

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

BOARD MEETING AGENDA

June 12, 2014

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 12, 2014, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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 or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](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.

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 May 22, 2014.\* Board requested to authorize.
- B. BART Accessibility Task Force New Member Appointment.\* Board requested to authorize.
- C. Award of Contract No. 15TF-130A, Wayside Fence Refurbishment, R-Line.\* Board requested to authorize.
- D. Award of Contract No. 79HK-150, Renovation of Security Barrier at SFTS.\* Board requested to authorize.
- E. Award of Invitation for Bid No. 8930, Shoe, Current Collector.\* Board requested to authorize.
- F. Award of Invitation for Bid No. 8935, Cushion and Cover Assembly.\* Board requested to authorize.

3. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Fleet of the Future: New Rail Car Design – Bicycle Racks and Tripod Poles.\* Board requested to authorize.

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. BART to Oakland International Airport Project Fares.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- B. Fiscal Year 2015 Budget.\* Board requested to adopt.
- C. Agreement with San Francisco Municipal Transportation Agency for Fast Pass® Payments for the Period July 1, 2014, through June 30, 2020.\* Board requested to authorize.

- D. Funding Agreements with the San Francisco Giants and Golden State Warriors Organizations for the Embarcadero and Montgomery Capacity Implementation Study.\* Board requested to authorize.
  - E. Leases on Five BART Owned Properties in Hayward, Livermore, and Oakland.\* Board requested to authorize.
5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Raburn, Chairperson
- A. Bay Area Air Quality Management District Presentation on Bay Area Commuter Benefit Program, Senate Bill 1379.\* For information.
6. GENERAL MANAGER'S REPORT
7. CONTROLLER/TREASURER'S REPORT
- A. (CONTINUED from May 8, 2014, Board Meeting)  
Quarterly Report of the Controller/Treasurer.\* For information.
8. 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.)
  - 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.)
9. PUBLIC COMMENT  
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

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

Board of Directors  
Minutes of the 1,709th Meeting  
May 22, 2014

A regular meeting of the Board of Directors was held May 22, 2014, convening at 4:01 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Fang, Raburn, and Radulovich entered the Meeting later.

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

President Keller announced that the Board would enter into closed session in the adjacent conference room under Item 2-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting was recessed at 4:03 p.m.

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The Board reconvened in closed session at 4:04 p.m.

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

Absent: None. Directors Fang and Radulovich entered the Meeting later.

Director Fang entered the Meeting.

Director Radulovich entered the Meeting.

The Board Meeting was recessed at 4:37 p.m.

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The Board reconvened in open session at 5:00 p.m.

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

Absent: None.

President Keller announced that the Board had concluded its closed session and there were no announcements to be made.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 22, 2014.
2. Fiscal Year 2015 Proposition 4 Appropriations Limit.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2014 Third Quarter Financial Report.

Director Murray requested that the Fiscal Year 2014 Third Quarter Financial Report be removed from the Consent Calendar.

Director Blalock made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

1. That the Minutes of the Meeting of May 22, 2014, be approved.
2. Adoption of Resolution No. 5260, In the Matter of the Establishment of the Fiscal Year 2015 Appropriations Limit.

The Fiscal Year 2014 Third Quarter Financial Report was briefly discussed.

Director Murray moved acceptance of the Fiscal Year 2014 Third Quarter Financial Report. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller called for Public Comment. The following individuals addressed the Board,  
Ms. Sheri Burns  
Mr. Peter Mendoza  
Mr. Randolph Langenbach  
Mr. Jerry Grace  
Ms. Marissa Shaw  
Mr. Sam Buman  
Ms. Dominika Bedroski

President Keller announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on fares for the BART to Oakland International Airport project, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Ms. Pamela Herhold, Financial Planning, presented the item.

The following individuals addressed the Board.

Ms. Deborah Ale Flint  
Mr. Robert S. Allen  
Mr. Joel Ramos  
Mr. Darrel Carey

The public hearing was recessed.

Mr. Darrel Carey addressed the Board on the matter of Award of Contract No. 04SF-130, Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes.

The public hearing was reconvened, and the following individuals addressed the Board.

Mr. Eddie Dillard  
Mr. Hale Zukas' comments were read into the record by Mr. Duron.  
Mr. Jerry Grace

There being no further public comment, the Public Hearing on fares for the BART to Oakland International Airport project was closed.

President Keller announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on the Fiscal Year 2015 Annual Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public. Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

The following individuals addressed the Board.

Mr. Robert S. Allen  
Mr. Chris Finn  
Mr. Jerry Grace

There being no further public comment, the Public Hearing on the Fiscal Year 2015 Annual Budget was closed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Titan Outdoor LLC, for Conversion of 34 Poster Advertising Frames to 17 Digital Screens, before the Board. Ms. Catherine Westphall, Principal Marketing Representative, and Ms. Angela Borchardt, Research Project Supervisor, presented the item.

The following individuals addressed the Board.

Mr. Scott Goldsmith  
Ms. Kearstin Krehbiel  
Ms. Karen Hester  
Mr. Kevin Bard  
Mr. Milo Hanke

Mr. Cole Armstrong  
Mr. Jerry Grace

The item was discussed. Director Murray moved that the General Manager be authorized to execute an amendment to Agreement No. 6M7066, Poster Advertising Franchising, with Titan Outdoor LLC, which is set to expire on September 30, 2018, to convert 34 poster ad frames to 17 digital screens. Director Blalock seconded the motion. Director Saltzman proposed an amendment to the motion to include a report back to the Board before implementation. Directors Murray and Blalock accepted the amendment, and the motion passed by electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, McPartland, Murray, Saltzman, and Keller. Noes – 2: Directors Raburn and Radulovich.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 04SF-130, Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes, before the Board. Mr. Ric Rattray, eBART Project Manager, presented the item.

Director McPartland introduced and welcomed the Honorable Salvatore Evola, Mayor of Pittsburg, and Mr. Joe Sbranti, Pittsburg City Manager.

The following individuals addressed the Board.

Mr. Joe Sbranti  
Hon. Salvatore Evola  
Mr. Ken Castle  
Mr. Eddie Dillard  
Mr. Ural Yal  
Mr. Dustin Jones  
Mr. Randy Finch  
Mr. John Antracoli  
Mr. Jim Prior  
Mr. Jim Benson  
Mr. Terry Martin  
Mr. Jerry Grace

President Keller moved that the General Manager be authorized to award Contract No. 04SF-130, for the Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes, to Stacy and Witbeck/Amoroso/Modern Railway Systems, a Joint Venture, for the Total Base Bid Price of \$78,318,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures; and that the General Manager be further authorized to exercise Option 1, for Pittsburg Civic Center Station, for the Total Option 1 Bid Price of \$4,760,000.00; and Option 2 for Y1 and Y2 Track Extensions, for the Total Option 2 Bid Price of \$290,000.00; and Option 3, for Maintenance of Way Track, for the Total Option 3 Bid Price of \$309,000.00, subject to certification from the Controller/Treasurer of the availability of funding. Director Mallett seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Directors Fang, McPartland, and Radulovich exited the Meeting.

Director Raburn brought the matter of 2014 State and Federal Legislation before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, and Mr. Paul Fadelli, Legislative Analyst, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Mallett moved that the Board support the state legislation as recommended by staff. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 6: Directors Blalock, Mallett, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 3: Directors Fang, McPartland, and Radulovich.

Directors Fang and McPartland re-entered the Meeting.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Extension of Agreement with Giesecke & Devrient America, Inc., for Maintenance and Repair Services, Currency Processing Systems, and Option to Continue Services (Agreement No. 6M2021), before the Board. Ms. Rose Poblete, Assistant Treasurer, presented the item. Director Fang moved that the General Manager or her designee be authorized to execute a Change Order to extend Agreement No. 6M2021, with Giesecke & Devrient America, Inc., for a period of one year at a cost not to exceed \$154,434.00, and to exercise an option to extend the Agreement on a month to month basis for up to six additional months, at a cost not to exceed \$81,078, for a total not to exceed cost of \$235,512.00 for the extension year and up to six additional months. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 1: Director Radulovich.

Director Saltzman brought the matter of BART to Oakland International Airport Project Fares before the Board. The item was discussed.

Director Saltzman brought the matter of Fiscal Year 2015 Annual Budget before the Board. The item was discussed.

Director McPartland brought the matter of Award of Invitation for Bid No. 8931, Procurement of Axle Bearings, before the Board. Ms. Tamar Allen, Chief Mechanical Officer, presented the item. Director Blalock moved that the General Manager be authorized to award Invitation for Bid No. 8931, an estimated quantity Contract for Axle Bearings, to Jamaica Bearings, NY, for the Bid price of \$2,174,550.00, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 1: Director Radulovich.

(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.)



President Keller called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, and she reminded the Board of upcoming events.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Blalock reported he had attended the Wayside Safety Ad Hoc Committee meeting, a Bay Area Council meeting, a Fremont legislative update, a Women's Transportation Seminar event, and an Alameda County Transportation Commission meeting.

Director Mallett requested a future Board agenda item to discuss a policy to define uses of Daktronics information signs on station platforms. Director Fang seconded the request.

Director Raburn reported he had participated in a tour of the Hayward Maintenance Complex and attended a small business and disabled veterans discussion.

President Keller called for In Memoriam commemorations.

Director Raburn requested the meeting be adjourned in memory of Mr. Phillip H. Schott, the District's long-time state legislative advocate.

Director Blalock requested the meeting be adjourned in memory of former BART employee Ms. Noreen Sun.

President Keller called for Public Comment. Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 9:33 p.m. in memory of Mr. Schott and Ms. Sun.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Joe Crum</i>		GENERAL MANAGER ACTION REQ'D:		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept: Customer Access and Accessibility <i>Bob Frank</i> Signature/Date: 6-2-14	General Counsel <i>Judith Powers</i> 6/3/14 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>Art Howe</i> 6-2-14 [ ]
Status: Routed		Date Created: 05/27/2014		

TITLE:

### BART Accessibility Task Force New Member Appointment

NARRATIVE:

Purpose:

For the BART Board of Directors to consider appointing newly nominated members, Mr. Roland Wong and Mr. Brandon Young, to the BART Accessibility Task Force (BATF).

Discussion:

BATF has been in existence since 1975 to advise staff and the Board regarding accessibility issues at BART. In 1998 the Board voted to restructure the BATF to be an advisory body appointed by the Board, and in 2001 approved by-laws developed by staff and the BATF. The BATF by-laws adopted in 2001 provided for the BATF to be composed of up to eighteen members and five alternates who live or work in the BART service area selected by a committee of the BART Board and BATF members. In 2009, the by-laws were amended to allow more flexibility in recruiting and appointing members. These changes also included the elimination of alternates. The changes were approved by the General Manager as authorized by the Board.

Candidates for BATF Membership:

Mr. Roland Wong and Mr. Brandon Young, candidates for membership to the BATF, were endorsed by a unanimous vote by the members of the BATF that were present on May 22, 2014, and their membership requests are now being submitted to the BART Board for consideration.

The process for new membership is as follows: The by-laws require that out of four consecutive meetings, an interested applicant must attend three and then apply for membership. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for action.

Mr. Wong and Mr. Young have met the above qualifications. These prospective candidates, if approved by the BART Board for BATF membership, will be officially seated as members of the BATF on June 26, 2014 to serve until June 30, 2015, or when the BART Board announces appointments and/or reappointments for a new term, whichever occurs later.

If approved, the BATF will include 17 members.

Fiscal impact:

There is a \$15 monthly stipend for travel for each regularly scheduled monthly meeting that members attend. Additionally, members are eligible to be reimbursed for the actual cost of travel for additional, pre-approved meetings. The funding source is the operating budget of the Customer Access and Accessibility Department.

Recommendation:

Appoint Mr. Roland Wong and Mr. Brandon Young to the BATF.

Alternatives:

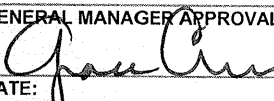
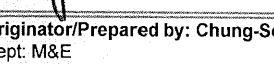




Do not make the appointment or request additional information.

Motion:

The BART Board accepts the recommendation of the BATF and appoints the nominated candidates, Mr Roland Wong and Mr. Brandon Young, for membership to the BATF for a term effective June 22, 2014 to June 30, 2015, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 		BOARD INITIATED ITEM: No		
Originator/Prepared by: Chung-Soo Doo Dept: M&E Signature:  Date: 5/16/2014	General Counsel 	Controller/Treasurer 	District Secretary [ ]	BARC  FOR T. OVERSEER [ ]
Status: Routed		Date Created: 04/28/2014		

TITLE:

### Award Contract No. 15TF-130A, Wayside Fence Refurbishment, R-Line

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No.15TF-130A, Wayside Fence Refurbishment, R-line, to Kenwood Fence Company of Santa Rosa, CA.

#### DISCUSSION:

Adequate fencing along BART's operating envelop is required for safe operations and protection of the public. In general, work under this Contract consists of providing all labor, materials, equipment and other accessories necessary to remove and replace approximately 4,820 linear feet of deteriorated existing chain link fence including barbed wire and razor coil between Richmond Yard and El Cerrito Del Norte Station and to remove the designated trees located between R1 track and BART Right-of-Way near Nicholl Park. The bid schedule is structured with a base bid and 3 options as follows:

- Base Bid: Fence refurbishment of approximately 1,580 linear feet at Richmond Station area
- Option A: Fence refurbishment of approximately 490 linear feet at Richmond Yard area
- Option B: Fence refurbishment of approximately 2,750 linear feet at Nicholl Park area
- Option C: Removal of two (2) large trees at Nicholl Park area

The reason for the three options was cost control. However, sufficient funds are available and staff recommends that all three options be exercised.

Advance Notice to Bidders was sent to 48 prospective Bidders, 23 Plan Rooms and minority assistance organizations, on October 13, 2013. The Contract was advertised on October 15, 2013. A pre-bid meeting was held on October 22, 2013 and five prospective Bidders attended the meeting and the Site Visit. A total of four firms purchased the Contract Documents, and three (3) bids were received on April 15, 2014:

BIDDER	LOCATIO N	BASE BID	OPTION A	OPTION B	OPTION C	TOTAL BID
Kenwood Fence	Santa Rosa, CA	\$262,475	\$56,015	\$511,576	\$153,960	\$ 984,026
West Bay Builders	Novato, CA	\$455,200	\$68,300	\$439,500	\$ 28,000	\$ 991,000
Crusader Fence	Vallejo, CA	\$326,600	\$63,400	\$624,300	\$142,650	\$1,156,950
ENGINEER'S ESTIMATE		\$323,442	\$76,540	\$556,878	\$ 61,860	\$1,018,720

Staff has determined that the Bid submitted by Kenwood Fence Company is responsive to the solicitation; and the Bidder's license, business experience, and financial capabilities indicate that the Bidder is responsible. Staff has also determined that the Total Bid of \$984,026 is fair and reasonable and reflects current market conditions.

This contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities; therefore, a DBE participation goal of 3% was set for this Contract due to receiving federal funds. The low bidder, Kenwood Fence Company, committed to subcontracting 3.5% to DBEs. Therefore, the Office of Civil Rights has determined that Kenwood Fence Company is responsive.

District staff has determined that there will be no significant effect on the environment with installation of replacement fence materials at BART facilities, and that the work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of minor alterations of existing facilities involving no expansion of use, and Section 15304, Minor Alterations to Land.

The project will receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, FTA, has concurred that implementation of the project will not have a significant impact on the environment and qualifies for a categorical exclusion as defined under 23 CFR 771.117 (c)(18), track and railbed maintenance and improvements carried out within the existing right of way. Since the time that FTA approved this exclusion, the agency has revised their NEPA categorical exclusions list (February 2013). Under the revised list, the project would still qualify as a categorical exclusion.

**FISCAL IMPACT:**

Funding of \$984,026 for award of Contract No. 15TF-130A will come from project budget 15TF000, Wayside Fence Rehab. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the

reference project since February 2011, 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:

F/G 6010 - Bridge Toll	\$ 93,828
F/G 6013 - Bridge Toll	\$ 40,000
F/G 6213 - RM2	\$ 120,000
F/G 226I - Sales Tax Revenue	\$ 200,000
F/G 347Z - Federal	\$ 480,000
F/G 352Y - Federal	\$ 375,310
F/G 352Z - Federal	\$ 84,731
F/G 353G - Federal	\$ 160,000
F/G 353K - Federal	\$ 800,000
<b>TOTAL</b>	<b>\$2,353,869</b>

As of April 23, 2014, \$2,353,869 is the total budget for this project. BART has expended \$1,115,241 and committed \$0.00 and reserved \$0.00 to date for other actions. This action will commit \$984,026 leaving an available fund balance of \$254,602 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The Board may reject all bids and rebid the Contract. Rejecting bids will result in the delay of the replacement of the deteriorating existing fencing and tree removal resulting in potential liability for the District. Rebid is not likely to result in better pricing.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15TF-130A, Wayside Fence Refurbishment, R Line to Kenwood Fence Company of Santa Rosa, CA, for the Base Bid Amount of \$262,475, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA requirements related to protests. The General Manager is also authorized to exercise, at her discretion, Option Bid Item A for \$56,015; Option Bid Item B for \$511,576; and Option Bid Item C for \$153,960.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 6/3/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: T Chu Dept: M & E  Signature/Date: 6/3/14	General Counsel  12/13/14	Controller/Treasurer 	District Secretary [ ]	BARC  Fair P. Olesic [ ]

TITLE:

### Award Contract No. 79HK-150, Renovation of Security Barrier at SFTS

NARRATIVE:

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 79HK-150, Renovation of Security Barrier at SFTS, to DRS Marine, Inc. of Vallejo, CA.

**DISCUSSION:** This Contract provides for continued maintenance of the Temporary Marine Security Barrier around the San Francisco Transition Structure (SFTS). The work includes providing all labor, materials, equipment, and other accessories necessary to maintain this facility for the next three (3) years. The current maintenance contract for the Temporary Marine Security Barrier is running out of funds. A new maintenance contract is needed in order to maintain the safety function of the Temporary Marine Security Barrier. The Temporary Marine Security Barrier will be replaced by the Permanent Security Barrier by mid-2017.

An Advanced Notice to Bidders was sent on January 8, 2014 to eighty-one (81) prospective contractors based on a list from the Sponsor's email requests. The Contract was advertised on January 12, 2014. A total of six (6) firms purchased the Contract Documents. A mandatory Pre-Bid meeting was held on March 5, 2014, with five (5) prospective Bidders attending the meeting. The following three (3) Bids were received on April 15, 2014:

BIDDER	LOCATION	TOTAL BID
DRS Marine, Inc.	Vallejo, CA	\$548,272.00
Global Diving & Salvage, Inc.	Mare Island, CA	\$858,757.00
Rodan Builders, Inc.	Burlingame, CA	\$2,382,971.50
<b>ENGINEER'S ESTIMATE</b>		<b>\$624,976.00</b>

After review by District staff, the Bid submitted by DRS Marine, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$548,272.00 is fair and reasonable and reflects current market conditions.

In 2005 when the San Francisco Bay Conservation and Development Commission (BCDC) was

approached by BART to permit the temporary floating and surface barrier project, BCDC acted as lead agency under the California Environmental Quality Act (CEQA) due to the emergency nature of the project and determined the project categorically exempt under CEQA as an action necessary to prevent and mitigate an emergency pursuant to Public Resources Code Section 21080 (b)(4). BART staff also found the project to be categorically exempt pursuant to Title 14, California Code of Regulations, section 15301 (f), Existing Facilities, because it consists of a minor modification for safety protection and there would be no significant effect on the environment.

This Contract is funded by grants (5371, 5372, 5373) from the U.S. Department of Homeland Security (DHS) which requires the Bidders to take all necessary affirmative steps to assure that small and minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

**FISCAL IMPACT:** Funding of \$548,272.00 for executing this Contract order will come from project budget 79HK000 SF VENT STRUCTURE. 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 since August 2004, 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.

Fund	Description	Amount
352Z	FY07 CAP ASST PGM CA90	400,000.00
362B	UASI TRANS SYS GRANT E	34,686.00
3901	FY04 URBAN AREA SECURI	1,251,709.00
535F	FY08-09 CTSGP PROP 1B (SECTY G	281,233.91
535T	FY07-08 CTSGP PROP 1B(HOMELND)	201,893.70
5371	FY09-10 CTSGP PROP 1B(HOMELND)	438,619.26
5372	FY010-11 CTSGP PROP 1B(HOMELND	550,000.00
5373	FY11-12 CTSGP PROP 1B(HOMELND)	353,000.00
6011	BRIDGE TOLL ALLOC 07376802	100,000.00
8205	1995 SALES TAX REV BON	1,219.00



Total	3,612,360.87
-------	--------------

As of April 29, 2014, \$3,612,360.87 is the total budget for this project. BART has expended \$ 2,554,859.42, and committed \$98,410.00 to date for other actions. This action will commit an additional \$548,272.00 leaving an uncommitted balance of \$ 410,819.45 in these fund sources.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVES:**

- 1) The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in better pricing and will result in the deferral of maintenance activities vital for public safety, resulting in potential liability for the District.
- 2) The Board may reject all Bids and not award a Contract. If no Contract is awarded and the Temporary Marine Security Barrier is not maintained, it would have to be removed as it would become a hazard with potential liability for BART.

If the Temporary Marine Security Barrier is removed, there would be a risk of unauthorized entry into the vicinity of the SFTS. BART facilities and public safety would be compromised.

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

**MOTION:** The General Manager is authorized to award Contract No. 79HK-150, Renovation of Security Barrier at SFTS, to DRS Marine, Inc. of Vallejo, CA, for the total Bid price of \$548,272.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: <i>RS&amp;S</i>	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 6-2-14	<i>[Signature]</i>	<i>[Signature]</i> [ ]	[ ]	<i>[Signature]</i> for <i>P. OVERSHER</i> [ ]
Status: Approved		Date Created: 05/22/2014		

TITLE:

**Invitation for Bid No. 8930: Procurement of Shoe, Current Collector**

NARRATIVE:

**Purpose:** To authorize the General Manager to award Invitation for Bid (IFB) No. 8930, for the purchase of Shoe, Current Collector, to Wabtec of Duncan, South Carolina in the amount of \$628,058.00 (includes all taxes).

**Discussion:** The BART fleet of 669 revenue cars is powered by a high-voltage third rail that runs alongside the running rail. Current collector shoes, also known as paddles due to their shape, are the devices that rub along the third rail and provide the train with the energy it needs to navigate the BART system. Each car has four (4) paddles, two (2) on each side and near each end to ensure near continuous contact to the third rail. The paddles are spring loaded to ensure constant contact with the third rail at all speeds. The paddles are also designed to fail predictably if they should strike something.

This is an estimated quantity contract with a term of two (2) years. Pursuant to the terms of this estimated quantity contract, the District is obligated to purchase from the Supplier a quantity equal to 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price.

A notice requesting bids was published on February 28, 2014 and bid requests were mailed to three (3) prospective bidders. Bids were opened on March 25, 2014 and two (2) bids were received.

<u>Bidder</u>	<u>13,400 ea Unit Price</u>	<u>Total Including 9.00% Sales Tax</u>
Hall Industries Inc Ellwood PA	\$24.50	\$357,847.00
Wabtec Spartanburg, S.C.	\$43.00	\$628,058.00

The IFB required bidders to offer the Wabtec product currently in use at the District or an equivalent product. Hall Industries was not offering the Wabtec product. When bidders offer an alternative product, they are required to submit adequate information/documentation that would allow BART to assess the alternative product. Hall failed to provide any information on the alternative product they were offering, rendering its bid non-responsive.

Staff has determined that the bidder Wabtec submitted a responsive bid, and that their pricing is fair and reasonable. The District's previous experience in the purchase of current collector shoes was in June, 2009, with Wabtec, for 8,000 each at a unit cost of \$34.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract. The responsive bidder (s) is not a certified small business and therefore is not eligible for the 5% small business preference.

**Fiscal Impact:** Funding will be provided from the General Fund, Materials and Supplies Inventory build-up account, (140-010).

**Alternatives:** An alternative to awarding the bid would be to reject all bids and re-advertise the contract. Re-advertising is not likely to lead to increased competition nor lower prices.

**Recommendation:** On the basis of analysis by Staff, and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**Motion:** The General Manager is authorized to award Invitation for Bid No. 8930, an estimated quantity contract for Shoe, Current Collector, to Wabtec of Duncan, SC for the bid price of \$ 628,058.00, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>4-14-14</i>		BOARD INITIATED ITEM/ No		
Originator/Prepared by: Kirtland Smith Dept: <i>RSS</i> <i>7-0 80</i> Signature/Date: <i>6-4-14</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> <i>for P. OVERSIC</i>
TITLE:				

### Award of IFB No. 8935: Cushion and Cover Assemblies

NARRATIVE:

**Purpose:** To obtain Board authorization to award Invitation For Bid (IFB) No. 8935 to Sedia Incorporated, of Glendale, WI, for the Base Bid amount of \$1,294,487.05 and Option Bid amount of \$829,565.65, including all applicable sales tax, for the purchase of car sets of cushion and cover assemblies for transit vehicles.

**Discussion:** As part of the District's on-going effort to improve the interior appearance of transit vehicles, beginning in November, 2011, the District has purchased and installed over 400 car sets of vinyl seat cushion and cover assemblies on all of the A/B cars. This IFB procures vinyl seat cushions and covers for the C-Cars. If the option is exercised, this IFB will procure vinyl seat cushions and covers for all 230 of the C-Cars.

This is a twenty four (24) month estimated quantity contract for a Base quantity of 142 cushion and cover assemblies, with an Option to purchase an additional estimated quantity of 91. Pursuant to the District's standard estimated quantity contract, during the term of the contract, the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price for both the base contract and the option, subject to availability of funding.

A notice requesting bids was published on April 14, 2014 and bid requests were mailed to four (4) prospective bidders. Bids were opened on May 6, 2014 and four (4) bids were received.

<u>Bidder</u>	<u>Unit Price (6 each)</u>	<u>Grand Total including 9 % Sales Tax</u>
Sedia Inc.	\$8,363.40 Base Order	\$1,294,487.05
Glendale, WI	\$8,363.40 Option	<u>\$829,565.65</u>
		\$2,124,052.70
Felfab LLC	\$8,773.20 Base Order	\$1,357,915.90
Atlanta, GA	\$8,773.20 Option	<u>\$870,213.00</u>
		\$2,228,128.90

Kustom Seating	\$9617.40	Base Order	\$1,488,581.17
Bellwood, IL	\$9617.40	Option Order	<u>\$953,949.90</u>
			\$2,442,531.07
Freedman Seating	\$15,425.40	Base Order	\$2,387,543.41
Chicago, IL	\$15,425.40	Option Order	<u>\$1,530,045.43</u>
			\$3,917,588.84

Independent cost estimate by BART staff is: \$1,702,580.00 for the Base Bid, and \$1,091,090.00 for the Option Bid, including all applicable sales tax.

Staff has determined that the apparent low bidder, Sedia Inc, submitted a responsive bid and based on comparison with Staff's independent cost estimate, concluded that the bid pricing is fair and reasonable.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract. The bidders are not certified small businesses and therefore are not eligible for the 5% small business preference.

**Fiscal Impact:** Funding for the Base Bid and the Option will be provided from the Rolling Stock & Shops (RS&S) Maintenance, Repair, and Other, Account 680030. The Option will only be exercised upon certification by the Controller-Treasurer that funds are available.

**Alternatives:** An alternative to awarding the Contract would be to reject all bids and re advertise the Contract, which is not likely to lead to a better price or more competition.

**Recommendation:** On the basis of analysis by Staff, and certification by the Controller/Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**Motion:** The General Manager is authorized to award IFB No. 8935, an estimated quantity Contract for the procurement of Cushion and Cover Assemblies, to Sedia Inc, for the Base Bid price of \$1,294,487.05, including applicable sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the Option in the amount of \$829,565.65, including applicable sales tax, subject to certification by the Controller-Treasurer of the availability of funds.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: c 6/6/14		BOARD INITIATED ITEM: NO		
Originator/Prepared by: PAM A HERHOLD	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept:			[ ]	
Signature/Date: PH 6/6/14			[ ]	

TITLE:

### BART-to-Oakland International Airport Project Fare

NARRATIVE:

#### PURPOSE

Adopt the Project fare to be charged for trips between Coliseum BART Station and the Oakland International Airport.

#### DISCUSSION

The BART-to-Oakland International Airport Project (the "Project") is a 3.2 mile Automated Guideway Transit project operated by BART that will provide a rapid transit link between the Coliseum BART station and the Oakland International Airport ("OAK"). Currently, with support from BART, the Port of Oakland operates a fixed-route bus service, AirBART, between OAK and the Coliseum BART station. Set solely by the Port of Oakland, the existing fare for the AirBART service is \$3.00. OAK employees can pay a \$2.00 discounted fare, and a \$1.00 fare is charged for seniors, people with disabilities, and children age 12 and under. Once BART begins service for the Project in fall 2014, the Port of Oakland will cease operations of AirBART.

There are two additive elements to the fare for service to or from a BART station and the Oakland International Airport, specifically: the Base Fare for service between the Coliseum BART station and other BART stations and the Project Fare. Three Project Fare values have been studied: (a) a \$5.00 fare through 2017, (b) a \$6.00 fare through 2017, or (c) a \$4.00 fare that would increase to \$5.00 and then to \$6.00 in 2017.

The following table shows estimated revenue impacts of the three options for FY15, a partial year of service, and FY16, the first full year of operations.

\$M	\$4-\$6 Fare Option		\$5 Fare Option		\$6 Fare Option	
	FY15	FY16	FY15	FY16	FY15	FY16
Net Fare Revenue	3.1	6.5	3.7	7.0	4.2	7.9
Operating Expenses	4.0	6.1	4.0	6.1	4.0	6.1
<b>Subtotal, Net Operating Result</b>	<b>(0.9)</b>	<b>0.3</b>	<b>(0.3)</b>	<b>0.9</b>	<b>0.2</b>	<b>1.8</b>
Capital Asset Replacement Account	0.6	0.9	0.6	0.9	0.6	0.9
Debt Service	6.4	6.4	6.4	6.4	6.4	6.4
<b>Net Result</b>	<b>(7.9)</b>	<b>(7.0)</b>	<b>(7.3)</b>	<b>(6.5)</b>	<b>(6.8)</b>	<b>(5.5)</b>
<b>Cumulative Net Result</b>		<b>(14.9)</b>		<b>(13.8)</b>		<b>(12.3)</b>

Airport ridership is considered to be relatively insensitive to pricing, and ridership numbers differ

minimally among the three studied fare values. In all cases, Project ridership is expected to grow over time. For FY16, annual operating expenses for maintaining Project service from the Coliseum BART station to the Oakland International Airport are estimated at approximately \$6.1 million. A Project Fare of \$6.00 is estimated to generate \$7.9 million in net revenue to fully fund Project operating expenses, to meet projected capital replacement needs to maintain service, and to reduce General Fund offsets for the Project.

Seniors, people with disabilities, and children age 12 and under will be provided a Project fare reduced by the current BART discount rate of 62.5% to the regular fare. Subject to BART Board approval at a later Board meeting, staff plans to recommend that OAK employees continue to pay a discounted fare of \$2.00 for the trip on the new service between Coliseum Station and OAK.

The following table shows sample fares from various stations to the Oakland International Airport station (Base Fare plus the \$6.00 Project Fare), as well as fares from those same stations to BART's San Francisco International Airport (SFO) Station (Base Fare plus SFO Premium Fare):

Origin Station	Proposed Fare to OAK	Current Fare to SFO
Downtown San Francisco	\$10.05	\$8.65
Downtown Oakland	\$7.85	\$8.95
Berkeley	\$8.50	\$9.25
Walnut Creek	\$9.70	\$10.40

At the May 8, 2014 Board meeting, the Board approved the BART-to-Oakland International Airport Title VI Equity Analysis, which found that none of the three fare options analyzed would result in a disparate impact on minority populations or place a disproportionate burden on low-income populations. The Equity Analysis found that fewer minority and low-income riders would be affected by Project fares than would be affected by system-wide fare changes. For example, the Project's proportion of low-income riders (17%) is lower than BART's systemwide average proportion of low-income riders (33.6%).

Regarding public comment, 655 surveys were collected. More survey respondents supported starting at a higher fare (46.3% respondents) over starting at the lower fare (36.9% respondents), with only a small minority (16.8%) expressing no preference as to the timing of a higher fare. Protected (minority and low-income) survey respondents were divided approximately equally between starting at the lower fare and starting at the higher fare.

Input from BART's Title VI/Environmental Justice Advisory Committee on the fare options was also solicited. Opinions varied, with both support and concern noted for a \$6.00 fare. Input from BART's Limited English Proficiency (LEP) Advisory Committee was also solicited on the fare options. Members of the Committee generally expressed support for starting at a higher fare, if held steady for a longer period. Most LEP survey respondents (14 of 22) also preferred starting at a higher fare.

A public hearing on the Project Fare was held on May 22, 2014, at which seven members of the public spoke. Three speakers supported a Project Fare set at \$4.00, two speakers advocated for a \$6.00 Project Fare, and one speaker wanted the Project Fare to be "fair."

### **FISCAL IMPACT**

In the first full year of service, net Project Fare revenue is estimated at approximately \$7.9 million at the \$6.00 fare; fare revenue is projected to grow in succeeding years as additional new riders begin to use the service. This revenue growth assumption is based upon projections of growth in air travel at OAK and in overall BART ridership.

**ALTERNATIVES**

The Project Fare could be set at another amount. Fare options different from the three studied would require a new Title VI analysis.

**RECOMMENDATION**

Adopt the following motion which sets the Project Fare at \$6.00.

**MOTION**

Adopt the attached resolution, "In the Matter of Adopting Fare Rates and Charges for the BART-to-Oakland International Airport Project." Two-thirds vote required.



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

In the Matter of Adopting  
Fare Rates and Charges for  
the BART-to-Oakland  
International Airport Project

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

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, service between the Coliseum BART station and the Oakland International Airport is currently provided through a fixed-route bus shuttle service, AirBART, which is operated by the Port of Oakland with support from the District; and

WHEREAS, the BART-to-Oakland International Airport Project ("Project") is a 3.2 mile Automated Guideway Transit project scheduled to replace AirBART service commencing fall 2014 with a rapid transit link between the Coliseum BART station and the Oakland International Airport (OAK); and

WHEREAS, pursuant to a 1995 agreement with the District, the Port of Oakland ("Port") set and determined fares for AirBART, with notice to the District; and,

WHEREAS, pursuant to a Use, Operating and Maintenance Agreement between the District and the Port, fares for the Project have not yet been established and shall be solely established by the District; and,

WHEREAS, there are two fare elements to service to or from a BART station and the Oakland International Airport, specifically: the Base Fare for service between the Coliseum BART station and other BART stations and the Project Fare; and

WHEREAS, the Base Fare shall not change with this action, and is consistent with the fare structure throughout the BART system; the Project Fare is for service on the Project between the Coliseum BART station and the Oakland International Airport; and

WHEREAS, the fare for BART service to the Oakland International Airport will be the Project Fare added to the BART Base Fare rates and charges in effect at the time for trips to or from the Coliseum BART Station; and

WHEREAS, three Project Fare values for Project service for a period beginning with commencement of operations and ending in 2017 have been studied: (a) a \$5.00 fare, (b) a \$6.00 fare, or (c) a \$4 fare that would increase to \$5.00 and then to \$6.00 in 2017; and

WHEREAS, at the May 8, 2014 Board meeting, the Board approved the BART-to-Oakland International Airport Title VI Equity Analysis, which found that none of the three fare

values analyzed would result in a disparate impact on minority populations or place a disproportionate burden on low-income populations; and

WHEREAS, the Title VI public participation surveys and meetings show that more riders support setting the initial Project fare at a higher level and holding that fare steady for a longer period of time than riders who support a lower initial Project Fare; and

WHEREAS, for Fiscal Year 2016, annual operating expenses for maintaining Project service from the Coliseum BART station to the Oakland International Airport are estimated at approximately \$6.1 million dollars; and

WHEREAS, airport ridership is considered to be relatively insensitive to pricing and ridership numbers differ minimally among the three studied fare values; and

WHEREAS, a Project Fare of \$6.00 is estimated to generate \$7.9 million in net revenue to fully fund Project operating expenses, to meet projected capital replacement needs to maintain service, and to help offset General Fund debt service for the Project; and

WHEREAS, staff recommends the Project Fare be set at \$6.00 through 2017 in order to generate sufficient revenue for operating costs and to ensure that the Project Fare is established at a rate which permits ridership to grow over time; and

WHEREAS, the District will use Project Fare revenue to pay for operating expenses on the Project and on the remainder of the BART system; and

WHEREAS, the recommended fare rates and charges for the Project Fare are set forth in the attached Exhibit A entitled "Fare Rates and Charges for the BART-to-Oakland International Airport Project"; and

WHEREAS, a public hearing was held on May 22, 2014 at a regularly scheduled meeting of the Board to consider fare rates and charges for the BART-to-Oakland International Airport Project; and

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

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
  - (a) Pay for the operating expenses of the District;
  - (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
  - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and

- (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.
- (2) Fare rates and charges for the Project were discussed in the Project Environmental Impact Report/Environmental Impact Statement ("EIR/EIS").
- (3) The Project Fare rates and charges set forth in Exhibit A are for the purposes of:
  - (a) Meeting operating expenses such as employee wage rates and fringe benefits;
  - (b) Purchasing or leasing supplies, equipment or materials;
  - (c) Meeting financial reserve needs and requirements; and
  - (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.
- (4) The fare rates and charges for the Project are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080 (b)(8) and CEQA Guidelines, 14 Cal.CodeRegs. Section 15273 and that Notices of Exemption will be filed in the affected counties.

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

- (1) The rates and charges for BART service set forth in Exhibit A are hereby adopted.
- (2) The General Manager is authorized to implement the fare rates and charges as set forth in Exhibit A for the Project.

# # # #

**EXHIBIT A—FARE RATES AND CHARGES FOR THE BART-TO-OAKLAND  
INTERNATIONAL AIRPORT PROJECT**

The Project Fare rates and charges for service between the Coliseum BART Station and the Oakland International Airport shall be \$6.00 (six dollars).

The aforementioned Project Fare rates and charges shall be effective upon commencement of operation of the Project and shall remain at said rate until December 31, 2017.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Joe Crum</i>		GENERAL MANAGER ACTION REQ'D: Place on the June 12, 2014 Board of Directors Agenda		
DATE: 6/5/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept: Operating Budgets & Analysis	General Counsel <i>Robert Umbreit</i> 6/5/14	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i> 6-5-14 [ ]
Signature/Date: <i>Robert Umbreit 6/5/14</i>				

TITLE:

## ANNUAL BUDGET RESOLUTION FOR FISCAL YEAR 2015

NARRATIVE:

### PURPOSE

To authorize adoption of the Annual Budget Resolution for Fiscal Year 2015 (FY15).

### DISCUSSION

Approval by the Board of Directors is requested for the FY15 operating and capital budgets. The total proposed FY15 budget (operating and capital) is \$1.56 billion. The FY15 operating budget is balanced, with \$852.1 million (M) in sources and \$854.5M in uses, less an adjustment for the Other Post Employment Benefits (OPEB) unfunded liability of \$2.4M that does not affect the Net Operating Result. The FY15 capital budget totals \$711.5M.

The proposed FY15 annual budget is summarized in Attachments 1 & 2 and Exhibit A. These attachments incorporate the proposed initiatives and allocations to capital projects that were included in the Preliminary Budget Memo and reviewed in presentations to the Board of Directors during April and May. The initiatives have been updated to include the BART "Vision" study for \$1.5M, as well as \$0.7M in expenses for the service increase presented at the May 8 meeting.

### FY15 Operating Budget

Safety is a major focus and priority of the FY15 operating budget, as well as continued support for the underfunded capital program and aging capital infrastructure. As the system has aged, ridership growth has continued, and FY14 is estimated to end the year averaging just below 400,000 trips per day. The District is focused on maintaining our 95% passenger on-time performance, which is an increasing challenge as the system ages and new safety rules are implemented. BART has made funding of the infrastructure and state of good repair needs a priority for a number of years, with the Board dedicating all proceeds of the January 2014 fare increase, as well as the next three planned fare increases through 2020, entirely to the "Big 3" capital projects of Rail Cars, Hayward Maintenance Complex and Train Control. This commitment continues with the FY15 budget investments of \$45M for the Rail Car replacement program, an estimated \$18.8M in fare increase revenue to the "Big 3", and allocations of \$43.0M to other capital rehabilitation needs.

The Board of Directors also passed modifications to the paid parking program in February 2013. The increase in revenue from these fees is dedicated to funding improvements and programs to

benefit station access, rehabilitation and modernization needs. For FY15 the increased revenue is estimated at \$6M and will fund a variety of station and access related initiatives, which are summarized in Attachment 3.

There are minor changes from the FY15 Preliminary budget. In order to provide \$1.5M for the BART Vision Study, the \$1.7M allocation to fund construction of Right of Way Fencing related to protecting wayside workers and compliance with new safety rules will be funded from a portion of the FY14 "baseline" capital allocation. This will also enable the fencing project to begin immediately. The Vision Study is an ongoing effort investigating strategic investment opportunity choices for BART in the future, including new corridors and infill stations, weighed against the benefits of investing in future high-capacity enhancement improvements and state of good repair needs for the system. The second change is adding \$0.7M for the cost of running longer trains during the "shoulders" of the commute period, and on the weekends as was presented at Board meetings in May.

Finally, each year we review revenue assumptions prior to adopting the budget to analyze results since the Preliminary budget was developed in the early spring, in order to update the budget as needed. Most of the revenue projections remain reasonable, but the property tax revenue budget is increased \$0.5M to reflect receipts to date and new information from the State Legislative Analyst's Office regarding assessed valuation increases due to the expiration of temporary tax reductions during the past real estate crisis. The prior assumption was for about a 3% increase in property tax revenue for FY15, but a more realistic, slightly higher assumption of 4% is more in line with long term growth rates. The other adjustment reflects modification of the advertising contract for a partial year of startup revenue for digital video screens at the Montgomery, Powell and Embarcadero station. The advertising revenue will generate an estimated \$1M per year by the eighth year of the contract, but is small at the beginning of the contract. The operating revenue increase for property tax and advertising is ongoing and offsets the majority of the costs for the service increase.

The FY15 budget initiatives are summarized in Attachment 3. The focus on safety and implementation of the District's new safety program in compliance with California Public Utility Commission General Order 175 is reflected with the addition of 40 positions included in the \$5.3M Wayside Worker Safety initiative, a Safety Culture Improvement Program, Safety Management Software and capital initiatives for Remote Prohibits and Speed Restrictions as well as the fore-mentioned Right of Way fencing project that will be funded in FY14. Other initiatives include important technology updates and capital funding for projects coming out of the District's Asset Management Plan efforts.

### **FY15 Capital Budget**

The capital budget proposes FY15 expenditures of \$711.5 million and funds 482 positions. The largest single project expenditures are the Hayward Maintenance Complex (\$115M), Warm Springs Extension (\$154M), new rail cars (\$51M plus \$45M reserve account deposit), and eBART (\$47M). From a program perspective, the largest components of the FY15 capital budget are System Renovation, System Expansion, and Earthquake Safety. On the revenue side, Federal funds once again comprise the largest single source available to the capital budget, followed

closely by external funds committed to contracted activities, and allocations from BART's operating funds. FY15 operating allocations to capital are \$111M (exclusive of debt service) reflecting BART's increasing commitment to addressing capital investments necessary to maintain and enhance service delivery.

BART funds are earmarked for a variety of projects and programs. The largest single operating revenue commitment is our annual contribution to the District's share of the rail car replacement program, construction of the Hayward Maintenance Complex, and development and implementation of a modern replacement train control system. Other operating allocations are directed to multi-year projects including subway lighting retrofits, emergency lighting and power supplies, car floors, and other safety and security projects. Operating allocations derived from parking revenues are dedicated to a variety of station and access improvements, including signage, pedestrian improvements, lighting, information displays, bike improvements, and limited studies.

As the primary funding source of our capital reinvestment program, Federal funds are directed to train control and traction power, trackway renovation, general mainline repairs, rail cars, fare collection, and ADA/system accessibility improvements. Also included in the reinvestment category are approximately \$25 million of direct safety related renovation and repair projects not included in the Safety and Security program category, including trackway fall protection, third-rail coverboard replacement, emergency power and fire safety system renovation, emergency communications, vertical circulation safety improvements, and sidewalk repairs.

Other capital revenues are limited in their flexibility and are directed to specific projects and/or activities as a condition of award. The FY15 capital budget contains a considerable amount of State Proposition 1A and 1B bond funds (\$100M), which are directed to rail cars, the Hayward Maintenance Complex and the Station Modernization Program. Local revenues, including bridge toll allocations and County transportation sales tax funds, are earmarked for grant match, stations projects and the BART to Oakland International Airport Project. Bond proceeds from BART's Earthquake Safety general obligation bond are dedicated exclusively to the Earthquake Safety program. Additionally, there are a number of smaller, defined purpose grants which are limited to specific capital projects.

Despite our investments and initiatives focused on meeting capital reinvestment needs, there remains a substantial and growing capital deficit. FY15 marks the first year of incorporating initial asset management recommendations, processes and data in the development of the capital budget. As informed through this and other comprehensive needs analysis work, BART has a preliminary estimate of a ten year renovation need of at least \$6.5B to maintain our current state of reliability. Looking out further, the recently adopted Regional Transportation Plan (known as **Plan Bay Area**) projects under an optimistic scenario that available revenues will only meet approximately half of BART's transit capital needs over the next 28 years. BART must continue to compete aggressively for available and emerging regionally distributed funds, as well as pursue other self-help initiatives to assist in addressing this deficit.

## **FY15 BUDGET RESOLUTION**

Staff recommends approval of the attached Resolution to adopt the FY15 Annual Budget. As in previous years, the FY15 Resolution includes authorization to submit annual applications for Transportation Development Act (TDA), State Transit Assistance (STA) and Bridge Toll funds that are included in the FY15 capital budget, as appropriate. The Resolution also allows the General Manager or the General Manager's designee to execute the agreement with the City and County of San Francisco to provide annual transfer payments for feeder services to the San Francisco Municipal Transportation Agency for FY15. The Resolution also incorporates provisions referring to the SFO Extension service plan and certain District system-wide operating policies. The Resolution authorizes the General Manager, or designee, to file grant applications and execute funding agreements on behalf of the District with the State of California for security grants. Exhibit B (attached) reflects current hourly pay rates or base pay ranges, as applicable, and management incentive pay, if any, for non-represented employees. Staff recently concluded its periodic salary survey of comparable jobs in accordance with the FY14 Budget Resolution (Board Resolution No. 5217) and is reviewing the professional/management pay ranges in Exhibit B, last adjusted in 2010, to determine if adjustment is warranted under the Board's current compensation policy.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. It includes modifications to the Preliminary Budget as outlined in the previous paragraphs.

## **FISCAL IMPACT**

The proposed FY15 Annual Budget is balanced, with a small positive result of \$0.1M.

## **ALTERNATIVES**

Not adopt the budget or adopt a budget that differs from what has been presented to the Board of Directors over the past three months. Rules of the Board of Directors require that the budget be adopted prior to June 30th; adoption of the Budget Resolution by June 30th is required to authorize expenditures in FY15.

## **RECOMMENDATION**

Adoption of the following motion:

## **MOTION**

Adoption of the attached Resolution in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizing expenditures for the fiscal year July 1, 2014 to June 30, 2015.



**Attachment 1**  
**Fiscal Year 2015 District Operating Budget**  
**Sources and Uses Detail**

<b>SOURCES</b>	<b>FY15 PRELIMINARY</b>	<b>Changes</b>	<b>FY15 ADOPTED</b>
Rail Passenger Revenue	\$ 439,980,730	\$ -	\$ 439,980,730
ADA Passenger Revenue	841,883	-	841,883
Parking Revenue	26,185,836	-	26,185,836
Other Operating Revenue	20,138,236	20,000	20,158,236
<b>Sub-Total Operating Revenue</b>	<b>487,146,685</b>	<b>20,000</b>	<b>487,166,685</b>
Sales Tax Proceeds	228,718,986	-	228,718,986
Property Tax Proceeds	33,191,648	500,000	33,691,648
Measure B / Other	2,892,624	-	2,892,624
State Transit Assistance	21,865,897	-	21,865,897
Federal 5307 Grant - MTC Rail Car Fund Swap	77,000,000	-	77,000,000
Millbrae Use, Operating & Maint. Agreement	824,540	-	824,540
<b>Sub-Total Financial Assistance &amp; Allocations</b>	<b>364,493,695</b>	<b>500,000</b>	<b>364,993,695</b>
<b>TOTAL SOURCES</b>	<b>851,640,380</b>	<b>520,000</b>	<b>852,160,380</b>
<b>USES</b>			
Labor	420,401,099	73,821	420,474,920
OPEB Unfunded Liability	2,422,269	-	2,422,269
ADA Paratransit	13,369,490	-	13,369,490
Purchased Transportation	10,125,197	-	10,125,197
Power	38,100,000	-	38,100,000
Other Non-Labor	113,998,641	590,927	114,589,568
<b>Sub-Total Operating Expense</b>	<b>598,416,696</b>	<b>664,748</b>	<b>599,081,444</b>
<b>Extraordinary Expense - MTC Rail Car Fund Swap</b>	<b>77,000,000</b>		<b>77,000,000</b>
Debt Service	55,987,840	-	55,987,840
Allocation - Capital Rehabilitation	43,178,040	(200,000)	42,978,040
Allocation - Rail Car Sinking Fund	45,000,000	-	45,000,000
Allocation - Priority Capital Programs	18,796,012	-	18,796,012
Allocation - Stations & Access Projects	4,343,757	-	4,343,757
Allocations - Other	2,660,834	-	2,660,834
Allocation - To SFO Reserve / Warm Springs Project	8,679,470	-	8,679,470
<b>Sub-Total Allocations</b>	<b>178,645,953</b>	<b>(200,000)</b>	<b>178,445,953</b>
<b>TOTAL USES</b>	<b>854,062,649</b>	<b>464,748</b>	<b>854,527,397</b>
<b>OPEB Unfunded Liability</b>	<b>(2,422,269)</b>	<b>-</b>	<b>(2,422,269)</b>
<b>NET RESULT</b>	<b>\$ -</b>	<b>\$ 55,252</b>	<b>\$ 55,252</b>
Average Weekday Trips	405,426		405,426
Operating Ratio	81.4%		81.3%
Farebox Recovery Ratio	73.7%		73.6%

## Attachment 2

### FY15 Capital Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	Capital Headcount*	Planned Expenditures
<b>System Renovation**</b>		
Rolling Stock	46.7	55,016,042
Mainline	117.1	65,128,621
Stations	16.4	24,230,193
Controls & Communications	72.0	41,851,107
Facilities	14.9	123,860,193
Work Equipment	-	2,720,000
<b>Total System Renovation</b>	<b>267.1</b>	<b>312,806,156</b>
<b>Safety &amp; Security</b>	<b>11.1</b>	<b>47,977,674</b>
<b>Earthquake Safety</b>	<b>27.2</b>	<b>65,987,249</b>
<b>Service &amp; Capacity Enhancement</b>	<b>12.7</b>	<b>33,877,438</b>
<b>System Expansion</b>	<b>77.6</b>	<b>245,382,050</b>
<b>Capitol Corridor***</b>	<b>24.0</b>	<b>3,700,000</b>
<b>Reimbursable****</b>	<b>14.0</b>	<b>1,800,000</b>
<b>Cost Allocation Plan</b>	<b>48.0</b>	CAP costs are included in each of the line items above
<b>TOTALS</b>	<b>481.75</b>	<b>711,530,567</b>

\* Total authorized permanent positions.

\*\* Includes approximately \$25M in safety-related system renovation, including fall protection, coverboards, emergency power, fire safety systems, communications, sidewalk repairs and other project categories.

\*\*\* All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capitol Corridor Joint Powers Board in the Annual State Budget Act.

\*\*\*\* Positions fully reimbursed by Muni, Caltrans, and others for BART staff expenses incurred in performing services for those organizations.

### Attachment 3

#### FY15 Operating & Capital Budget Initiatives

Title	Pos.	Labor	Non Labor	Total
<b>OPERATING</b>				
GO 175/Wayside Worker Safety	40.0	5,327,005	9,400	5,336,405
Asset Management Program: Maximo & OBIEE*	-	-	1,400,000	1,400,000
Increased Train Lengths	-	77,138	590,927	668,065
PeopleSoft Financial & EPM Updates*	-	-	600,000	600,000
Safety Culture Improvement Program	-	-	250,000	250,000
19th Street Station Secondary Booth Staffing	2.0	219,764	-	219,764
Enterprise Geographic Information System (EGIS) Analyst	1.0	177,464	-	177,464
Website/Social Media Position	1.0	149,341	-	149,341
Sr. Administrative Analyst - Contract Monitoring	1.0	149,074	-	149,074
Oakland Airport Connector Marketing*	-	-	100,000	100,000
Safety Management Software Program*	-	-	100,000	100,000
Ballistic Vests*	-	-	96,000	96,000
Diversity Initiatives	-	-	25,000	25,000
<b>OPERATING TOTAL</b>	<b>45.0</b>	<b>6,099,786</b>	<b>3,171,327</b>	<b>9,271,113</b>
* One-time				
<b>CAPITAL</b>				<b>Total</b>
Train Control Room Battery Replacement (3-year project)				2,000,000
Train Control UPS Renovation (5-year project)				2,000,000
Remote Prohibits and Speed Restrictions (2-year project)				1,820,000
BART "Vision" Study				1,500,000
Wastewater Treatment Systems				1,000,000
Cyber Security (multi-year program)				900,000
<b>CAPITAL TOTAL</b>				<b>9,220,000</b>
<b>TOTAL OPERATING AND CAPITAL BUDGET INITIATIVES</b>				<b><u>18,491,113</u></b>

## Attachment 3 (cont.)

### FY15 Stations & Access Projects\* - Summary

	Pos.	Labor	Non Labor	Total
<b>OPERATING</b>				
Dedicated Parking Enforcement	5.0	547,654	186,375	734,029
Station Platform Brightening/Cleaning Crew	6.0	537,650	40,000	577,650
Pleasant Hill Bike Station	-	-	150,000	150,000
Bus Bridges for Planned Disruptions**	-	-	100,000	100,000
Bike Programs - Operating**	-	-	65,000	65,000
Station Access Website Upgrades**	-	-	20,000	20,000
<b>OPERATING TOTAL</b>	<b>11.0</b>	<b>1,085,304</b>	<b>561,375</b>	<b>1,646,679</b>
** One-time				
<b>CAPITAL</b>				
				<b>Total</b>
Stations Lighting Retrofit T12 lamps to LED				1,164,757
Pedestrian Improvements				750,000
Wayfinding				581,000
Station Benefit Assessment District Studies				400,000
Bike Programs - Capital				340,000
Garage Full Electronic Displays				275,000
Transit Information Displays at Stations				250,000
Shuttle Infrastructure Improvements				250,000
Fee Parking Lot Preparation				233,000
Last Mile Corridor Studies				100,000
<b>CAPITAL TOTAL</b>				<b>4,343,757</b>
<b>TOTAL OPERATING AND CAPITAL STATIONS &amp; ACCESS INITIATIVES</b>				<b><u>5,990,436</u></b>

\*Funded by estimated revenue from Parking Program modifications

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

**In the matter of approving  
The Annual Budget for the  
San Francisco Bay Area Rapid  
Transit District and authorizing  
Expenditures for the Fiscal Year  
July 1, 2014, to June 30, 2015**

Resolution No.

**WHEREAS**, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 8, May 9, and May 10, 2014 in newspapers of general circulation in the County of San Francisco, the County of Contra Costa, and the County of Alameda of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2014, to June 30, 2015; and

**WHEREAS**, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to adopt an Annual Budget for the Fiscal Year July 1, 2014, to June 30, 2015; and

**WHEREAS**, the Board of Directors of the San Francisco Bay Area Rapid Transit District is required by Public Utilities Code Section 28767 to determine and create, by resolution, such number and character of positions as are necessary to properly carry out the functions of the District; and

**WHEREAS**, the Transportation Development Act (TDA), Public Utilities Code §99200, *et seq.*, provides for the disbursement of funds from the Local Transportation Fund of the Counties of Alameda and Contra Costa for use by eligible claimants for the purpose of operating assistance; and

**WHEREAS**, the State Transit Assistance (STA) fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

**WHEREAS**, as attested to by opinions of the Office of the General Counsel, the San Francisco Bay Area Rapid Transit District is an eligible applicant for Net Toll Revenues and MTC Rail Extension Reserve bridge toll revenues pursuant to Section 30892 of the Streets and Highways Code; and is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code Section 99260; and

**WHEREAS**, the agreement between the San Francisco Bay Area Rapid Transit District and San Mateo County Transit District, dated April 27, 2007, states that the San Francisco Bay Area Rapid Transit District will provide service on the SFO extension in a manner consistent with BART's system-wide operating policies; and

**WHEREAS**, the system-wide operating plan for Fiscal Year 2015 was presented to the Board of Directors on May 8, 2014, in a presentation entitled Fiscal Year 2015 Preliminary Budget Operating Sources, Uses and Service Plan; and

**WHEREAS**, the California Governor's Office of Emergency Services makes funds available from the FY 2014-2015 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) to eligible applicants to support approved security transit projects;

**NOW, THEREFORE, BE IT RESOLVED** that the attached Annual budget (marked Exhibit A and incorporated herein as though set forth at length) is hereby adopted; and

**BE IT FURTHER RESOLVED** that, subject to the resolved clauses, said Annual Budget includes appropriations of monies expected to be available in the General Fund, Capital Funds including Construction Funds and existing and anticipated Federal, State and local grants, for expenditures in the amounts and for the purposes set forth in said budget; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to enter into services agreements (including professional, technical, maintenance and repair agreements) and lease or license agreements for District use of real property, facilities, equipment and software provided that:

- (1) The General Manager shall first determine that the work or services concerned, in the amounts authorized in a service agreement, cannot satisfactorily be performed by the officers or employees of the District;
- (2) Agreements that are let by public bidding, service, lease, and license agreements, and amendments thereto, between \$25,000 and \$100,000, shall be reported bi-monthly to the Board of Directors;
- (3) Prior authorization by the Board of Directors is required when:
  - a. The agreement, and amendments thereto, total in the aggregate \$100,000 or more in the fiscal year; or
  - b. Amendments total in the aggregate \$100,000 or more in any subsequent fiscal year;
- (4) The General Counsel is authorized to enter into services agreements in amounts up to \$100,000 with special counsel not previously designated by the Board without prior notice to the Board where the General Counsel determines that such immediate action is necessary to protect the legal interests of the District. Any such agreement shall be reported by the General Counsel to the Board within the calendar month thereafter.
- (5) The General Manager's authority to take immediate remedial measures, as defined in Section 20224 of the California Public Contract Code, and as authorized in Resolution No. 4834 shall remain unchanged; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to exchange District goods and services for goods and services from others of approximately equal or greater value; and

**BE IT FURTHER RESOLVED** that all disbursements resulting from the exercise of authority granted the General Manager pursuant to this resolution shall be reported to the Board of Directors in the District's quarterly financial report; and

**BE IT FURTHER RESOLVED** that Resolution No. 5217, adopted June 13, 2013, is repealed effective August 31, 2014, except as it applies to unexpended capital appropriations, and

**BE IT FURTHER RESOLVED** that the General Manager or the General Manager's designee is authorized to execute and file a Bridge Toll Application, a TDA Application and an STA Application along with necessary supporting documents, with the Metropolitan Transportation Commission for allocation of bridge toll revenues, TDA and STA funds in FY15; and

**BE IT FURTHER RESOLVED** that the General Manager or the General Manager's designee is authorized to execute any actions necessary for the purpose of obtaining financial assistance provided by the California Transit Security Grant Program – FY 2014-2015 California Transit Assistance Fund (CTSGP-CTAF); and

**BE IT FURTHER RESOLVED** that the San Francisco Bay Area Rapid Transit District's system-wide operating policies shall be generally as set forth in the May 8, 2014, presentation entitled Fiscal Year 2015 Preliminary Budget Operating Sources, Uses and Service Plan, subject to such adjustments that staff determines necessary to operate the service in the public's interest; and

**BE IT FURTHER RESOLVED** that the General Manager or the General Manager's designee is authorized to execute an agreement with the City and County of San Francisco (CITY) to provide a transfer payment in FY15, such transfer payment being paid by the District to CITY in order to facilitate the coordination of transit service and furnish an incentive to CITY for providing enhanced transfer services between MUNI and BART stations; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to make expenditures and incur liabilities against said funds within the limits set forth in said budget and the provisions of this Resolution, and to act on behalf of the District in connection with contracts arising thereunder, by following the procedures provided by law, and by Board of Directors' Resolutions and Board Rules, except that no contractual obligation shall be assumed by the District in excess of its ability to pay, and provided further that all expenditures shall be in conformance with statutory and other restrictions placed on the use of said funds; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to exceed Board Appointed Department/Executive Office budgets by more than ten percent (10%) ten (10) days after written notice of this intended action has been mailed to the Board of Directors, provided that the Total Net Operating Expense line item set forth in "Exhibit A" is not exceeded and such action is consistent with Board Rule 5-1.4 and provided further that the General

Manager will prepare and send to the Board, a summary of Department budgets within approximately 30 days after the adoption of this budget; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to exceed the foregoing ten percent limitation for emergency expenditures which are made in accordance with Resolution No. 4834 and Public Contract Code Section 20224; and

**BE IT FURTHER RESOLVED** that the General Manager is authorized to act on behalf of the District, and to make expenditures and incur liabilities against all funds of the District as provided for in contracts which have been authorized by the Board of Directors of the District and that the Board's authorizations of such contracts also include the necessary appropriations for such contracts and change orders authorized by Rules approved by the Board, subject, however, to compliance with such specific appropriation resolutions as may be adopted by the Board from time to time; and

**BE IT FURTHER RESOLVED** that the General Manager or the General Manager's designee is authorized to issue free or discounted promotional tickets in FY15 for purposes of building ridership on the system, consistent with ridership development guidelines; and

**BE IT FURTHER RESOLVED** that effective July 1, 2014:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2014, budgeted for the District shall be 3,478.125 (a part-time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 50 positions, of which not more than 25 positions may be charged to operating expense provided the budgeted Total Net Operating Expense is not thereby exceeded;
- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that they approximate the 75<sup>th</sup> percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range



adjustments. The General Manager is directed to initiate the annual review by October of each year.

- (4) The District Secretary shall insure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers' employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.
- (5) The General Manager is authorized to pay employees on the merit plan that portion of their merit increase which exceeds the top of the salary range, but with no increase to the employee's "base wage" above the top of the salary range.
- (6) Except for Paragraph 1, and to the extent it is modified by Resolution No. 4748, Resolution No. 4487 remains in full force and effect.

###

**EXHIBIT A**  
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
**ANNUAL BUDGET - FISCAL YEAR 2015**

<u>FUND SOURCES</u>	<u>TOTAL</u>
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 487,166,685
Property Tax	33,691,648
1/2 ¢ Sales Tax	228,718,986
Measure B Paratransit Assistance	1,698,148
Measure J Paratransit Assistance	64,215
FTA - UAFF Operations (SMP)	1,070,261
City of Berkeley - Bike Station	60,000
Caltrain - Millbrae Station Joint Use	824,540
5307 Preventive Maintenance Grant - Rail Car Fund Swap	77,000,000
State Transit Assistance	21,865,897
<b>Total Operating Sources</b>	<b>852,160,380</b>
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY15	\$ 711,530,567
<b>TOTAL ESTIMATED FUND SOURCES</b>	<b>\$ 1,563,690,947</b>
 <u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense <sup>(1)</sup>	\$ 422,897,189
Non-Labor Expense	176,184,255
Total Net Operating Expense	\$ 599,081,444
Extraordinary Expense - Rail Car Fund Swap	77,000,000
Revenue Bond Debt Service	55,987,840
Allocations to Capital - Rehabilitation	42,978,040
Allocations to Capital - Rail Car Sinking Fund	45,000,000
Allocations to Capital - Priority Capital Programs	18,796,012
Allocations to Capital - Stations & Access Projects	4,343,757
Allocations to Capital - Other	2,660,834
Allocations to SFO Reserve / Warm Springs Project	8,679,470
<b>Total Operating Uses</b>	<b>\$ 854,527,397</b>
Other Post Employment Benefits Unfunded Liability	\$ (2,422,269)
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY15	\$ 711,530,567
<b>TOTAL ESTIMATED FUND USES</b>	<b>\$ 1,563,635,695</b>
<b>NET FINANCIAL RESULT (DEFICIT)</b>	<b>\$ 55,252</b>

<sup>(1)</sup> Total Authorized Permanent Positions (FTE) as of 7/01/14 = 3,478.125

**EXHIBIT B**

**CHARACTER, BASE SALARIES, PAY BANDS, HOURLY WAGE RATES,  
AND MANAGEMENT INCENTIVE PAY OF MANAGEMENT AND  
NON-REPRESENTED CLASSIFICATIONS**

CHARACTER OF POSITION/PAYROLL  
CLASSIFICATION TITLE

HOURLY WAGE RANGE

CLERICAL & HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ADMINISTRATIVE TECHNICIAN	\$26.2180	\$27.3740	\$28.4460	\$29.5460	\$30.6740	\$31.1070
ADMINISTRATIVE SECRETARY	25.2400	26.3520	27.3820	28.4390	29.5240	29.9370
SENIOR SECRETARY	23.5040	24.3730	25.2680	26.3520	27.4100	27.8220
SENIOR CLERK	25.0150	26.1160	27.1370	28.1850	29.2590	29.6720
INTERMEDIATE CLERK	22.3830	23.2960	24.1550	25.0440	26.1160	26.5290
P/T SURVEY TAKER (SINGLE RATE)	30.1050					
ENGINEER INTERN	18.0000					

NOTE: The clerical rates are effective 1/1/2014.

**PROFESSIONAL/MANAGEMENT PAY BANDS**

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
14	\$139,292	\$177,599	\$215,905
13	120,328	153,419	186,510
12	109,142	139,157	169,171
11	103,944	132,529	161,115
10	98,993	126,217	153,441
9	94,279	120,207	146,135
8	89,790	114,483	139,176
7	81,442	103,839	126,236
6	77,564	98,895	120,226
5	70,353	89,701	109,049
4	67,003	85,430	103,856
3	63,812	81,361	98,910
2	60,773	77,487	94,200
1	55,122	70,282	85,441

NOTE: The professional/ management pay bands were effective 01/01/2010.

MANAGEMENT INCENTIVE PAY (ANNUAL)	Amount	Effective
Assistant General Manager - Administration and Budget	\$4,800	8/14/2006
Assistant General Manager - Operations	\$4,800	6/28/1999
Assistant General Manager - Planning and Development	\$4,800	11/13/2012
Assistant General Manager- Employee Relations	\$4,800	5/27/2014
Assistant General Manager- External Affairs	\$4,800	11/4/2013
Chief Information Officer	\$4,800	3/1/2013
Chief of Police	\$4,800	6/16/2012
Deputy General Manager	\$4,800	5/14/2012
Managing Director - Capitol Corridor	\$4,800	11/21/2009






**BOARD APPOINTED OFFICERS' ANNUAL SALARIES**

Base Salaries	1/1/2014	7/1/2014
INDEPENDENT POLICE AUDITOR	\$166,150.57	\$169,242.63
DISTRICT SECRETARY	\$173,700.90	\$176,933.48
CONTROLLER-TREASURER	\$220,630.47	\$224,736.40
GENERAL COUNSEL	\$250,511.85	\$255,173.88
GENERAL MANAGER	\$329,214.75	\$335,341.44

Note: The 1/1/14 and 7/1/14 salary adjustments for each of the Board Appointed Officers were approved by the Board on April 10, 2014.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: c		BOARD INITIATED ITEM: No		
Originator/Prepared by: PAM A HERHOLD Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  5/30/14	 6/2/14	 [ ]	[ ]	 5-30-14 [ ]

TITLE:

### Special Transit Fare (Fast Pass®) Agreement with SFMTA to provide for Fast Pass payments for the period July 1, 2014 through June 30, 2020

NARRATIVE:

#### DISCUSSION

##### Purpose

To request that the Board of Directors authorize execution of an Agreement with SFMTA that establishes reimbursement rates for Fast Pass use on BART from July 1, 2014 through June 30, 2020.

##### Background

Since 1983, BART and Muni (now the San Francisco Municipal Transportation Agency or SFMTA) have had agreements in place by which riders using Adult "A" Fast Passes may take unlimited trips on BART within San Francisco. The current FY10-FY14 Fast Pass Agreement expires on June 30, 2014.

BART uses fare gate information to track the number of trips Fast Pass patrons make on BART and then bills SFMTA at a set reimbursement rate for each trip.

Fast Pass ridership on BART peaked at over 45,000 average weekday trips, or 12.7 million (M) annually, in late 2008. Since then, Fast Pass trips on BART have declined to approximately 24,000 trips on an average weekday. For FY14, the projected total number of trips is 7.1M (adjusted to account for strike days in July and October), down from 7.6M in FY13. The decline is due, in part, to SFMTA's 2010 implementation of a second, less expensive, Muni-only "M" Fast Pass, in addition to the "A" Fast Pass that provides BART and Muni privileges.

SFMTA prices the current "A" Fast Pass at \$76 per month, \$10 more than the "M" Fast Pass. SFMTA's proposed budget for fiscal years 2015 and 2016 increases the price of the "A" Fast Pass to \$80 effective September 1, 2014 and to \$83 in FY16; the "M" Fast Pass would increase to \$68 and \$70 over that time period. Under the proposed agreement, SFMTA will continue to be responsible for pricing of the Fast Pass and ensuring compliance with related state and federal fare requirements regarding such fare changes, including, but not limited to, Title VI, 49 CFR Part 21, and current FTA implementing guidance. Such compliance shall include SFMTA's responsibility for Title VI analyses assessing the impacts on all Fast Pass® riders affected by Fast Pass® pricing changes, which analyses will be subject to BART

review.

The SFMTA Board and the San Francisco Board of Supervisors (BOS) are required to approve the proposed Fast Pass® Agreement, which they did on April 1, 2014 and May 7, 2014, respectively. The proposed Agreement is subject also to the approval of the BART Board.

**FY15-FY20 Special Transit Fare (Fast Pass®) Agreement Terms**

The terms of the proposed FY15-FY20 Special Transit Fare (Fast Pass®) Agreement approved by the SFMTA Board and BOS are as follows:

- **Term.** July 1, 2014 through June 30, 2020.
- **Reimbursement Rate.** Effective July 1, 2014, the reimbursement rate will be \$1.27 per Fast Pass trip, which is a 5.2% increase from the current rate of \$1.21, to account for BART's inflation-based fare increase of 5.2% effective on January 1, 2014. Subsequent reimbursement rates will be adjusted in accordance with the District's inflation-based fare increase program. The reimbursement adjustments shall be implemented in 2016, 2018, and 2020 to be concurrent with the actual implementation date of the systemwide increase to BART fares.
- **Annual Cap on Reimbursement.** For FY15, the total reimbursement from SFMTA to BART shall not exceed \$11.0M. The cap shall increase by 5% on July 1 of each subsequent fiscal year. The total reimbursement from SFMTA to BART for the term of the agreement shall not exceed \$74.8M.
- **Clipper Fast Pass Transaction Fees.** The "A" Fast Pass is only available on the Clipper card. A transaction fee is charged to the operator each time a Clipper card with a Fast Pass product is used to take a trip on BART within San Francisco. The transaction fee, currently 1.5 cents or less per Clipper Fast Pass trip, decreases as the number of Clipper transactions increase. Under the current agreement, BART pays transaction fees for Fast Pass trips on BART and will continue to do so under the FY15-FY20 Fast Pass Agreement.

The FY15-FY20 Special Transit Fare (Fast Pass®) Agreement establishes the terms by which BART is reimbursed by SFMTA for Adult "A" Fast Pass trips and does not involve changing fares or fare products/media.

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

**FISCAL IMPACT**

For the term of the FY15-FY20 Special Transit Fare (Fast Pass®) Agreement, the table below shows estimates of Fast Pass trips, applicable reimbursement rates, and payment owed to BART for these trips. The reimbursement rate is assumed to increase biennially by a productivity-adjusted inflation factor of 3.9%. No ridership growth is assumed over the term of the Agreement, as currently the number of Fast Pass trips continues to decline.

Clipper transaction fees are estimated at approximately \$107,000 per year based on 7.1M annual trips at 1.5 cents per transaction. These fees will be deducted from the amount owed

to BART from SFMTA.

		<b>Fast Pass Trips (est)</b>	<b>Agreement Reimbursement Rate (est)</b>	<b>SFMTA Reimbursement in \$Millions (est)</b>
<b>FY15</b>		7.1M	\$1.27	\$9.0
<b>FY16</b>	1st half	3.55M	\$1.27	\$4.5
<b>FY16</b>	2nd half	3.55M	\$1.32	\$4.7
<b>FY17</b>		7.1M	\$1.32	\$9.4
<b>FY18</b>	1st half	3.55M	\$1.32	\$4.7
<b>FY18</b>	2nd half	3.55M	\$1.37	\$4.9
<b>FY19</b>		7.1M	\$1.37	\$9.7
<b>FY20</b>	1st half	3.55M	\$1.37	\$4.9
<b>FY20</b>	2nd half	3.55M	\$1.42	\$5.1

**Estimated Total Reimbursement                      \$56.8**

**ALTERNATIVES**

Do not authorize execution of the FY15-FY20 Special Transit Fare (Fast Pass®) Agreement and direct staff to renegotiate the terms or initiate termination procedures.

**RECOMMENDATION**

Adoption of the following motion.

**MOTION**

The General Manager is authorized to execute the Fast Pass® Agreement with SFMTA, which establishes reimbursement rates for Fast Pass use on BART from July 1, 2014 through June 30, 2020.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to Board for approval		
DATE: 		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature: Date: 5.16.14			[ ]	 POWERS 16 MAY 2014 [ ]
Status: Routed		Date Created: 04/28/2014		

TITLE:

### Obtain Board Authority Authorizing the General Manager to Execute Funding Agreements with the San Francisco Giants and Golden State Warriors Organizations

NARRATIVE:

**Purpose:**

To obtain Board approval authorizing the General Manager to execute funding agreements (\$5,000 each) with the San Francisco Giants and Golden State Warriors organizations which are private entities.

**Discussion:**

As noted at the October 24, 2013 Board meeting, staff have successfully applied for a Transportation Planning Grant awarded at \$237,500 of Federal Transit Administration Section 5304 funds by Caltrans for the Embarcadero and Montgomery Capacity Implementation Study ("Study"). The Study will produce a capacity project implementation strategy for BART's two busiest stations – Embarcadero and Montgomery, in San Francisco. With multiple agency and public stakeholders, these two stations have a complex institutional setting. In order to move forward with any of the potential capacity expansion projects envisioned for these stations, consensus must be reached among a variety of partners around a complex array of overlapping projects. In addition, this project facilitates a crucial link between the state High Speed Rail (HSR) program and the regional transit system, making it a vital focal transit node for the future.

In addition, a funding agreement for \$112,500 with the San Francisco County Transportation Authority and an Allocation to Capital from the Operating Budget of \$50,000 have been put in place to fund the Study. Total funding planned for the Study is \$410,000 and, along with the preceding sources, includes a \$5,000 contribution each from the San Francisco Giants and Golden State Warriors organizations. Staff have determined that a funding agreement is the preferred document to accomplish the contribution from both organizations which is acceptable to both.

BART Board Resolution No. 5223 ("Resolution") adopted October 24, 2013 grants Board Authority to the General Manager to file applications for funding agreements for District projects with any public or private entity and authorizes the General Manager to execute funding agreements with public agencies, such as the San Francisco County Transportation Authority. However, pursuant to Resolution No. 5223, execution of funding agreements with private entities

requires approval of the BART Board of Directors.

The region's SB 375-guided Sustainable Communities Strategy, Plan Bay Area, along with market forces, forecasts substantial growth in transit ridership into downtown San Francisco. As the economy expands, BART's ridership has shown strong growth, placing new capacity burdens on the 40-year old system. Embarcadero and Montgomery stations have been the focus of much of that growth, and these two stations are anticipated to experience significant capacity problems in the near future.

**Fiscal Impact:**

This action will have no fiscal impact on unprogrammed BART District Reserves.

**Alternatives:**

Failure to enter into an agreement with either organization would result in BART being responsible to identify and provide up to \$10,000 to fully fund the Study.

**Recommendation:**

It is recommended that the Board adopt the following motion:




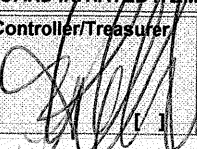
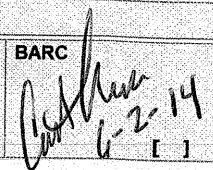
**Motion:**

The General Manager or her designee is authorized to execute a funding agreement with the San Francisco Giants and Golden State Warriors organizations for \$5,000 each in connection with the Study.





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> 		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Forward to the Board		
<b>DATE:</b>		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Gary Sue Dept: Real Estate and Property Development ext. 7502 <b>Signature/Date:</b> 	<b>General Counsel:</b>  5/29/14	<b>Controller/Treasurer:</b> 	<b>District Secretary:</b> [ ]	<b>BARC:</b>  6-2-14 [ ]
<b>Status:</b> Routed		<b>Date Created:</b> 05/19/2014		

TITLE:

### Approval of Leases on BART-Owned Properties

NARRATIVE:

**PURPOSE:** To obtain Board approval for the General Manager or her designee to issue five new leases to existing tenants for terms of up to five years, plus an option for up to five additional years.

**DISCUSSION:** The rental program has been successful in providing a return on District-owned real property and reducing the burden and cost of maintaining these properties. Income is derived from excess land wherever possible until the property can be sold. Some of these accounts provide income from parcels or BART may also receive maintenance services on these leased parcels, in lieu of rent. These properties are in the operating right of way, such as land under aerial transit structures or are parcels that may be required for future BART needs.

The District currently has two leases that expired in April of 2014 and three leases that will expire within the next nine months. Attachment A lists these accounts, income derived, uses, and respective locations.

On March 28, 2014, the Board received a status report on the District's Portfolio Review, an examination of all BART property to assess development opportunities with respect to high-rise (20 stories) commercial and residential development. One of the properties identified as a near-to mid-term opportunity for high-rise development was the property listed as Parcel Number O-K078 (21st & Broadway in Oakland) on Attachment A. The development opportunity on this property is for high-rise residential in eight years or high-rise office within 13 years. Executing a five-year lease with an option to extend for up to five additional years would not impact the District's ability to pursue high-rise development within the time frames noted above because the District will have the discretion to approve any requested option period.

Board approval is required for any leases, or extensions of leases, that would provide a total tenancy beyond two years. Staff is seeking approval for the issuance of new term leases for the five described accounts. Each lease will have up to a five-year term with an option for up to five additional years. By issuing new leases, staff will be able to

standardize lease provisions and track the leases more consistently.

Staff evaluated the current rental rates for these accounts and will raise rents by 3% on all of them. BART is currently receiving revenues of approximately \$63,012 annually from these leases. It is anticipated that these revenues will increase to \$64,896 annually during the first year of the new leases. Thereafter, rents will automatically increase 3% per year for each of the remaining non-option years. For the option years, staff is proposing increases of 3% for each year. Staff will continue to evaluate whether the current uses of and income from the described properties are the best attainable for the District.

The Office of the General Counsel has approved as to form the standard leases that will be entered into with the tenants.

**FISCAL IMPACT:** BART anticipates receiving annual lease payments from the tenants listed in Attachment A totaling approximately \$64,896 for the first year and a total of approximately \$743,712 over a ten-year term. The latter figure assumes lease terms of five years (with annual increases each year as discussed above) plus a five-year option term (with a 3% annual increase each year). If there are any leases with terms less than five years or if the number of option years is less than five years for any lease, the revenues will be lower. The payments will be deposited into the General Fund Account 030.

**ALTERNATIVES:** Continue the existing rental agreements on a month-to-month basis or terminate them with notice. After termination, the District would be responsible for maintenance expenses until it entered into agreements with new tenants.

**RECOMMENDATIONS:** Adoption of the following motion.

**MOTION:** The General Manager or her designee is authorized to issue new leases to Apex Fence – Livermore (Parcel Number L-5010); Clear Channel – Oakland (Parcel Number O-RE53); Douglas Parking – Oakland (Parcel Number O-K078); Greyhound – Hayward (Parcel Number O-A689); Terranomics – Oakland (Parcel Number O-K005) for terms of up to five years, plus an option term for up to five years; to increase existing fees 3%; to increase fees at 3% for the remaining non-option years; and to increase rents 3% for each option year.

Attachment A

<u>RENTAL ACCOUNT</u>	<u>PARCEL NUMBER</u>	<u>NAME OF TENANT &amp; CITY</u>	<u>ORIGINAL TENANCY START DATE</u>	<u>ANTICIPATED MONTHLY RENT</u>	<u>ANTICIPATED ANNUAL RENT</u>	<u>PARCEL SIZE</u>	<u>TENANT USE</u>	<u>PARCEL ADDRESS</u>
1388	L-5010	Apex Fence	11/1/2012	\$1,030.00	\$12,360.00	5,000 sq. ft.	storage	Laughlin Road, Livermore
1310	O-RE53	Clear Channel	11/1/1986	\$44.00	\$528.00	5,500 sq. ft.	billboard	40th & MLK, Oakland
1255	O-K078	Douglas Parking	11/1/1995	\$2,310.00	\$27,720.00	14,393 sq. ft.	parking	21st & Broadway, Oakland
1361	O-A689	Greyhound	8/1/2000	\$914.00	\$10,968.00	400 sq. ft.	ticket sales	Hayward Station
1299	O-K005	Terranomics	11/1/1998	\$1,110.00	\$13,320.00	5,508 sq. ft.	parking	4th & Clay Street, Oakland

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## Memorandum

**TO:** Board of Directors

**DATE:** June 6, 2014

**FROM:** General Manager

**SUBJECT:** Bay Area Air Quality Management District (BAAQMD) Presentation on Senate Bill 1339 Implementation

At the June 12<sup>th</sup> Board meeting, David Burch, a Principal Planner at the Bay Area Air Quality Management District (BAAQMD), will give a brief presentation on the new Commuter Benefits Program that was jointly developed as a pilot project with the Metropolitan Transportation Commission. The program will be rolled out this fall in the Bay Area and run through 2016.

Senate Bill 1339 (Yee) was signed into law in 2012 to encourage greater transit ridership and less vehicle driving. The BART Board has twice supported legislation to enhance greater transit ridership by requiring employers to provide transit options for their employees.

Please call Kerry Hamill, Assistant General Manager, External Affairs, at 464-6153 should you have any questions.



Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**INTER-OFFICE COMMUNICATION**

**TO:** Board of Directors **Date:** June 6, 2014

**FROM:** Controller-Treasurer

**SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER**

Attached is a copy of the Quarterly Report of the Controller-Treasurer which I will be introducing to you at the June 12<sup>th</sup> Board meeting. This will give you an opportunity to review it prior to the meeting.

Please feel free to call me at 510-464-6070 with any questions you may have.



Scott L. Schroeder

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff