to Proposers was sent to eight (8) claim service organizations identified by the Risk & Insurance Management Department. The RFP was posted on the BART Procurement Portal and also advertised on January 12, 2017. A pre-proposal meeting was held on January 27, 2017 with four firms attending. Proposals were received on February 28, 2017 from two firms: George Hills Co. and Carl Warren & Co.

An evaluation committee comprised of representatives from the Risk & Insurance

Management Department and a subject matter expert from the risk and insurance industry reviewed and evaluated the proposals. The committee was chaired by a representative of Contract Administration. Proposals were first reviewed for responsiveness to the requirement of the RFP. Then the proposals were reviewed and scored based on the following factors: experience of staff; experience with liability claims against public entities; experience with public transportation (especially rail transit); effective team management; and risk management information system capabilities. Based on the written scoring and in accordance with the evaluation procedures established in the RFP, both proposers, George Hills Co. and Carl Warren & Co. were ranked as being in the competitive range and were invited for the oral interview phase of the selection process.

Oral interviews were conducted on March 9, 2017. After the oral interviews, the written and oral evaluation scores were combined. The committee then conducted a best value analysis, in which the cost data for the proposer with the highest combined score was evaluated to determine if it provided the best value to the District. George Hills Co. was determined to have the highest overall score and was also the proposer with the lowest price, therefore providing the best value to the District.

The proposal submitted by George Hills Co. has been determined to be responsive to the solicitation and the prices offered are fair and reasonable. A review of the firm's financial and business data indicates that it is also a responsible firm. Based on the Best Value Analysis, George Hills Co. is recommended.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBE's and 20% for WBE's. The proposer will not be sub-contracting any work and will do all the work with its own forces. Consequently, the District's Non-Discrimination in Subcontracting Program does not apply.

The Office of the General Counsel will review and approve the Agreement as to form.

Fiscal Impact:

The maximum compensation under this Agreement will not exceed \$459,900 for the three-year term of the contract with two (2) one-year options for up to \$162,200 for each option year. The total maximum compensation will not exceed \$784,300 for the full five-year term. This Agreement will be funded by the Risk & Insurance Management Department's Operating Budget for the term of the Agreement.

Alternative:

The alternative is to not award this Agreement and re-bid the services. The current Agreement expires on May 31, 2017. Failure to appoint a claims adjustment firm may result in the District's inability to comply with its obligation to respond to claims. The Risk & Insurance Management Department does not have the resources to provide these services.

Recommendation:

Adopt the following motion.

Motion:

That the Controller-Treasurer is authorized to award Agreement No. 6M2061 to George Hills Co. for public liability claims adjusting services for a not to exceed amount of \$459,900, pursuant to notification to be issued by the Controller-Treasurer and subject to the District's protest procedures. Furthermore, that the Controller-Treasurer is authorized to exercise two options for a not to exceed amount of \$162,200 each.

**FINANCE,
BUDGET,
AND
BOND OVERSIGHT
MATERIAL**

May 11, 2017

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 5, 2017

FROM: General Manager

SUBJECT: Bond Implementation Plan Update

The attached presentation provides an update on the status of the Measure RR Bond Implementation Plan. Staff made its initial presentation on this matter at the January 2017 Board Workshop. Over the last few months, Maintenance & Engineering and Planning, Development, & Construction staff have refined the scope of the projects that were presented at the Workshop and have developed detailed cashflow projections for them. These cashflow projections served as the major input in establishing the size of the initial \$300 million Measure RR Bond issue scheduled for this Spring.

The presentation also provides a greater level of detail than previously available on the approach, scope and the cashflow of the projects recommended for funding from the Measure RR Station Access program.

This item was presented to the BART Board Finance, Budget, and Bond Oversight Committee on April 18, 2017.

If you have any questions about the attached information, please contact Robert Powers at 510-464-6126.

Robert M. Powers

for Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

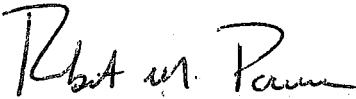
DATE: May 5, 2017

FROM: General Manager

SUBJECT: Fiscal Year 2018 Sources, Uses, Service Plan and Capital Budget

Attached is the FY18 Budget presentation that will be presented to the Board at the May 11, 2017 meeting as an informational item.

If you have any questions about the document, please contact Carter Mau, at 510-464-6194.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**OPERATIONS
AND
SAFETY
MATERIAL**

May 11, 2017



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 3 May 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 3/17/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP	General Counsel <i>[Signature]</i> 4/13/17 []	Controller/Treasurer <i>[Signature]</i> 4/13/17 []	District Secretary []	BARC <i>[Signature]</i> 5/1/17 []
Signature/Date: <i>[Signature]</i> 4-13-17				

Contract No. 79HM-120 SFTS MB, Change Order No. 41 Part 2, Additional Weld Test Requirements

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 41 Part 2, Additional Weld Test Requirements, to Contract No. 79HM-120, in the amount not to exceed \$369,639.00.

DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. was authorized by the Board on February 12, 2015; Notice to Proceed was issued on May 19, 2015. This proposed Change Order No. 41 Part 2 for additional weld test requirements will be issued for an amount not-to-exceed \$369,639. The District has previously issued Change Order No. 41 Part 1 for the amount of not-to-exceed \$100,000.00 and Change Order No. 41.1 Part 1 for the amount of not-to-exceed \$100,000.00 to initiate some of the welding revisions. The following table summarizes the District's financial commitments for all elements of Change Order No. 41.

Change Order 41 Part 1	\$100,000.00	Issued
Change Order 41.1 Part 1	\$100,000.00	Issued
Change Order 41 Part 2	\$369,639.00	Pending Approval
Total Commitment	\$569,639.00	

The original Contract for SFTS MB included insufficient requirements for welding

inspection and weld repair requirements. The work of Change Order No. 41 revises the welding inspection requirements to provide clear direction for welding inspection and repair of the welding at the main connections for the MB frames; these requirements meet the intent of the designers when they created the original Contract Documents.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$369,639.00 for Contract No. 79HM-120 Change Order No. 41 Part 2 will come from project budget 79HM000 Transition Barriers. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of March 29, 2017, \$99,137,388 is available for this project from the following fund sources:

FUNDING SOURCES	
FEDERAL	\$81,835,233
BART	\$99,672
REGIONAL	\$4,434,499
STATE	\$12,767,934
TOTAL	

BART has expended \$69,661,425 and committed \$24,826,774 to date for other actions. This action will commit an additional \$369,639 leaving an uncommitted balance of \$4,279,500 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

Contract No. 79HM-120 SFTS MB, Change Order No. 41 Part 2, Additional Weld Test Requirements

The General Manager is authorized to execute Change Order No. 41 Part 2, Additional Weld Test Requirements, in the not-to-exceed amount of \$369,639.00 to Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

3/29/2017

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 41

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 2/28/17	60.40%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	4.82%	\$ 2,394,503	
Other Than Board Authorized COs <i>see note *</i>	4.49%	\$ 2,231,523	
This Change Order No. 41	0.74%	\$ 369,639	
Subtotal of all Change Orders	10.05%	\$ 4,995,665	
<u>Revised Contract Amount</u>			<u>\$ 54,681,665</u>

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	94	days
Time Extension Due to this CO 41	0	days
Revised Contract Duration	824	days

DBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	15.35%
Projected DBE Participation excluding this Change Order	13.40%
This Change Order No. 41	0.00%
Contract 79HM-120 DBE Participation Commitment	1.95%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 3 May 2017		GENERAL MANAGER ACTION REQ'D:	
DATE: 4/21/2017		BOARD INITIATED ITEM: Yes	
Originator/Prepared by: Isaac Lim Dept: District Architect <i>Isaac Lim</i> Signature/Date: 5/2/17	General Counsel <i>W. B. [Signature]</i> 5/2/17 []	Controller/Treasurer <i>[Signature]</i> 5/2/17 []	District Secretary BARC <i>Paul Chenier</i> 5/3/17 []

Contract No. 59CT-120, Wayfinding Improvements Phase III, Change Order No. 7, Capitol Corridor Transit Information Displays

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 7, Capitol Corridor Transit Information Displays, to Contract No. 59CT-120, Wayfinding Improvements Phase III, for an amount not to exceed \$480,000.00.

DISCUSSION:

Award of Contract No. 59CT-120, Wayfinding Improvements Phase III, to L C General Engineering and Construction was authorized by the Board on January 28, 2016, in the amount of \$7,040,757.00. Notice to Proceed was granted on May 4, 2016. Change Order No. 7 for Capitol Corridor transit information displays will be issued for an amount not to exceed \$480,000.00.

The work to be performed under Change Order No. 7 involves removal of existing display cases and fabrication and installation of display cases at eight (8) Capitol Corridor stations. This additional work is needed to allow Capitol Corridor to display additional safety and wayfinding information at these eight (8) Capitol Corridor stations. The new displays will improve safety and convenience for Capitol Corridor passengers.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Office of General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of the not to exceed amount of \$480,000 for Change Order No.7 for Contract # 59CT-120 is included in total project budget for FMS # C29LQ00 – Safety and Informational Signage Project. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of May 1, 2017, \$650,000 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Amount
7AA1	FY16 CCRP	CCJPA	650,000
Total			650,000

BART has expended \$0 committed \$0 and reserves \$0 to date for other action. This action will commit \$480,000 leaving an available fund balance of \$170,000 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If this Change Order is not approved, it would be necessary to solicit a separate contract for this work. The funding identified by the Capitol Corridor Joint Powers Authority has a deadline of June 30, 2018 for completion and final billing. It is not likely that construction and installation work could be completed under a new contract given the limited time horizon for the funding. Therefore, the alternative would mean that the project could not be constructed, and the improvements to safety and convenience for Capitol Corridor passengers would not be implemented.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 7, Capitol Corridor Transit Information Displays, in the not to exceed amount of \$480,000.00 to Contract No. 59CT-120, Wayfinding Improvements Phase III, with L C General Engineering and Construction, Inc.

San Francisco Bay Area Rapid Transit District

EXECUTIVE DECISION DOCUMENT

Date: 04/07/17

ATTACHMENT #1

CO No: 7

CONTRACT NO. 59CT-120

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Wayfinding Improvements Phase 3
Name of Contractor:	LC General Engineering and Construction Inc.
Contract No./NTP:	59CT-120/May 4, 2016
Contract Description:	Wayfinding improvements at 16 stations
Percent Complete as of 4/7/2017 – Dollars	30.00%
Percent Complete as of 4/7/2017 – Time	68.97%

COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Amount			\$7,040,757.00
Option Award			
Change Orders:	0.00%	\$ 0.00	
Other than Board Authorized CO's	-0.02%	\$ -137,650.00	
This Change Order No. 7 (Board Authorized)	6.82%	\$ 480,000.00	
Subtotal of All Change Orders	6.80%	\$ 342,350.00	
<u>Revised Contract Amount</u>			\$7,383,107.00

SCHEDULE

Original Contract Duration:	490 days
Time Extension to Date:	0 days
Time Extension Due to Approved COs:	30 days
Revised Contract Duration:	520 days

PLANNING MATERIAL

May 11, 2017

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors

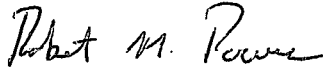
DATE: May 5, 2017

FROM: General Manager

SUBJECT: North Concord to Antioch Access Study and Brentwood Transit Center

At the May 11th Board Meeting, staff will provide an update on the North Concord to Antioch Access Study (C-Line Access Study) and the Brentwood Transit Center. This item was presented during the April 18th Planning Standing Committee, and Committee input has been incorporated. The C-Line Access Study addresses station access impacts at outer C-line and eBART stations, with attention towards improving connections to regional trails. The C-Line Access Study complements the recommendations of the eBART Next Segment Study, a pre-feasibility analysis that evaluated possible locations for a Brentwood Transit Center. The Transit Center could be served initially by Tri Delta Transit, and possibly served in the future by an extension of eBART from Antioch. Access improvements are planned at the preferred site -- near the Mokelumne Trail and Highway 4 -- including construction of the Mokelumne Trail Pedestrian and Bicycle Bridge.

Please contact Bob Powers if you have questions.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Let it Run 5 May 2017</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/31/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ellen Smith Dept: Planning <i>ellen-sm</i> Signature/Date: <i>5/5/17</i>	General Counsel <i>[Signature]</i> <i>5/5/17</i> []	Controller/Treasurer <i>[Signature]</i> <i>5/5/17</i> []	District Secretary []	BARC <i>[Signature]</i> <i>5.5.17</i> []

Resolution of support for Brentwood Transit Center and Mokelumne Trail Bridge

Title: Resolution of Support for Brentwood Transit Center and Mokelumne Trail Bridge

Purpose:

Board adoption of a resolution supporting Brentwood Transit Center and construction of the Mokelumne Trail Bridge

Discussion:

The currently under-construction eBART Project is an expansion of BART service into East Contra Costa County. The project runs in the median of State Highway 4 (SR 4) from the Pittsburg/Bay Point Station, through the new Pittsburg Center Station, to the Antioch Station near Hillcrest Avenue. It is anticipated that service for this 10-mile extension will commence in May 2018.

In 2014 BART completed its pre-feasibility "Next Segment Study," exploring options for the extension of eBART beyond the Phase I terminus Antioch Station at Hillcrest Avenue. The goal of the study was to identify the most suitable alignment for a possible future extension, and location of the next terminus station. Six locations were studied and it was determined that a location near where the Mokelumne Coast to Crest Multi-use Trail intersects with SR 4 in Brentwood is the preferred terminus of a future eBART extension.

In conjunction with this study, BART conducted a major public and stakeholder outreach effort, discussing the study at over 20 public meetings.

The conceptual plan for the Brentwood Transit Center involves construction of a transit

facility on the west side of Highway 4. The rail access would be down the median of SR 4 from the Antioch Station to the Brentwood Transit Center. It would be accessible via the Mokelumne Trail, bus and auto, and the facility would be served by Tri Delta Transit buses. In the future, the transit center could be upgraded and accessible via eBART.

In 2016, the Board of Directors took an action to include the project on BART's list of recommended projects for the Plan Bay Area 2040, and the project (referred to as the "East Contra Costa Transit Extension Brentwood Station") is included in Plan Bay Area 2040, and the current Regional Transportation plan (RTP), with a small dollar amount (\$12 million).

On February 15, 2017, the Contra Costa Transportation Authority adopted a list of projects to be funded by a possible future Regional Measure 3, and included the Brentwood Transit Center on the list at \$52 million.

In compliance with our Access Policy, a transit center near Brentwood's Mokelumne Trail and State Route 4 would support policy objectives by connecting Brentwood, Oakley and Antioch residents to the BART system by all modes.

Brentwood's General Plan designates the vicinity where a future Brentwood Transit Center is contemplated as Priority Area 1 (PA-1), and states "Land use plans for this area should contemplate a future transit facility that could accommodate a future eBART station and/or park-and-ride facility..." Brentwood anticipates completion of a Specific Plan and related Environmental Impact Report (EIR) for the PA-1 Specific Plan by summer of 2018.

On March 14, 2017, the Brentwood City Council unanimously adopted a Resolution that:

1. Supports the exploration of the East Contra Costa Transit Extension Brentwood station with the potential station site near the intersection of the Mokelumne Trail and SR 4.
2. Supports construction of the Mokelumne Trail pedestrian and bicycle bridge over State Route 4 for access to the interim and future stations.
3. Authorizes the City Manager, or his designee(s) to facilitate these projects and work with BART, CCTA, Tri Delta Transit and all other relevant agencies to plan and construct the interim transit station and access bridge, and to implement bus transit service from Brentwood to Antioch.

This resolution is intended to support the Brentwood Transit Center and Mokelumne Trail Bridge.

Fiscal Impact:

There is currently no fiscal impact. Any future activity that includes a fiscal impact will be brought to the Board of Directors for discussion.

Alternatives:

Do not support the Brentwood Transit Center and Mokelumne Trail Bridge.

Recommendation:

It is recommended that the BART Board adopt the attached Resolution.

Motion:

The BART Board adopts the attached resolution in the matter of support of the Brentwood Transit Center and Mokelumne Trail Bridge.

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

**In the Matter of Support for the
the Brentwood Transit Center and
Mokelumne Trail Bridge /**

RESOLUTION NO. _____

WHEREAS, the eBART Project represents an expansion of BART service into East Contra Costa County, and is currently in construction between the Pittsburg/Bay Point BART Station and the future Antioch Station; and

WHEREAS, eBART will provide East Contra Costa County with rail service that will connect the growing region of East Contra Costa County with areas already served by BART, and allows safe and convenient travel with access for all users, including seniors, persons with disabilities, children, youth, families, students, pedestrians and bicyclists; and

WHEREAS, the eBART Next Segment Study explored the options for an extension of the eBART project beyond the Antioch Station at Hillcrest Avenue with the goal of identifying the most suitable alignment for a potential extension and the location of a potential new station beyond Antioch Station; and

WHEREAS, as part of the Next Segment Study, BART conducted public and stakeholder outreach, including over 20 public meetings, 17 of which were at elected body meetings, including meetings with City Councils in each of the corridor cities, four meetings with the eBART Partnership Policy Advisory Committee (ePPAC) and two meetings with the Contra Costa Transportation Authority, and a town-hall style meeting at Brentwood City Hall where the public was given the opportunity to review information on the project, interact with project team members and provide input; and

WHEREAS, BART's Station Access Policy, adopted June 2016, seeks to promote safe access to BART, invest in active transportation modes to improve public health, prioritize sustainable access modes with the lowest greenhouse gas and pollutant emissions per trip, and to reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers, and a transit center in Brentwood would support BART's Station Access Policy objectives by connecting Brentwood, Oakley and Antioch residents to the BART system by all modes; and

WHEREAS, the State of California Department of Transportation states that it "views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system;" and

WHEREAS, the California Global Warming Solutions Act of 2006 (known as AB 32) sets a mandate for the reduction of greenhouse gas emissions in California, and the Sustainable Communities and Climate Protection Act of 2008 (known as SB375) requires emissions reductions through coordinated regional planning that integrates transportation, housing, and land-use policy, and achieving the goals of these laws will require significant increases in travel by public transit, bicycling, and walking; and

WHEREAS, in July of 2014, the Brentwood City Council adopted the Brentwood General Plan, which designates a 430-acre area in the northwest corner of the city as Priority Area 1 (PA-1), including properties on the east and west sides of State Route 4 SR (SR4) between Lone Tree Way and Sand Creek Road, and the General Plan states "Lands within PA-1 adjacent to and in close proximity to SR 4 and the SR 4 interchange shall be reserved exclusively for jobs-generating and commercial uses. Residential uses may be allowed adjacent to and in close proximity to SR 4 if such residential uses are directly incorporated into commercial and/or business park development projects as vertical mixed-use residences... Land use plans for this area should contemplate a future transit facility that could accommodate a future eBART station and/or park-and-ride facility..." and the plan's Circulation Element further calls to "ensure that effective linkages are in place between any future mass transit facility (e.g. eBART) and the City's primary activity and employment centers," and

WHEREAS, the City of Brentwood anticipates completion of Specific Plan and related Environmental Impact Report (EIR) for PA-1 by summer of 2018, and city and BART staff will be partnering in planning for a future transit facility through the Specific Plan and EIR process; and

WHEREAS, the Contra Costa Transportation Authority is sponsoring the State Route 4 (SR 4) Mokelumne Trail/Pedestrian Overcrossing project, and as part of the Mokelumne Coast to Crest Multiuse Trail, and this project will construct a pedestrian and bicycle bridge over SR 4, and provide direct access to the proposed Brentwood Transit Center site; and

WHEREAS, Mokelumne Trail is in place on each side of SR 4, but the overpass itself is not fully funded; and

WHEREAS, on March 14, 2017 the Brentwood City Council unanimously adopted a Resolution supporting the findings and recommendations in the eBART Next Segment Study, and stating that the preferred location for the Brentwood Transit Center is near the intersection of the Mokelumne Trail and SR 4, and supporting the construction of the Mokelumne Trail pedestrian and bicycle bridge over SR 4 for access to an interim and possible future station.

NOW, THEREFORE, BE IT RESOLVED that the BART Board of Directors Supports the advancement of the Brentwood Transit Center on the condition that the Mokelumne Trail Bridge is constructed; and be it further:

RESOLVED, that the Board supports the interagency exploration of the Brentwood Transit Center near the intersection of the Mokelumne Trail and State Route 4; and be it further

RESOLVED, that the Board supports construction of the Mokelumne Trail pedestrian and bicycle bridge over State Route 4 for access to the Brentwood Transit Center.

RESOLVED, that the Board authorizes the General Manager, or her designee(s) to work with the City of Brentwood, CCTA, Tri Delta Transit and all other relevant agencies to advance planning of the Mokelumne Trail Bridge, and the Brentwood Transit Center; and be it further

RESOLVED, that the Board authorizes the General Manager to incorporate the potential for a future eBART station site into the planning for the Brentwood Transit Center in the ongoing Specific Plan work led by Brentwood, but does not at this time authorize the General Manager, or her designee(s), to work with the City of Brentwood, CCTA, Tri Delta Transit and all other relevant agencies to advance planning for a potential eBART extension beyond Antioch Station.

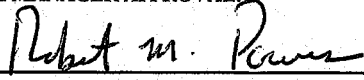
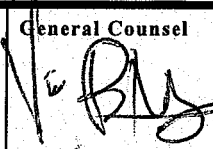


Adopted on _____, 2017

###

BOARD MATTERS



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/4/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Labor Relations	General Counsel 	Controller/Treasurer 	District Secretary	BARC
Signature/Date:  5/5/17	5/5/17 []	5/5/17 []	[]	[]

2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Amalgamated Transit Union, Local 1555

PURPOSE:

To approve the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Amalgamated Transit Union, Local 1555, as generally described in the attached Summary of Major Elements of Proposed Agreement. This Tentative Agreement covers the Train Engineer job classification, which was developed for eBART only.

DISCUSSION:

eBART is a 10-mile extension of BART-quality service from the existing Pittsburg/Bay Point Station to Hillcrest Avenue in Antioch, expected to begin service in May 2018. eBART will use Diesel Multiple-Unit (DMU) trains, a technology with a lower cost than conventional BART.

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only; not incorporated in to the Labor Agreement covering most BART workers.
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of eBART and emphasis on customer service
- Streamlined Grievance and Discipline Processes

- Flexible work rules for scheduling and assignments
- Wages, Medical and Pension Benefits same as all District employees

The eBART employees who will be represented by ATU and subject to the Agreement ratified this Tentative Agreement on May 3, 2017.

FISCAL IMPACT:

There is no fiscal impact.

ALTERNATIVES:

If the Board does not approve the Collective Bargaining Agreement, the parties will be required to continue negotiating to reach a new tentative agreement.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The Board approves and authorizes the General Manager to execute the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Amalgamated Transit Union, Local 1555.

Summary of Major Elements of Proposed Agreement:

2017 – 2022 Collective Bargaining Agreement for eBART employees
between the District and the Amalgamated Transit Union, Local 1555

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only
- Wages, Medical, Pension and other Benefits the same as all District employees
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of eBART and emphasis on customer service
- Streamlined Grievance and Discipline Processes including "sunset" provisions
- Overtime limited to hours worked over 8 in a day or 40 in a week; no double time
- Flexible work rules for scheduling and assignments, including:
 - Ability to mandate overtime for shift coverage
 - Ability to utilize split shift schedules
 - Ability to utilize 4/10 work week schedules
 - Ability to build in overtime up to a 9-hour day for a regular 8/8 work week, and up to a 10.5-hour day for a 4/10 work week
 - Limited vacation time carryover and annual cash-out for unused floating holidays

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

In the Matter of Ratifying the 2017 - 2022
Collective Bargaining Agreement between the
District and the Amalgamated Transit Union /

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Amalgamated Transit Union, Local 1555, as generally described in the attached Summary of Major Elements of Proposed Agreement, dated May 4, 2017; and

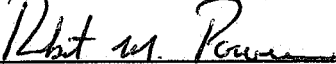
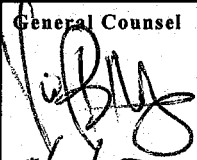
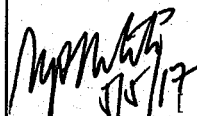
BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

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Adopted _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/4/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Labor Relations	General Counsel  5/5/17 []	Controller/Treasurer  5/5/17 []	District Secretary []	BARC []

2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the American Federation of State, County and Municipal Employees, Local 3993

PURPOSE:

To approve the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the American Federation of State, County and Municipal Employees, Local 3993, as generally described in the attached Summary of Major Elements of Proposed Agreement. This Tentative Agreement covers the Supervisor of Operations job classification, which was developed for eBART only.

DISCUSSION:

eBART is a 10-mile extension of BART-quality service from the existing Pittsburg/Bay Point Station to Hillcrest Avenue in Antioch, expected to begin service in May 2018. eBART will use Diesel Multiple-Unit (DMU) trains, a technology with a lower cost than conventional BART.

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only; not incorporated in to the Labor Agreement covering most BART workers.
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of

- eBART and emphasis on customer service
- Streamlined Grievance and Discipline Processes
- Flexible work rules for scheduling and assignments
- Wages, Medical and Pension Benefits same as all District employees

AFSCME has indicated that the current eBART employees who will be subject to the Agreement will vote to ratify this Tentative Agreement on May 9, 2017.

FISCAL IMPACT:

There is no fiscal impact.

ALTERNATIVES:

If the Board does not approve the Collective Bargaining Agreement, the parties will be required to continue negotiating to reach a new tentative agreement.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The Board approves and authorizes the General Manager to execute the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the American Federation of State, County and Municipal Employees, Local 3993.

Summary of Major Elements of Proposed Agreement:

2017 – 2022 Collective Bargaining Agreement for eBART employees between
the District and the American Federation of State, County and Municipal Employees, Local 3993

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only
- Wages, Medical, Pension and other Benefits the same as all District employees
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of eBART and emphasis on customer service
- Streamlined Grievance and Discipline Processes including "sunset" provisions
- Overtime limited to hours worked over 8 in a day or 40 in a week; no double time
- Flexible work rules for scheduling and assignments, including:
 - Ability to mandate overtime for shift coverage
 - Ability to utilize 4/10 work week schedules
 - Ability to build in overtime up to a 9-hour day for a regular 8/8 work week, and up to a 10.5-hour day for a 4/10 work week
 - Option to create a split shift schedule following meet and confer with the Union
 - Limited vacation time carryover and annual cash-out for unused floating holidays

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

In the Matter of Ratifying the 2017 - 2022

Collective Bargaining Agreement between the

District and the American Federation of State, County and Municipal Employees /

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the American Federation of State, County and Municipal Employees, Local 3993, as generally described in the attached Summary of Major Elements of Proposed Agreement, dated May 4, 2017; and

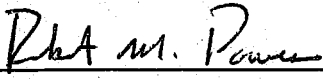
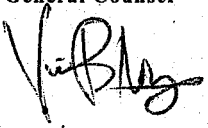

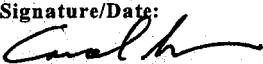
BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

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Adopted _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/4/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Labor Relations	General Counsel 	Controller/Treasurer 	District Secretary	BARC
Signature/Date:  5/5/17	5/5/17 []	5/11/17 []	[]	[]

2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Service Employees International Union, Local 1021

PURPOSE:

To approve the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Service Employees International Union, Local 1021, as generally described in the attached Summary of Major Elements of Proposed Agreement. This Tentative Agreement covers the Train Engineer job classification, which was developed for eBART only.

DISCUSSION:

eBART is a 10-mile extension of BART-quality service from the existing Pittsburg/Bay Point Station to Hillcrest Avenue in Antioch, expected to begin service in May 2018. eBART will use Diesel Multiple-Unit (DMU) trains, a technology with a lower cost than conventional BART.

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only; not incorporated in to the Labor Agreement covering most BART workers.
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of eBART and emphasis on customer service

- Streamlined Grievance and Discipline Processes
- Flexible work rules for scheduling and assignments
- Wages, Medical and Pension Benefits same as all District employees

The eBART employees who will be represented by SEIU and subject to the Agreement ratified this Tentative Agreement on May 4, 2017.

FISCAL IMPACT:

There is no fiscal impact.

ALTERNATIVES:

If the Board does not approve the Collective Bargaining Agreement, the parties will be required to continue negotiating to reach a new tentative agreement.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The Board approves and authorizes the General Manager to execute the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Service Employees International Union, Local 1021.

Summary of Major Elements of Proposed Agreement:

2017 – 2022 Collective Bargaining Agreement for eBART employees

between the District and the Service Employees International Union, Local 1021

During 2009 labor negotiations, the District agreed with its unions that it would operate and maintain eBART using District employees. The District agreed that those employees would receive BART wages and benefits, and in exchange, the unions agreed to certain guiding principles and specified work rules that would apply to eBART. The Tentative Agreement is based on the principles established at that time. Highlights include:

- Separate, distinct Agreement for eBART only
- Wages, Medical, Pension and other Benefits the same as all District employees
- Broad & multi-dimensional job duties and responsibilities tailored for the needs of eBART and emphasis on customer service
- Streamlined Grievance and Discipline Processes including "sunset" provisions
- Overtime limited to hours worked over 8 in a day or 40 in a week; no double time
- Flexible work rules for scheduling and assignments, including:
 - Ability to mandate overtime for shift coverage
 - Ability to utilize 4/10 work week schedules
 - Ability to build in overtime on a regular 8/8 work week, up to a 9-hour day
 - Option to create a split shift schedule following meet and confer with the Union
 - Limited vacation time carryover and annual cash-out for unused floating holidays

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

In the Matter of Ratifying the 2017 - 2022
Collective Bargaining Agreement between the
District and the Service Employees International Union /

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2017 - 2022 Collective Bargaining Agreement for eBART employees between the District and the Service Employees International Union, Local 1021, as generally described in the attached Summary of Major Elements of Proposed Agreement, dated May 4, 2017; and

BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

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Adopted _____