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

BOARD MEETING AGENDA
June 23, 2016
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 23, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

   A. Approval of Minutes of the Meetings of May 26, 2016, and June 9, 2016.* Board requested to approve.

   B. Appointment of BART Police Citizen Review Board Members.* Board requested to ratify.

   C. Award of Contract No. 15NA-110, BART ADA Pilot Projects, Hearing Loop.* Board requested to authorize.

   D. Agreement with Kyungmi Shin for Public Art at El Cerrito Del Norte Station (Agreement No. 05HA001-ARTIST.001).* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes
   (An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS
   Director Saltzman, Chairperson
   NO ITEMS

5. ENGINEERING AND OPERATIONS ITEMS
   Director McPartland, Chairperson

   A. Award of Invitation for Bid No. 8990, Trucks, Hirail, Non-Hirail, (Sewer) Vacuum.* Board requested to authorize.

   B. Award of Contract No. 15PJ-130A, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.* Board requested to authorize.

   C. Change Order to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for Upgrades to the Electrical Distribution and Overcurrent Protection Systems (C.O. No. 5).* Board requested to authorize.

* Attachment available

D. Change Order to Contract No. 15EK-120, Traction Power Substation Replacement, ASL/KTE Installation, with Aldridge Electric, Inc., for Early Termination of Contract (C.O. No. 2).* Board requested to authorize.

E. Draft Policy for Enforcement of Ordinance No. 2016-1, Prohibiting Patrons from Utilizing More Than One Seat during Commute Hours.* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson

A. Systemwide Bicycle Program Update.* For information.

B. West Oakland Station Development: Extension of Exclusive Negotiating Agreement. * Board requested to authorize.

C. Millbrae Station Transit Oriented Development.*
   i. Project Status Report. For information.
   ii. Millbrae Station Area Specific Plan Final Environmental Report (EIR) and BART Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan relating to the Millbrae BART Transit Oriented Development as described in the EIR. Board requested to adopt.
   iii. Millbrae BART Transit Oriented Development as described in the EIR. Board requested to approve.
   iv. Delegation of authority to General Manager or her designee to, under certain circumstances, approve or disapprove of modifications to Millbrae BART Transit Oriented Development as described in the EIR. Board requested to approve.

7. GENERAL MANAGER'S REPORT

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

8. INDEPENDENT POLICE AUDITOR'S REPORT

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

9. CONTROLLER/TREASURER'S REPORT

A. Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2016.* For information.

10. BOARD MATTERS

A. Supplemental Funding for West Contra Costa High-Capacity Transit Study.* Board requested to authorize. (Director Mallett's request.)

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

C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

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

11. 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.)

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:	Property Located at the Millbrae BART Station
District Negotiators:	Robert Powers, Assistant General Manager, Planning, Development, and Construction; Sean Brooks, Department Manager, Real Estate and Property Development; and Ellen Smith, Planning Division Manager
Negotiating Parties:	Urban Republic and San Francisco Bay Area Rapid Transit District
Under Negotiation:	Price and Terms
Government Code Section:	54956.8

13. OPEN SESSION

DRAFT

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

Board of Directors
Minutes of the 1,764th Meeting
May 26, 2016

A regular meeting of the Board of Directors was held May 26, 2016, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Patricia K. Williams, Assistant, District Secretary.

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

Absent: None. Director Josefowitz entered the Meeting later.

President Radulovich 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 Fiscal Year 2017 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. Rob Umbreit, Department Manager, Budget Department, presented the item.

Director Josefowitz entered the Meeting

Mr. Joel Ramos addressed the Board.

There being no further public comment, the Public Hearing was closed.

President Radulovich announced that the following items would be continued to a future meeting: Millbrae Station Transit Oriented Development Update; Closed Session, Conference with Real Estate Negotiators; and Millbrae Station Transit Oriented Development action items.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 12, 2016.

2. Director Mallett's Proposed Travel to Attend the American Public Transportation Association (APTA) Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016.

3. Fiscal Year 2017 Proposition 4 Appropriations Limit.

4. Amendment No. 2 to the Property Exchange and Escrow Instructions Agreement with the City of Fremont for the Warm Springs Extension Project.

5. Award of Invitation for Bid No. 8997, Hanger, Hand Strap.

6. Electric Power Transmission and Distribution Contracts with PG&E.

Director Raburn requested that Item 3-B, Director Mallett's Proposed Travel to Attend the APTA Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016, be removed from Consent Calendar.

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

1. That the Minutes of the Meeting of April 28, 2016, be approved.

2. Adoption of Resolution No. 5319, In the Matter of the Establishment of the Fiscal Year 2017 Appropriations Limit.

3. That the General Manager or her designee be authorized to execute Amendment No. 2 to the Property Exchange Agreement and Escrow Instructions with the City of Fremont in connection with the Warm Springs Extension Project.

4. That the General Manager be authorized to award Invitation for Bid No. 8997, for the procurement of Hanger, Hand Strap, to Bentech, for the Bid price of $311,850.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

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

5. That the General Manager or her designee be authorized to execute bilateral transmission and distribution contracts for a period not to exceed ten (10) years, with the Pacific Gas & Electric Company (PG&E), for the delivery of BART's electric power.

President Radulovich brought the matter of Director Mallett's Proposed Travel to Attend the APTA Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016, before the Board. The item was discussed. Director Murray moved that Director Mallett's travel from June 18 to 22, 2016, to attend the APTA Rail Conference in Phoenix, Arizona, be approved. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Saltzman, and Radulovich. Noes - 1: Director Raburn.

President Radulovich called for Public Comment. The following individuals addressed the Board.
Anita Butler
Johnnie Carter
LaVerda Allen

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2017 Annual Budget before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, presented the Annual Budget. Mr. Paul Oversier, Assistant General

Manager, Operations; Mr. Timothy Moore, Web Services Manager; and Mr. John Mazza, Assistant Chief, Reliability and Quality, presented the Customer Service Tracking Program. The item was discussed.

Chris Finn addressed the Board.

Discussion continued.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Agreement with Aon Consulting, Inc., for Broker and On-Call Consulting Services for Employee Benefits (Agreement No. 6M4425), before the Board. Ms. Diane Iwata, HR Manager, Employment & Classification, presented the item. Director Raburn moved that the General Manager be authorized to award Professional Service Agreement No. 6M4425 to Aon Consulting, Inc., to provide Broker and On-Call Consulting Services for Employee Benefits to the District, in an amount not to exceed $2,492,100.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Resolution to Approve the Establishment of a Labor Compliance Program for the Lafayette Station Site Improvements Project before the Board. Mr. Ardis Graham, Office of Civil Rights, presented the item. Director Murray moved adoption of Resolution No. 5320, Resolution to Approve the Establishment of a Labor Compliance Program for the Lafayette Station Site Improvements Project. Director Raburn seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 7: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Josefowitz and Mallett.

Director Saltzman brought the matter of Proposed Title VI Process – BART Silicon Valley Phase I Berryessa Extension Project before the Board. Ms. Rachel Russell, Senior Analyst, and Mr. Thomas Tumola, Program Manager, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Radulovich announced the Board would recess for 20 minutes, and that the Board would reconvene in open session at the conclusion of that recess.

The Board Meeting recessed at 12:13 p.m.

The Board Meeting reconvened in open session at 12:43 p.m.

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

Absent: None. President Radulovich entered the Meeting later.

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of 2016 State and Federal Legislation before the Board.

President Radulovich entered the Meeting and assumed the gavel.

Mr. Roddrick Lee, Department Manager, Government and Community Relations; Mr. Paul Fadelli, Legislative Analyst, and Mr. Tim Schott, Schott and Lites Advocates Inc., presented the state legislation items. The items were discussed.

Director Saltzman moved the Board support state legislation as recommended by staff, with the exception of AB 1886, and the addition of support for AB 2523, SB 1051, and SB 1107, with AB 1886 to be voted on separately. Director Raburn seconded the motion.

Discussion continued. Director Mallett requested that the motion be bifurcated to vote on AB 1640 separately. The maker and seconder of the motion agreed to the amendment.

Discussion continued. Director Raburn requested that the motion be further divided to vote on AB 1592 separately. The maker and seconder of the original motion agreed to the amendment.

Discussion continued.

Chris Finn addressed the Board.

The main motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Josefowitz moved that the Board support AB 1886. Director Raburn seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Raburn, and Radulovich. Noes – 2: Directors Murray and Saltzman.

Director Keller moved that the Board support AB 1592. Director Murray seconded the motion.

Director Saltzman exited the Meeting.

The motion carried by electronic vote. Ayes – 6: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, and Murray. Noes – 2: Directors Raburn and Radulovich. Absent – 1: Director Saltzman.

Mr. Lee, Mr. Fadelli, and Ms. Emily Bacques, CJ Lake, presented the federal legislative items. The items were discussed. Director Murray moved that the Board support the federal legislation as recommended by staff. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent – 1: Director Saltzman.

Director Raburn brought the matter of Potential 2016 Funding Measure for District Infrastructure Update before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs; and Ms. Lori Lovett, Assistant Chief Mechanical & Engineering Officer – Engineering, presented the

item, consisting of the System Renewal Program Plan 2016 and the BART Safety, Reliability, and Traffic Relief Engineers Report. The item was discussed.

Chris Finn addressed the Board.

Director Raburn brought the matter of Transit Oriented Development Policy Update before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development and Construction; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item.

The following individuals addressed the Board.
Elizabeth Wampler
Joel Ramos

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., for Additional Train Control Switch Machines (C.O. No. 5), before the Board. Mr. Raul Millena, Manager of Train Control Engineering, presented the item. Director Blalock moved that the General Manager be authorized to execute Change Order No. 5, Provision for Additional Train Control Switch Machines, including the Associated Switch Machine Layout Component Parts, Tools, and Hardware for the Switch Machine Equipment, to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., for the amount not to exceed $1,949,074.20, plus applicable taxes. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent – 1: Director Saltzman.

The Quarterly Performance Report, Third Quarter Fiscal Year 2016 - Service Performance Review, was continued to a future meeting.

President Radulovich announced that the Board would enter into closed session under Item 11-B (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 4:02 p.m.

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

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

Absent: Director Saltzman. Directors Josefowitz and McPartland entered the Meeting later.

Directors Josefowitz and McPartland entered the Meeting.

Director Blalock exited the Meeting.

The Board Meeting recessed at 4:43 p.m.

The Board Meeting reconvened in open session at 4:45 p.m.

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

Absent: Director Saltzman.

President Radulovich announced there was no announcement to be made on Item 11-B.

President Radulovich called for the General Manager's Report. Ms. Marcia deVaughn, Deputy General Manager, advised the Board that the report would be submitted in a memo.

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

Director Blalock reported he had given a Better BART presentation.

Director Murray requested that staff return by June 9, 2016, with potential maintenance of effort language that might be included in the BART bond for Board discussion. Director Keller seconded the request.

Director Raburn reported he had attended the California Transportation Equity Summit in Sacramento, the California Transit Association legislative session in Sacramento, the Bay Area Council Outlook Conference, and the East Bay Economic Development Alliance meeting.

President Radulovich called for In Memoriam. No requests were received.

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

The Board Meeting was adjourned at 4:50 p.m.

Patricia K. Williams
Assistant District Secretary

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

Board of Directors
Minutes of the 1,765th Meeting
June 9, 2016

A regular meeting of the Board of Directors was held June 9, 2016, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California; and 347 North La Jolla Avenue, Los Angeles, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Director present in Los Angeles: Director Josefowitz.

Absent: None.

President Radulovich called for Introduction of Special Guests. Director Blalock introduced and welcomed Metropolitan Transportation Commissioner and Orinda City Councilmember Amy Worth.

Consent Calendar items brought before the Board were:

1. Agreement with Sperry Capital, Inc., for Ad Hoc Financial Advisory Services (Agreement No. 6M2057).

2. Renaming of the Board Communications & Technology Modernization Committee to "Technology and Communications Committee.".

3. Award of Contract No. 04SF-170, Construction of East Contra Costa BART Extension Project Sanitary Sewer Connection.

4. Award of Contact No. 15BN-120, Relief Shaft Blast Dampers BD39 and BD40 at San Francisco Transition Structure and BD42 at Oakland Transition Structure.

5. Award of Invitation for Bid No.8980A, Generators, Standby Mobile Engine with Trailers.

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

1. That the Controller-Treasurer be authorized to award Agreement No. 6M2057, to Sperry Capital, Inc., to provide Ad Hoc Financial Advisory Services, in the amount not to exceed $300,000.00, for a term of three years, with two options to extend the Agreement for one additional year, each for an amount not to exceed $100,000.00 per year, subject to availability of funds and compliance with the District's protest procedures.

2. That the Board Communications and Technology Modernization Committee be renamed "Technology and Communications Committee."

3. That the General Manager be authorized to award Contract No. 04SF-170, for the Construction of East Contra Costa BART Extension Project Sanitary Sewer Connection, to California Trenchless, Inc., of Hayward, California, for the amount of $911,800.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

4. That the General Manager be authorized to award Contract No. 15BN-120, Relief Shaft Blast Dampers BD39 and BD40 at SFTS and BD42 at OTS, to Blocka Construction Inc., of Fremont, California, for the Bid amount of $197,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

5. That the General Manager be authorized to award Invitation for Bid No. 8980A, for the procurement of Generators, Standby Mobile Engine with Trailers, three pairs of 200kW and two pairs of 275 kW generators, to CD & Power, Martinez, California, in the amount of $1,142,374.08, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

   (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 Radulovich called for Public Comment. No comments were received.

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Potential 2016 Funding Measure for District Infrastructure: BART Safety, Reliability and Traffic Relief, before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs; Mr. Matthew Burrows, General Counsel; and Ms. Tamar Allen, Chief Maintenance and Engineering Officer, presented the item.

The following individuals addressed the Board.
Amy Worth
Jason Elliott
Emily Loper
Alyssa Kies
Arlo H. Smith
Barbara Leslie
Kathy Hemmenway

Gilbert Gong
C.J. Hirschfield
Matt Nichols
Stuart Cohen
Alan Smith
Janet Magleby
Jon Spangler
Julia Raskin
Cindy Sandoval
Kristin Connelly
George Perezvelez

The item was discussed. Director Saltzman moved adoption of Resolution No. 5321, Resolution Calling a Special District Bond Election for the Purpose of Submitting to the Qualified Voters of the District the Proposition of Incurring Bonded Indebtedness to Acquire and Improve and Replace BART Facilities, Fixing the Date of Said Election, the Manner of Holding the Same, Providing for Notice Thereof, and Consolidating Said District Bond Election with the State of California General Election to Be Held on November 8, 2016, Authorizing Preparation and Filing of a Tax Rate Statement to Be Published in Connection with Said Election, and Authorizing Board Members to File a Ballot Argument in Support of Such Bond Measure; and adoption of Resolution No. 5322, Resolution of the Board of Directors of the Bay Area Rapid Transit District Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness; and approval of the BART General Obligation Bond Program Report. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich and Director McPartland exited the Meeting.

Director Raburn brought the matter of Adoption of the Station Access Policy and Adoption of the Transit Oriented Development Policy before the Board. Mr. Val Menotti, Chief Planning and Development Officer; Mr. Sean Brooks, Department Manager, Real Estate and Property Development; Ms. Hannah Lindelof, Principal Planner; and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item.

The following individuals addressed the Board.
Mark Evanoff
Alan Smith
Pedro Galvao
Lily Gray
Craig Adelman
Jeff Levin

The item was discussed. Director Saltzman moved adoption of the Station Access Policy as presented and adoption of the Transit Oriented Development Policy with an amendment to Strategy E2 to include wording as follows:

> Strategy E.2. Implement BART's adopted Affordable Housing Policy, and aim for a District-wide target of 30 percent of all units to be affordable, with a priority to very low (,50% AMI), low (51-80% AMI) and/or transit dependent populations.

Director Murray seconded the motions.

President Radulovich re-entered the Meeting.

Discussion continued. Director Raburn requested an amendment to Goal A of the Transit-Oriented Development Policy to include wording as follows:

> Goal A. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.

Directors Saltzman and Murray accepted the amendment.

The motion to adopt the Station Access Policy carried by roll call vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett. Absent – 1: Director McPartland. (The Station Access Policy is attached and hereby made a part of these Minutes.)

The motion to adopt the Transit Oriented Development Policy carried by roll call vote. Ayes - 7: Directors Blalock, Josefowitz, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett. Absent – 1: Director McPartland. (The Transit Oriented Development Policy is attached and hereby made a part of these Minutes.)

Director Raburn brought the matter of 2016 State Legislation before the Board. Director Josefowitz presented the item. The item was discussed. Director Josefowitz moved the Board oppose Senate Bill 986, Vehicles: Right Turns. Director Saltzman seconded the motion, which failed. Ayes – 4: Directors Josefowitz, Raburn, Saltzman, and Radulovich. Noes – 4: Directors Blalock, Keller, Mallett, and Murray. Absent – 1: Director McPartland.

Director Josefowitz moved the Board support Assembly Bill 2299, Land Use: Housing units; Assembly Bill 2501, Housing Density Bonuses; and Assembly Bill 1069, Land Use. Director Saltzman seconded the motion, which failed. Ayes – 3: Directors Josefowitz, Saltzman, and Radulovich. Noes – 5: Directors Blalock, Keller, Mallett, Murray, and Raburn. Absent – 1: Director McPartland.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Issuance and Sale of the District's Sales Tax Revenue Bonds, 2016 Refunding Series A, before the Board. Ms. Rose Poblete, Controller/Treasurer, presented the item. Director Murray moved adoption of Resolution No. 5323, Resolution of the San Francisco Bay Area Rapid Transit District Authorizing and Approving the Issuance and Sale of Not to Exceed $100 Million San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds; Authorizing the Execution and Delivery of a Third Supplemental Indenture Pursuant to Which Such Bonds Are to Be Issued and a Notice of Sale Pursuant to Which Such Bonds Are to Be Sold and the Publication of Notice of Intention to Sell; Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of Certain Documents in Connection with the Issuance, Sale and Security of Such Bonds, Including a Continuing Disclosure Agreement and an Escrow Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and to Complete Said Documents; and Authorizing Certain Other Matters Relating Thereto. Director Blalock seconded the motion, which carried by unanimous roll call

vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Saltzman brought the matter of Downtown Berkeley Bike Station Third One-Year Lease Extension before the Board. Ms. Susan Shaffer, Principal Right-of-Way Officer, presented the item. Director Murray moved that the General Manager or her designee be authorized to execute an amendment for a one-year extension to the existing lease with HSR Berkeley Investments, LLC, for approximately 4,000 square feet of commercial space at 2208 Shattuck Avenue, Berkeley, for the Downtown Berkeley Bike Station, in the amount of $144,000.00, commencing July 1, 2016, and to extend such lease on a month-to-month basis upon notification to the Board, to negotiate month-to-month holdover extensions for same for up to six additional months. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous roll call vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Saltzman brought the matter of Award of Agreements for Consulting Services for Enterprise Asset Management System before the Board. Mr. Ravi Misra, Chief Information Officer, presented the item.

Olivia Rocha addressed the Board.

The item was discussed and continued to later in the Meeting.

Director Saltzman brought the matter of Resolution Approving the Fiscal Year 2017 Annual Budget before the Board. Mr. Robert Umbreit, Department Manager, Budget Department, presented the item. Director Raburn moved adoption of Resolution No. 5324, 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, 2016, to June 30, 2017. Director Murray seconded the motion. Director Mallett requested the vote on the resolution be bifurcated to remove revisions to the Station Platform Controllers program, the reallocation of funds for an Access Planner position, and the addition of a Principal Planner to support the Transit Oriented Development Program. The maker of the motion declined to bifurcate the motion.

Alan Smith addressed the Board.

The item was discussed. The motion carried by roll call vote. Ayes – 6: Directors Josefowitz, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Blalock and Mallett. Absent – 1: Director McPartland.

President Radulovich announced that the Board would enter into closed session under Items 10-A (Public Employment) and 10-B (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 12:20 p.m.

The Board Meeting reconvened in closed session at 12:30 p.m.

Directors present in Oakland: Directors Blalock, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Director present in Los Angeles: Director Josefowitz.

Absent: Director McPartland.

The Board Meeting recessed at 1:22 p.m.

The Board Meeting reconvened in open session at 1:24 p.m.

Directors present in Oakland: Directors Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Director present in Los Angeles: Director Josefowitz.

Absent: Directors Blalock and McPartland.

President Radulovich announced there were no announcements to be made on Items 10-A and 10-B.

Director Saltzman brought the continued matter of Award of Agreements for Consulting Services for Enterprise Asset Management System before the Board. The item was discussed. Director Mallett moved that the General Manager be authorized to award Agreements for Consulting Services for Enterprise Asset Management System, for an amount not to exceed $4,000,000.00 each, to Accenture (Agreement No. 6M4434), Interloc Solutions (Agreement No. 6M4435), and TechTu Business Solutions, Inc. (Agreement No. 6M4436), pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Keller seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Blalock and McPartland.

In the absence of the Engineering and Operations Committee Chairperson and Vice Chairperson, President Radulovich brought the matter of East Contra Costa BART Extension Project before the Board. Mr. Zecharias Amare, eBART Project Manager; Mr. Robert Mitroff, Chief Planning and Development Officer; Mr. Paul Oversier, Assistant General Manager, Operations; and Mr. Robert Powers, Assistant General Manager, Construction, Planning and Development, gave a presentation on the Project Update and Change Order to Contract 04SF-130, Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes, with Stacy and Witbec/Amoroso/Modern Railway Systems, a Joint Venture, for Installation of Two Escalators at Antioch Station. The item was discussed.

Jerry Grace addressed the Board.

Director Keller moved that the General Manager be authorized to execute a Change Order, with a not-to-exceed limit of $4,000,000.00, for the installation of escalators at the Antioch BART Station, to Contract No. 04SF-130, for the Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes, subject to funding partner approval. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Blalock and McPartland.

Director Keller exited the Meeting.

President Radulovich brought the matter of Award of Contract No. 09DJ-140A, Repair and Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System, before the Board. Mr. Balvir Thind, Senior Electrical Engineer, presented the item. Director Saltzman moved that the General Manager be authorized to award Contract No. 09DJ-140A, for Repair and Maintenance of Anode Cables, Anode Array Assemblies and Cathodic Protection System, to Vortex Marine Construction, of Antioch, California, for the Total Base Bid Price of $860,368.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise Option A for the Total Option A Bid Price of $871,563.00, and Option B for the Total Option B Bid Price of $883,633.00, and Option C for the Total Option C Bid Price of $895,243.00, subject to certification from the Controller/Treasurer of the availability of funding. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes – 6: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 3: Directors Blalock, Keller, and McPartland.

Director Keller re-entered the Meeting.

President Radulovich brought the matter of Change Order to Contract No. 15EK-210, Procurement of Traction Power Substations Phase 1, with Powell Electrical Systems, Inc., to Remove Design, Engineering, and Traction Power Equipment (C.O. No. 22), before the Board. Mr. Oversier and Mr. Steve Sims, Project Manager, presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Mallett moved that the General Manager be authorized to execute Change Order No. 22 to Contract No. 15EK-210, for removal of design, engineering, and traction power equipment, for a credit to the District of $6,101,686.74. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Blalock and McPartland.

President Radulovich brought the matter of Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 15, 2016, before the Board. Mr. David Kutrosky, Managing Director, presented the item.

President Radulovich 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 reminded the Board of upcoming events. Ms. Crunican thanked staff for their efforts in preparing the BART Safety, Reliability and Traffic Relief bond measure, the Station Access Policy, and the Transit Oriented Development Policy.

Jerry Grace addressed the Board.

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

Director Saltzman reported she had attended the Access Tech Conference.

Director Saltzman requested that staff present ideas coming out of the Access Tech Conference to the Board for further consideration. Director Josefowitz seconded the request.

Director Josefowitz requested staff respond to a request for Google maps to map station interiors. Director Saltzman seconded the request.

President Radulovich called for In Memoriam. Director Blalock requested that the Meeting be adjourned in honor of Muhammad Ali.

President Radulovich called for Public Comment. Jerry Grace addressed the Board.

The Meeting was adjourned at 2:40 p.m. in honor of Muhammad Ali.

Kenneth A. Duron
District Secretary

BART STATION ACCESS POLICY

Adopted June 9, 2016

VISION

For more than 40 years, the San Francisco Bay Area Rapid Transit District (BART) has been a steward of major public investment to connect people and places. The BART Station Access Policy is designed to support the broader livability goals of the Bay Area, reinforce sustainable communities, and enable riders to get to and from stations safely, comfortably, affordably, and cost-effectively.

GOALS

A. Safer, Healthier, Greener. Advance the region's safety, public health, and greenhouse gas (GHG) and pollution-reduction goals.

1. Ensure safe access for all users of the BART system, including users with disabilities.
2. Promote and invest in active transportation access modes to improve public health.
3. Prioritize the most sustainable access modes, with a focus on the lowest greenhouse gas and pollutant emissions per trip.
4. Reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers.
5. Develop station-level designs that are consistent with the Station Design Access Hierarchy (Figure 1).

B. More Riders. Invest in station access to connect more riders cost-effectively, especially where and when BART has available capacity.

1. As ridership grows, invest in and manage access resources so as not to exacerbate peak period – peak direction crowding, including by ensuring users can find parking spaces at all times of day.
2. Develop access solutions that promote reverse-peak and off-peak ridership to optimize use of the BART system.

C. More Productive and Efficient. Manage access investments, programs, and current assets to achieve goals at the least cost.

1. Consider life-cycle costs, including capital and operating budget implications, using best asset management practices.
2. Factor land value in decision-making, prioritizing access that generates the most riders with the least space.
3. Consider the Station Access Investment Framework (Figure 2) in identifying contextual access investments at each station, and seek to move stations from their existing to their aspirational types.

D. Better Experience. Be a better neighbor, and strive for an excellent customer experience, including on the first and last mile of the trip to and from BART stations.

1. Expand station access choices for all riders.

2. Promote Transit-Oriented Development (TOD) on and off of BART property as a powerful access tool, putting more riders within walking distance of stations, connecting communities.
3. Collaborate with local jurisdictions to improve station access and create more sustainable communities, including by promoting access improvements off BART property.
4. Ensure high quality design for access improvements, with careful consideration of the local context and the quality of the environment accessing BART.

E. Equitable Services. Invest in access choices for all riders, particularly those with the fewest choices.

1. Ensure that disadvantaged communities share in the benefits of BART accessibility.
2. Strive to be a partner to reduce the cost of living (i.e., transportation and housing) in the Bay Area for low-income communities by increasing access and housing options (i.e. TOD), providing greater access to opportunity.
3. Use Universal Design principles to improve safety and ensure access is available for everyone at all times.

F. Innovation and Partnerships. Be an innovation leader, and establish durable partnerships with municipalities, access providers, and technology companies.

1. Involve BART riders in station access decision-making.
2. Develop partnerships with municipalities, transit operators, developers, technology providers, corporate shuttle providers, Transportation Network Companies, bike share operators, advocacy groups and other entities to best meet access goals.
3. Continue to research and pilot emerging technologies and new forms of access services to keep up with the rapidly-changing transportation ecosystem.
4. Remain technology- and operator-agnostic; make long-term investments in the access technologies and services that best meet the needs of BART riders.
5. Prioritize projects that leverage other fund sources and local matches both to further build partnerships and to capture more value from BART investments.

STRATEGIES

Plan, Innovate and Partner

1. Plan for systemwide access mode shift to reduce drive alone rates.
2. Partner with interested stakeholders to improve access to the BART system.
3. Plan all BART facilities to be accessible to all users, including users with disabilities.

Invest and Implement

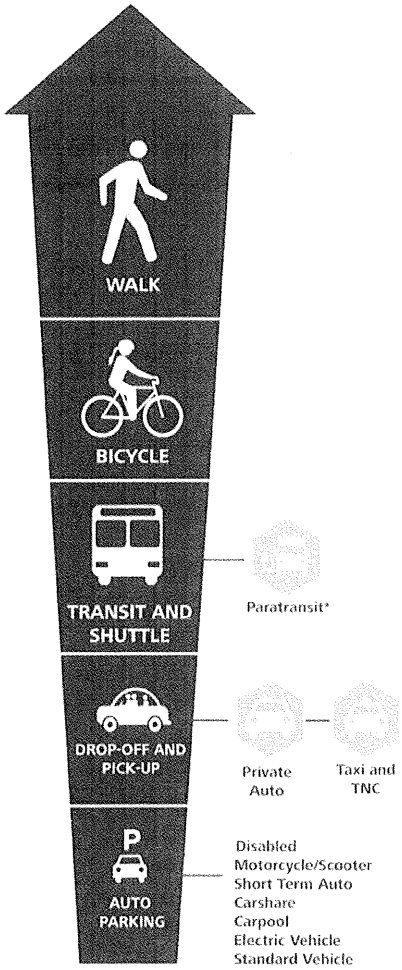
1. Invest in the pedestrian and bicycle assets with a focus on BART property, and partner to advance projects off BART property, including partnering on local initiatives, such as Vision Zero, Safe Routes to School, and Safe Routes to Transit.

2. Invest in transit connections, including investments that improve passenger experience in transit transfers (shelters, real-time information); seek to reduce barriers to transit connections; and partner with local transit service providers on last mile improvements.
3. Prioritize station access investments that support ridership growth where and when the system has capacity.
4. Improve management of existing parking resources, and invest in or partner on strategic parking resources; including shared parking, on-street parking, programs to maximize existing parking assets, and locating new parking resources only where other approaches are not sufficient, consistent with the station typology investment matrix.

Manage and Assess

1. Manage resources we have.
2. Regularly collect and analyze station access data, and consider emerging data sources.
3. Develop a 4-year work plan to identify projects BART staff will advance in the near-term.
4. Revisit the Station Access Policy every ten years.

FIGURE 1: STATION ACCESS DESIGN HIERARCHY



*All Stations must be paratransit accessible
Note: All stations must always remain readily accessible to and usable by persons with disabilities

FIGURE 2: STATION ACCESS INVESTMENT FRAMEWORK

STATION TYPE	PRIMARY INVESTMENTS	SECONDARY INVESTMENTS	ACCOMMODATED	NOT ENCOURAGED
URBAN	Walk, Bicycle	Transit and Shuttle	Taxi and TNC, Drop-Off and Pick-Up	Auto Parking*
URBAN WITH PARKING	Walk, Bicycle	Transit and Shuttle	Taxi and TNC, Drop-Off and Pick-Up	Auto Parking*
BALANCED INTERMODAL	Walk, Bicycle	Transit and Shuttle, Drop-Off and Pick-Up	Taxi and TNC, Auto Parking*	
INTERMODAL/ AUTO RELIANT	Walk	Bicycle, Drop-Off and Pick-Up, Transit and Shuttle	Taxi and TNC, Auto Parking*	
AUTO DEPENDENT	Walk	Bicycle, Drop-Off and Pick-Up, Auto Parking*, Transit and Shuttle	Taxi and TNC	

Primary Investment:
BART will prioritize investments of funds and staff time on and off of BART property, consistent with access goals; priority projects best achieve policy goals, focus on safety and sustainability.

Secondary Investment:
BART will invest funds and staff time on and off of BART property, consistent with policy goals; secondary investments balance policy goals.

Accommodated:
BART will maintain and manage existing assets, and partner with other access providers as needed.

Not Encouraged:
BART will not invest in construction of parking expansion.

Note: TNC is for Transportation Network Company (shared use mobility)

**Parking Management is a secondary investment at all stations with parking.*
**Parking replacement for transit-oriented development to be determined by BART's Transit-Oriented Development Policy.*

Transit-Oriented Development Policy

Adopted June 9, 2016

VISION

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

GOALS

A. **Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.

B. **Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.

C. **Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.

D. **Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.

E. **Transportation Choice**. Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.

F. **Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

STRATEGIES

A. Manage Resources Strategically to Support Transit-Oriented Development

1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.

2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives or where other strategies would generate greater financial return to the District.

3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process, but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.

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

B. Support Transit-Oriented Districts

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.

2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.

3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

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

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.

2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.

3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

D. Enhance Benefits of TOD through Investment in the Program

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.

2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.

3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

E. Invest Equitably

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.

2. Implement BART's adopted Affordable Housing Policy, and aim for a District-wide target of 30 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations.

3. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** June 15, 2016

FROM: Interim Independent Police Auditor

SUBJECT: Appointment of BART Police Citizen Review Board Members

In accordance with Chapter 2-02 of the BART Citizen Oversight Model (Model), those members of the BART Police Citizen Review Board (BPCRB) appointed by BART Directors from Districts 1, 3, 5, 7, and 9 as well as the Public-at-Large member shall have their terms of service expire on June 30, 2016. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

According to Chapter 1-05(G) of the Model, the Office of the Independent Police Auditor (OIPA) will facilitate the application process for seats on the BPCRB and will coordinate the selection process with the Office of the District Secretary and the Board of Directors (Board).

The BART Directors from Districts 1, 3, 7, and 9 have indicated an intention to reappoint each of their current BPCRB appointees, respectively, and each of those current BPCRB appointees has indicated acceptance of such reappointment. Before you for your consideration is reappointment of the current Public-at-Large appointee, who has expressed an interest in serving another term. The Board may instruct OIPA to solicit applications from the public for the seat, from which the Board may make a selection in the future. The Board may also choose to allow the Public-at-Large seat to remain vacant until a decision on further action is made. The appointment of a BPCRB member to the seat representing District 5 presently remains pending.

In accordance with Chapter 2-06 of the Model, vacancies on the BPCRB shall be filled for the unexpired portion of the term, subject to ratification by the Board. A vacancy in the seat that represents one of the nine BART Districts shall be filled by the Director whose appointee has ceased to serve.

At present, a vacancy exists in the seat representing BART District 2, which has a term that expires on June 30, 2017. BART District 2 Director Joel Keller has selected a candidate to fill the vacancy for the unexpired portion of the term.

Attached to this memorandum is a motion which, if adopted by the Board, will ratify the appointments of the BART Directors from Districts 1, 2, 3, 7, and 9, and the Public-at-Large member.

Please contact me at (510) 874-7477 or rbloom@bart.gov at your convenience if you have any questions about this matter.

Thank you,

Russell G. Bloom

Attachment

cc: Board Appointed Officers
Deputy General Manager

RATIFICATION OF BART POLICE CITIZEN REVIEW BOARD APPOINTMENTS

MOTION:

That the Board of Directors ratifies the appointment of the following individuals to the BART Police Citizen Review Board for the term of 2 years that expires on June 30, 2018:

Benjamin Douglas – District 1
William White – District 3
Sharon Kidd – District 7
George Perezvelez – District 9
Cydia Garrett – Public-at-Large

And the Board of Directors ratifies the appointment of the following individual to the BART Police Citizen Review Board to fill the vacancy that exists in the seat representing BART District 2, with a term that expires on June 30, 2017:

Cathryn Freitas – District 2

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D:
DATE: 6/15/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Carl Orman Dept: Signature/Date: 6/13/16	General Counsel 6/13/16 [ ]	Controller/Treasurer 6/13/16 [ ]	District Secretary [ ]	BARC 6/13/16 [ ]

TITLE:

Award of Contract No. 15NA-110, BART ADA Pilot Projects, Hearing Loop

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15NA-110 BART ADA Pilot Projects, Hearing Loop, to Exaro Technologies Corporation ("Exaro"), of Burlingame California for the Bid Price of $219,999.00.

DISCUSSION: This Contract is designated as a Micro Small Business Entity ("MSBE") Set Aside Contract under the District's Disadvantaged Business Enterprise Program Small Business Elements ("SBE Elements"). Bidders were informed that Bids may only be submitted by firms certified as an MSBE, under the District's SBE Elements, prior to the Bid opening date. The scope of this Contract includes, among other things, the designing, furnishing and installing a hearing loop system at the Fremont BART Station. There are two areas of work within the Station: the Station agent booth and the platform. This scope of work is a pilot project to provide better communication to BART's hearing impaired customers. If this installation is successful then similar projects may be undertaken at additional stations.

The District provided advanced notice to 108 prospective Bidders on March 9, 2016 and Contract Documents were sent to 22 plan rooms. The Contract was advertised March 11, 2016 in local publications. A total of three (3) firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on March 30, 2016 and two (2) prospective Bidders attended the meeting. Two (2) Bids were received and Bids were publically opened on May 24, 2016. A tabulation of the Bids, including the Engineer's Estimate is as follows:

Bidder	Location	Total Base Bid Price
Exaro Technologies Corporation	Burlingame, CA	$219,999.00
AEKO Consulting	Oakland, CA	$237,500.00
Engineer's Estimate		$176,860.00

After review by District Staff, the apparent low Bid, submitted by Exaro, was determined to be responsive to the solicitation. Examination of Exaro's license, business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of $219,999.00, is fair and reasonable.

District staff has determined that this 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.

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 qualified for a categorical exclusion as defined under 23 CFR 771.118 (c) (5) for actions promoting safety, security, accessibility and effective communication.

Pursuant to the District's Disadvantaged Business Enterprise Program SBE Elements, this Contract was advertised as an MSBE Set-Aside. All Bidders are required to be a BART certified MSBE at the time of Bid. The lowest responsive Bidder, Exaro, is a BART certified MSBE.

FISCAL IMPACT:

Funding of $219,999 for the award of Contract No. 15NA-110 is included in total project budget 15NA001 – Accessible Signs and Way Finding. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of June 1, 2016, $2,252,245 is available for this project from the following sources:

Fund	Fund Description	Fund Source	Fund Amount
3004	FY12- Capital Projects	Federal	1,332,888
3011	FTA CA-90-Z276 FY15	Federal	95,648
354G	CA-90-Y604/FY08 Capital Assistance Program	Federal	273,521.00
354J	CA-90-Y689/FY05 Main Line Renovation	Federal	154,443
6018	FY11-12 Project Match MTC Res#4044	Regional	333,222
6214	RM2 - Match to 53G, 54G, 54J	Regional	38,611
8526	FY14 Operating Allocation to Capital	BART	23,913
			2,252,245

The District has expended $564,262, committed $233,685, and reserved $0.00 to date for other

action. This action will commit $219,999 leaving an available fund balance of $1,234,300 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may elect to reject all Bids and authorize Staff to re-advertise the Contract. Under this alternative, Staff would have to reissue the Bid package and obtain new Bids. The reissuance process will likely delay construction six (6) months and could result in Bid prices that are higher than the current bids. The Board could also decline to authorize award of the Contract, which will result in deferral of the pilot project for communication improvements for BART's hearing impaired customers. If the project were deferred, BART Staff costs incurred to date related to this project may need to be reimbursed to the FTA.

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

MOTION: The General Manager is authorized to award Contract No. 15NA-110, BART ADA Pilot Projects, Hearing Loop, to Exaro Technologies Corporation for the Bid price of $219,999.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/15/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennifer Easton Dept: Planning, Development & Construction Signature/Date: 6/14/16	General Counsel 6/14/16 [ ]	Controller/Treasurer 6/14/16 [ ]	District Secretary [ ]	BARC Powers 14 JUNE 2016 [ ]

Status: Routed	Date Created: 05/26/2016

TITLE:

AUTHORIZE THE NEGOTIATION AND EXECUTION OF AGREEMENT NO. 05HA001-ARTIST.001 WITH KYUNGMI SHIN TO PROVIDE TWO MOSAIC MURALS FOR EL CERRITO DEL NORTE BART STATION

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager, or the General Manager's designee, to negotiate and execute Agreement No. 05HA001-ARTIST.001 with Kyungmi Shin (dba Shin/Gray Studio) to design, fabricate and supervise the installation of two mosaic murals as part of the El Cerrito del Norte Station Modernization.

DISCUSSION:
On October 1, 2015, the District issued Request for Qualifications ("RFQ") Contract No.05HA001-ARTIST.001 to procure an artwork to enhance the El Cerrito del Norte Station entrance/departure experience as part of the station modernization program. The RFQ solicited an artist or artist team to design, fabricate and install two mosaic murals to be placed in an area approximately 8'7" (h) x 42' (w) over the ticket vending machines for a total budget not to exceed $180,000. Minimum qualifications included 1) California residency; 2) demonstrated experience producing architecturally-scaled glass or ceramic mosaic panels; 3) demonstrated skills designing, fabricating and managing a public art project relative to the scale and complexity of the planned art project at El Cerrito del Norte; 4) experience working cooperatively with multiple professionals including architects, engineers, project personnel, artists, designers, and community members; and 5) aesthetic excellence and a minimum of five years of work as a practicing artist.

The RFQ was sent to a number of external resources where artists search for similar opportunities including Americans for the Arts Public Art listserv; California Arts Council; Art program managers for the Cities of Oakland, San Francisco, Sacramento, Palo Alto, San Jose, Berkeley, and Emeryville; Southern and Northern California Public Art Networks; the Los Angeles County Metropolitan Transportation Authority (LA Metro); Oakland Art Murmur and participating galleries; SFMOMA; Yerba Buena Center for the Arts; Galeria de la Raza; and the Alameda County Arts Commission. The RFQ was also sent directly to a number of artists and posted on BART's website. In addition to the online outreach, BART staff completed nine separate outreach meetings for the local arts community at the following locations and dates: Berkeley Art Center (8/15/15), ProArts (Oakland, 7/18/15), East Bay Center for Performing Arts

(Richmond, 7/20/15), Root Division (SF, 7/8/15), Joyce Gordon Gallery (Oakland, 7/8/15), Yerba Buena Alliance (SF, 8/4/15), and Omi Gallery (Oakland, 7/27/15). Each of these organizations also shared the opportunity with their own networks. Over 200 artists attended these workshops that discussed the open opportunities for the current Station Modernization Projects.

Artists submitted qualifications and letters of interest via the online CaFE system (callforentry.org). 53 applications were received during the six-week period the RFQ was open, and after initial review by the art consultant, 25 applicants were determined to have met the Minimum Qualifications and moved forward for further review. On December 11, 2015, the 25 applications were reviewed by a Selection Committee ("Committee") consisting of BART staff, City of El Cerrito staff, arts professionals, and community representatives from El Cerrito and Richmond including one representative designated by the El Cerrito Arts and Culture Committee.

Proposals were reviewed on a series of criteria established by BART and the Committee including those indicated above, as well as the Committee's determination of the artist's potential to design a work that is timeless, aesthetically compatible with the design of the new areas in the station, and complementary to and compatible with the station's existing mosaic murals.

The following artists/teams were invited to a Request for Proposal ("RFP") phase for which each team was asked to develop a proposal for an honorarium of $2,000:

Artist/Team	**Location**
1. Colette Crutcher and Aileen Barr	San Francisco, CA
2. Kyungmi Shin	Los Angeles, CA
3. Wowhaus (Ene Osteraas-Constable & Scott Constable	Sebastopol & Oakland, CA

A Request for Proposals ("RFP") was distributed to the these artists who were invited to submit proposals. A pre-proposal meeting for the RFP was held on February 2, 2016. The meeting included presentations by BART staff, City of El Cerrito staff on the City's plans and visions, and the El Cerrito Historical Society. Following presentations to the artists, the El Cerrito Arts and Culture Committee hosted a public session where the artists were invited to present their portfolio and approach to their work, and converse with the committee members and community.

On March 7, 2016, the artists submitted draft concepts to BART and the art consultant for initial review and comment on initial technical specifications and general artistic direction. The artists submitted final concept proposals on March 28, 2016. The Committee reconvened on April 7, 2016 to review the three concept proposals. The Committee considered the proposals utilizing the following criteria: 1) aesthetics, 2) relationship of artwork to station design, 3) durability and maintenance, and 4) budget.

Upon review of the presentations and proposals, the Committee and BART Staff determined that additional comment and review was needed prior to making the final selection. Each artist was given feedback from the committee and offered the opportunity to revise and resubmit their

proposals.

The Committee reconvened on May 13 to review the revised designs of the three artists/artist teams and make their final selection. Based on the oral presentations and concept proposals, the Committee determined that the most qualified artist was Kyungmi Shin. If authorized, staff will enter into negotiation of an agreement with Ms. Shin based on a model agreement referenced as part of the RFQ.

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

FISCAL IMPACT:
Funding of $180,000 for Contract # 05HA001-ARTIST.00 is included in total project budget for FMS # 05HA001 – El Cerrito Del Norte Gateway. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of June 13, 2016 $28,568,525 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
535A	FY10-11 Prop 1B - PTMISEA	State	10,000,000
535B	FY14-15 Prop 1B - PTMISEA	State	5,112,420
6646	CCTA Measure J - Res 13-09-P	Local	125,000
6649	CCTA Measure J - Res 16-17-9	Local	11,503,000
8526	FY2014 Operating Cap Alloc	BART	328,105
8528	Stations & Access form Pkg Rev	BART	1,500,000
Total			**28,568,525**

BART has expended $2,926,925, committed $183,591 and reserved $20,000,000 to date for other action. This action will commit $180,000 leaving an available fund balance of $5,278,010 in this project.

There is no fiscal impact on available unprogrammed District Reserves

ALTERNATIVES: Reject all of the proposals and reinitiate the process of soliciting new qualifications and proposals. The amount of time necessary to reissue the RFQ and a subsequent RFP would result in the artwork being delayed beyond the current station modernization schedule. Alternately a determination could be made to reject all proposals and either eliminate this art component or any art component from the El Cerrito del Norte station modernization project.

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

MOTION: The General Manager, or the General Manager's designee, is authorized to negotiate and execute Agreement No. 05HA001-ARTIST.001 with Kyungmi Shin (dba Shin-Gray Studio, Inc.) for the design, fabrication and supervise the installation of a two mosaic murals at El Cerrito del Norte station in an amount not to exceed $180,000.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/17/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept: Signature/Date: 6/17/16	General Counsel 6/17/16 [ ]	Controller/Treasurer 6/17/16 [ ]	District Secretary [ ]	BARC 6/17/16 [ ]

Status: Routed	Date Created: 06/13/2016

TITLE:

Award of IFB No. 8990, Trucks, Hi-Rail and Non-Hi-Rail (Sewer) Vacuum

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8990 to Golden Gate Truck Center, Oakland, CA, in the amount of $2,351,974.06, including all applicable sales tax, for the purchase of four (4) Sewer Vacuum Pump Trucks (Vacuum Trucks) configured as follows: one (1) large hi-rail vehicle, one (1) large vehicle (not hi-rail), and two (2) small hi-rail vehicles.

DISCUSSION:

Storm water discharges in California are regulated through National Pollutant Discharge Elimination System (NPDES) permits. Purchase of the new vacuum trucks will aid BART in accomplishing its Municipal Separate Storm Sewer Systems (MS4) initiative to properly drain, channel and control scheduled and unscheduled discharges that may result from power washing station platforms, vehicle related spills and waste water accumulations from flushing storm drain lines. MS4 management ensures there is "Only rain down the drain."

The Right of Way Maintenance Group, Structures Department uses vacuum trucks designed with turbo charged water pumps to remove sediment, debris, and wastewater from storm drains, catch basins and flooded sewer lines throughout the District. A high pressure jet rodder hose on the truck's maneuverable front reel is also available as a hydro excavator for safe trenching around hidden gas and power lines. The Track Department utilizes the high powered vacuum pumps to automate the removal of ballast, contaminated soil and solid waste when replacing rail and ties to expedite project completion and reduce accident potential. Spray equipment on the truck can also assist with tunnel and subway cleaning and maintenance.

The truck is powered by a carbon emission compliant, tier four final diesel engine with automatic transmission and a heavy duty modular sub-frame supporting an engine driven positive displacement vacuum system, rotating extendable boom and pick up hose, forty (40) gallon per minute at 2,500 pounds per square inch pump, jet spray hose, fifty (50) degree dump angle debris body, clean water tanks with filtration for recycling waste water and cab that seats up to three (3) crews. Liquid and solid waste can be efficiently collected, separated, and dispersed by the trucks' hydraulic systems, and spray nozzle power.

Currently two (2) hi-rail vacuum trucks are operating within the District, purchased in 1988 and

1985. Both vehicles have reached the end of their useful lives and will be retired.

The new large vacuum trucks, one (1) hi-rail and one (1) not will be used on and off rail as needed. The two (2) small hi-rail vacuum trucks, designed to meet BART's on track clearance requirements for subways and tunnels, will provide previously unavailable capacity for the District to maintain a state of good repair.

A notice requesting bids was published on May 27, 2016 and bid requests were mailed to five (5) prospective bidders. Bids were opened on June 7, 2016 and four (4) bids were received. The apparent low Bid, Peterson Trucks, Inc., was determined by Staff to be non-responsive due to multiple exceptions taken in the bid documents to Specification design and performance requirements.

Bidder	Unit Price	Quantity (Truck)	Extended Total
Peterson Trucks, Inc.	$624,042.85	1 (Large Hi-Rail)	$ 624,042.85
San Leandro, CA	$513,455.26	1 (Large Non-Hi-Rail)	$ 513,455.26
	$588,074.96	2 (Small Hi-Rail)	$1,176,149.92
	Grand Total Including 9.5% Sales Tax		**$2,313,648.04**
Golden Gate Truck Center	$629,430.86	1 (Large Hi-Rail)	$ 629,430.86
Oakland, CA	$523,233.26	1 (Large Non-Hi-Rail)	$ 523,223.26
	$599,659.97	2 (Small Hi-Rail)	$1,199,319.95
	Grand Total Including 9.5% Sales Tax		**$2,351,974.06**
Owen Equipment	$635,429.49	1 (Large Hi-Rail)	$ 635,429.49
Sacramento, CA	$531,435.76	1 (Large Non-Hi-Rail)	$ 531,435.76
	$621,463.61	2 (Small Hi-Rail)	$1,242,927.23
	Grand Total Including 9.5% Sales Tax		**$2,409,792.47**
Haaker Equipment Company	$660,846.74	1 (Large Hi-Rail)	$ 660,846.74
La Verne, CA	$552,400.13	1 (Large Non-Hi-Rail)	$ 552,400.13
	$646,322.66	2 (Small Hi-Rail)	$1,292,645.31
	Grand Total Including 9.5% Sales Tax		**$2,505,892.17**

The independent cost estimate by BART staff is: $2,000,000.00, including 9.5% sales tax.

Staff has determined that Golden Gate Truck Center, Oakland CA, submitted a responsive bid. Staff has also deemed the price to be fair and reasonable based upon the independent cost estimate by BART staff and a market survey of qualified suppliers.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

FISCAL IMPACT:

Funding of $2,351,974 is included in the total budget for Project 15TD000 – WAYSIDE EQUIPMENT FY06. 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 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 Group	Total Awarded
Various FTA Grant sources	37,699,024
State Prop1B & Local Area Grants	4,076,218
BART Operating allocation to Capital	8,450,187
Grand Total	**50,225,429**

As of June 13, 2016, $50,225,429 is the total budget for this project. BART has expended $17,051,198, has committed $25,529,054 and reserved 5,249,368 to date for other actions. This action will commit $2,351,974, thus leaving an available balance of $43,835 remaining in fund resources for this project.

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

ALTERNATIVE:

The Alternative is to reject the "Bids" and re-advertise. Re-advertising is not likely to result in more competition or lower prices and would result in the District's continued reliance on inefficient equipment, generating rising maintenance cost and longer clean-up response times.

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. 8990 for the procurement of Trucks, Hi-Rail and Non-Hi-Rail (Sewer) Vacuum, four (4) each, to Golden Gate Truck Center, Oakland, CA in the amount of $2,351,974.06, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest

Procedure and FTA requirements related to protests.

VACTOR
CA 429

VACTOR

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 6/15/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hong Mei Dept: Dept: Planning, Development and Construction - Earthquake Safety Program Signature/Date: 6/15/16	General Counsel 6/15/16 [ ]	Controller/Treasurer 6/15/16 [ ]	District Secretary [ ]	BARC 6/15/16 [ ]

Status: Routed	Date Created: 06/02/2016

TITLE:

Contract No. 15PJ-130A BART Earthquake Safety Program Fruitvale Station and Coliseum Station

NARRATIVE:

PURPOSE:

To obtain Board authorization to award Contract No. 15PJ-130A, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.

DISCUSSION:

The Work included in this Contract is part of BART's Earthquake Safety Program (ESP), which was developed in anticipation of potential future major earthquakes in the San Francisco Bay Area, and includes construction of structural modifications to the original BART system to provide adequate resistance to forces arising in a major seismic event.

The Work includes the base contract work (Base Bid) and Options A and B. The Base Bid includes construction of structural and related site work, and architectural and mechanical/electrical modifications, to improve the seismic safety of the Fruitvale and Coliseum Stations. Option A includes the removal and reconstruction of the existing breakroom at the Fruitvale Station and Option B includes the construction of a new breakroom at the Coliseum Station.

The District sent out 372 Advance Notices on March 8, 2016. The Contract was advertised on March 9, 2016 and Contract Books were sent to 21 plan rooms. A total of 16 firms purchased copies of the Bid Documents. One Pre-Bid Meeting and Jobsite tour were conducted on March 23, 2016 with a total of 11 potential Bidders in attendance. Four (4) Bids were received and publicly opened on Tuesday, May 17, 2016.

Tabulation of the Bids including the Base Bid and Options A and B along with the Engineer's Estimate, is as follows:

No.	BIDDER	LOCATION	Base Bid	Option A	Option B	TOTAL AMOUNT
1.	Federal Solutions Group, Inc.	San Ramon, CA	$13,446,650.00	$275,000.00	$375,000.00	$14,096,650.00
2.	Brosamer and Wall, Inc.	Berkeley, CA	$14,198,000.00	$130,000.00	$200,000.00	$14,528.000.00

3.	Disney Construction, Inc.	Walnut Creek, CA	$14,400,700.00	$150,000.00	$150,000.00	$14,700,700.00
4.	ProVen Management, Inc.	Berkeley, CA	$15,852,777.00	$325,000.00	$600,000.00	$16,777,777.00
	ENGINEER'S ESTIMATE		$14,716,000.00	$239,000.00	$315,000.00	$15,270,000.00

The apparent low Bid submitted by Federal Solutions Group (FSG) is responsive. The Bid price was determined to be complete, fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

This Contract was advertised pursuant to the California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Program requirements for Federal Highway Administration (FHWA) funded contracts. The Office of Civil Rights (OCR) reviewed the scope of work for this Contract and determined that there were subcontracting opportunities; therefore, a DBE participation goal of 12% was set for this Contract. FSG is certified as a DBE and committed to a DBE goal of 53.3%. OCR has determined the bidder has met the DBE participation goal set for this contract.

FISCAL IMPACT:

Funding of $14,096,650 for the award of contract 15PJ-130 is included in the total project budget for FMS #15PJ001 – A Line Coliseum and Fruitvale. 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 March 2014, 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 sources as listed.

F/G 3840 – FHWA STPLZ 6000(60)	$ 3,016,056
F/G 801J – ESP Unissued GO Bond	$ 20,582,944
Total	$ 23,599,000

As of May 23, 2016, $23,599,000 is the total budget for this project. BART has expended $1,303,879 and committed $695,299 and reserved $2,026,794 to date for other actions. This action will commit additional 14,096,650 leaving an available fund balance of $5,476,378 in fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in lower bid prices and will result in the delay of required seismic retrofit work at Fruitvale

Station and Coliseum Station.

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

MOTION:
The General Manager is authorized to award Contract No. 15PJ-130A, Earthquake Safety Program Fruitvale Station and Coliseum Station, to Federal Solutions Group, Inc. for the Base Bid amount of $13,446,650.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FHWA's requirements related to protests. The General Manager is also authorized to exercise Option A Bid Price of $275,000.00 and Option B Bid Price of $375,000.00 subject to availability of funds.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

ESP Financial Summary for 15PJ-130A PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 5/31/16	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	$105,000,000	**$257,500,000**	
Other GEC	$81,478,000	**$0**	
Subtotal GEC	$186,478,000	**$257,500,000**	
CM	$61,498,000	**$95,400,000**	
Environmental	$1,042,796	**$2,198,237**	
TOTAL E, E & CM	**$249,018,796**	**$355,098,237**	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	$1,033,000	**$1,153,096**	
Oakland Landside	$17,970,000	**$10,699,433**	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	$73,037,000	**$5,655,414**	
Marine Vibro Demo	$101,285,000	**$11,000,000**	
Stitching	$82,962,000	**$0**	
Additional TBT Retrofits	$0	**$317,295,302**	
Aerial Guideways			
West Oakland/North Oakland	$112,923,000	**$85,258,770**	
Fremont	$178,224,000	**$45,700,000**	
Concord	$36,500,000	**$12,370,889**	
Richmond	$80,155,000	**$34,800,000**	
San Francisco/Daly City	$36,590,000	**$9,600,000**	
Stations (18)	$126,961,000	**$92,146,650**	
Other Structures			
LMA	$5,529,000	**$12,100,000**	
Yds & Shops	$12,436,000	**$19,500,000**	
Parking Structures	$14,437,000	**$14,600,000**	
Miscellaneous Cleanup		**$2,620,764**	
At Grade Trackway	$22,361,000	**$0**	
34.5kV Replacement		**$42,490,000**	
Systems	$7,066,000	**$17,500,000**	
TOTAL CONSTRUCTION	**$909,469,000**	**$734,490,318**	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	$159,894,204	**$214,851,500**	
Add Auth to Execute Agrnt w/Public & Private Entities		**$5,000,000**	
Contingency	$32,104,000	**$0**	
TOTAL PROGRAM COSTS	**$191,998,204**	**$219,851,500**	
BASELINE FUNDING	**$1,350,486,000**		
REVISED FUNDING		**$1,309,440,055**	
		$1,277,375,274	Adopted Funding
		$32,064,781	Outside Adopted Funding

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors
DATE: 6/15/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Thomas Horton Dept: PD&C Signature/Date: 6/15/16	General Counsel 6/15/16 [ ]	Controller/Treasurer 6/15/16 [ ]	District Secretary [ ]	BARC 6/15/16 [ ]

TITLE:

Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, Change Order No. 5, Electrical and Overcurrent Protection Upgrades

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 5 to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for upgrades to the electrical distribution and overcurrent protection systems at the Hayward Main Shop, for an amount not to exceed $1,300,000, with Clark Construction..

DISCUSSION:

The Board of Directors authorized award of Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, to Clark Construction on July 23, 2015, for the amount of $98,390,000. The Contract will construct the new Component Repair Shop and add additional vehicle lifts and associated utilities and trackwork at the existing Main Shop. Included was an upgrade of the electrical cable and transformer supplying the Main Shop Building to account for the additional power needed for the new lifts.

After award of the Contract, it was determined that, in order to activate the new cable supplying the Main Shop, the existing Substation E would have to be shut down for a number of days. Substation E supplies power to the entire existing Hayward complex, including the yard tower, test track and other vital functions. It was identified that temporary power must be provided to these facilities during the Substation E shutdown period. In addition, the condition of existing circuit breakers, cabling and other electrical components at these facilities dictated that some of them would require repair or replacement in order to support the operation of the required temporary generators. There has also been interference from unknown underground utilities. As this additional work is not described in the Contract Documents, a change is required, amounting to an estimated $1.3 million.

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

FISCAL IMPACT:

The total not-to-exceed amount of $1.3 million for Change Order No.5 to Contract No. 01RQ-110 is included in the total project budget for 01RQ003, Hayward Maintenance Complex (HMC) Project. 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 December 2014, 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 8529 – FY15 Operating Allocation to Capital	$ 1,522,633
F/G 8526 – FY14 Operating Allocation to Capital	$ 4,477,367
F/G 656K – Santa Clara Valley Transportation Authority (VTA)	$ 49,710,000
F/G 5602 – Prop 1A High-Speed Passenger Train Bond Fund (HSPTBF)	$ 68,389,000
Total	$ 124,099,000

As of June 6, 2016, $124,099,000 is the total budget for this project. BART has expended $13,327,711 and committed $89,004,213 and reserved $7,055 to date for other actions. This action will commit additional $1,300,000 leaving an available fund balance of $20,460,021 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If this Change Order is not approved, the electrical upgrade to the Main Shop building could not proceed, and the newly-installed vehicle lifts could not be operated.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 5, Electrical and Overcurrent Protection Upgrades, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for an amount not to exceed $1,300,000, with Clark Construction.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT N0. 01RQ-110 **CO No**: 05.2

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group

Contract No./NTP: 01RQ-110 / October 21, 2015

Contract Description: Hayward Maintenance Complex Project – Maintenance Facilities

Percent Complete as of: 05/31/2016 - 15%

Dollars Percent Complete as of: 05/31/2016 - 26%

COST	% of Award	Cost	Contract Amount
Original Contract Award Amount			$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	.3%	$277,369.00	
Board Authorized Change Orders:			
This Change Order No. 5.1:	1.3%	$1,300,000.00	
Subtotal of all Change Order	1.60%	$1,577,369.00	$1,577,369
Revised Contract Amount:			**$99,967,369.00**

SCHEDULE

Original Contract Duration:	860 Days
Time Extension to Date:	0 Days
Time Extension Due to Approved COs:	0 Days
Revised Contract Duration:	0 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Electrical Provisions for Cable Upgrades & Overcurrent Protection

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D: Approve and place on June 23, 2016 Board Agenda
DATE: 6/17/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Steve Sims Dept: M&E Engineering, Traction Power Signature/Date: 6-17-16	General Counsel 6/17/16 [ ]	Controller/Treasurer 6/17/16 [ ]	District Secretary [ ]	BARC 6/17/16 [ ]

Status: Routed	Date Created: 06/09/2016

TITLE:

Contract No. 15EK-120 Traction Power Substation Replacement, ASL/KTE Installation, Change Order 2, Early Termination of Contract

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 2, Early Termination of Contract, to Contract No. 15EK-120, Traction Power Substation Replacement, ASL/KTE Installation, for a payment of $855,051.

DISCUSSION:

On December 4, 2014, the Board authorized the award of Contract No. 15EK-120 in the amount of $4,456,400 to install traction power substations at San Leandro Station and the Transbay Tube East Transition Structure to Aldridge Electric, Inc. (Aldridge). The substation equipment was to be supplied by Powell Electrical Systems, Inc. (Powell).

Contract Notice to Proceed (NTP) was issued on April 13, 2015, and equipment was to be delivered by Powell to the first site, San Leandro Station, on October 10, 2015 to be installed by Aldridge. Quality problems with rectifiers and rectifier-transformers delayed the equipment delivery. Mitigation of quality problems is still on-going, and acceptance of Powell equipment for ASL and KTE has been postponed until the root causes of the quality problems are identified and resolved.

Aldridge indicated that they would file delay claims of $2,822.74 per calendar day due to the delayed equipment deliveries. Resolution and mitigation of the quality problems is still ongoing, so the District cannot foresee when additional equipment will be delivered. Staff therefore determined that the most economical course is to terminate Contract No. 15EK-120 pursuant to General Conditions Article GC8.9 (Termination for Convenience of the District) and, instead, use new contracts to install the equipment when equipment delivery dates are known.

The District notified Aldridge of Termination for Convenience of the District on December 18, 2015. Aldridge has been paid $141,949 for work performed through October 31, 2015. The value of materials bought that will be delivered to the District is approximately $100,000. Claims by Aldridge to terminate the Contract that have been agreed to by the District are $755,051. The amount of Change Order No. 2,

includes the value of the materials to be delivered to the District and the amounts agreed to in response to Aldridge's claims, for a total value of $855,051.

The District has recourse against Powell for approximately $600,000 in Liquidated Damages as well as amounts associated with claims due to delay of other contractors associated with late deliveries of ASL and KTE substation equipment, and will pursue these claims against Powell.

The Office of the General Counsel will approve this Change Order as to form, and the Procurement Department will review the Change Order for compliance with the District's procurement guidelines, prior to execution.

FISCAL IMPACT:

Funding of $755,051 for claims by Aldridge to terminate Contract 15EK-120 in project 15EK350 - Traction Power Substation Replacement, ASL/KTE Installation - will be paid using BART capital reserve (Fund 8529) and that could be partly offset later by BART's liquidated damages claim against Powell for delay associated with late deliveries of ASL and KTE substation equipment. Remaining funds now committed to Contract No. 15EK-120 will be decommitted in BART's financial management system due to Change Order No. 2 and returned to project reserve. The net impact to BART reserve will be $155,051.

ALTERNATIVE:

The Board can elect not to authorize the General Manager to approve Change Order No. 2. In such a case, the District would incur larger claims by Aldridge due to late equipment delivery that could not be recouped from the Supplier.

RECOMMENDATION:

Recommend that the Board approve the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 2, Early Termination of Contract to Contract No. 15EK-120, Traction Power Substation Replacement, ASL/KTE Installation, for an amount not exceed $855,051.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 17, 2016

FROM: General Manager

SUBJECT: E&O Item #6.E: Draft Policy for Enforcement of Ordinance No. 2016-1, Prohibiting Patrons from Utilizing More Than One Seat during Commute Hours – For Information

At the April 14, 2016 Board of Directors meeting, the Board passed a resolution that prohibits patrons within train cars from utilizing more than one seat during the weekday commute hours (Ordinance No. 2016-1). At that time, BART Police Department (BPD) staff was asked to bring back a draft policy for discussion with the Board, which describes how BPD would enforce the Ordinance, before any enforcement action is taken.

Attached is the proposed BPD internal draft policy, which describes how BPD officers will enforce Ordinance 2016-1. Staff will also discuss the outreach efforts planned to inform the public about this new policy. If you have any questions, please contact Chief Kenton Rainey at (510) 464-7022.

Grace Crunican

Attachment

cc: Board of Appointed Officers
Deputy General Manager
Executive Staff

BART POLICE DEPARTMENT
KENTON W. RAINEY, CHIEF OF POLICE

PATROL BUREAU ORDER NO 16-
DATE OF ISSUE:

ONE TICKET/ONE SEAT ORDINANCE ENFORCEMENT

PURPOSE AND SCOPE

This Patrol Bureau Order details enforcement of the One Ticket/One Seat Ordinance (2016-1), passed by the BART Board of Directors on April 14, 2016. Increased ridership and an aging infra-structure have challenged the BART System's ability to meet the demand for seating in train cars, particularly during commute hours. Further aggravating this demand has been the use of multiple seats, by single individuals who block unoccupied seats by lying down, stretching feet out, or storing items. This inconsiderate behavior has caused friction and conflict between patrons and added dissatisfaction with the BART System.

OBJECTIVE

During week day commute hours, defined in the ordinance as 6:00am-10:00am and 3:00pm-7:30pm, trains frequently operate at crush-load capacity. In order to ensure maximum seating and train occupancy, BART Police personnel shall begin enforcing the BART Ordinance 2016-1 on September 1, 2016. In general, and absent any additional criminal activity or wants, enforcement will be conducted in the manner described in this bulletin. In doing so, personnel will remain cognizant of the impact to train service while enforcing this ordinance; planning ahead and executing enforcement activity in order to minimize that impact.

ENFORCEMENT PROCECDURES

When enforcing this ordinance, at any level, personnel should evaluate individuals potentially in need of service through the Department's CIT Community Outreach Coordinator and provide them with a Community Services and Mental Health Resource Card. The CIT Community Outreach Consultant may be contacted by cell phone at (510) 821-0471, or by email at ASando2@BART.gov.

Verbal Warning

When an officer contacts an individual in violation of BART Ordinance 2016-1 for the first time, the officer first must verbally advise the individual of the law and request that the individual remove any obstruction to unoccupied seats. This is considered a verbal warning. The person shall be detained for the violation, a field interrogation card will be completed, and the person will be checked for outstanding warrants or court orders via dispatch. If the person complies with the law, and no other criminal violations or wants are discovered, the officer shall take no further action.

If the person refuses to comply with the law after being told to do so, the individual shall be placed under arrest under Penal Code 148(a)(l).

Warning Citation and Release

Individuals observed in violation of BART Ordinance 2016-1 on a second occasion shall be detained for the violation and checked for outstanding warrants, court orders and verification via dispatch the individual has received a prior verbal warning.

If the person has received a verified prior verbal warning, officers should issue a warning citation for BART Ordinance 2016-1. If other criminal violations or wants are discovered, the person may be placed under arrest.

If the person refuses to comply with the law after being issued a warning citation, the individual shall be placed under arrest under Penal Code 148(a)(l).

Citation and Release

If the person has received a prior verbal warning and has been issued a warning citation that has been verified via dispatch, officers should issue a citation for BART Ordinance 2016-1. If other criminal violations or wants are discovered, the person may be placed under arrest.

If the person refuses to comply with the law after being issued a citation, the individual shall be placed under arrest under Penal Code 148(a)(l).

Physical Arrest

Individuals who have been given a prior verbal warning, a warning citation, and a citation for BART Ordinance 2016-1, have demonstrated a reasonable likelihood the offense will continue or resume. These individuals should be taken into custody under Penal Code 853.6(i)7.

SERVICE REFERRALS

In keeping with the BART Police Department Core Values and community policing philosophy, individuals who are determined to be homeless or in need during enforcement of BART Ordinance 2016-1 are to be offered assistance in obtaining services. If the individual accepts services, the officer(s) should attempt to contact the BART Police CIT Community Outreach Coordinator.

Officers are reminded to review and maintain an awareness of Department Policy #467 (Homeless Persons).

Kenton W. Rainey
Chief of Police

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 17, 2016

FROM: General Manager

SUBJECT: PPAAL Agenda Item #6.A: Systemwide Bicycle Program Update – For Information

At the June 23rd Board meeting, staff will provide the Board with an update on current bike program activities and plans. The enclosed presentation uses 2015 Station Profile data to examine bike access at the station level, projects bike access mode share to 2022 and provides recommendations on investments that will encourage and accommodate the projected demand.

Grace Crunican

Attachment

cc: Board of Appointed Officers
Deputy General Manager
Executive Staff

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 6/16/16		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Paul Voix Dept: Real Estate and Property Development Signature/Date: 6/16/16	General Counsel 6/16/16 [ ]	Controller/Treasurer 6/17/16 [ ]	District Secretary [ ]	BARC Powers 16 June 2016 [ ]

Status: Routed	Date Created: 05/03/2016

TITLE:

West Oakland Station Development – Extension of Exclusive Negotiating Agreement

NARRATIVE:

PURPOSE: To obtain Board authorization to extend the Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd. for development at the West Oakland BART Station through June 30, 2017.

DISCUSSION: On December 4, 2014, the Board of Directors authorized the General Manager or her designee to enter into Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd. (CHEC), for development at the West Oakland BART Station, for a period of twelve months. The Board directed that at the end of the twelve months, staff report to the Board on the progress of the project for consideration of extension of the ENA for an additional twelve months. On May 12, 2015, the ENA was executed and CHEC paid the District an ENA fee of $25,000.

During the twelve-month term of the ENA, CHEC accomplished the following:

- Developed an Engagement Plan
- Conducted a community outreach effort
- Conducted market and feasibility research
- Held three well attended community meetings
- Developed an architectural conceptual design

CHEC expects to accomplish the following over the course of the next twelve to twenty-four months:

- Create and lead a West Oakland Station Development Advisory Council
- Prepare an Access Study including development of a Parking Replacement Strategy
- Draft Schematic Design Plans
- Draft and finalize a Term Sheet
- Secure project entitlements from the City of Oakland and complete CEQA requirements

As noted in the Request for Developer Qualifications for the West Oakland Station, the District strongly encourages the maximum consideration of office and retail uses for the property, which

would support ridership growth where and when the system has capacity and contribute to the vibrancy of the area. CHEC's conceptual design includes housing as well as office and retail uses.

If the extension is approved by the Board, and negotiations with CHEC proceed diligently during the initial ENA extension period, staff anticipates that, prior to the expiration of the extension period, it will request authority to extend the ENA for an additional twelve-month period. Any proposed agreement for development that results from negotiations will be brought back to the Board for approval.

The Office of the General Counsel will approve the ENA amendment authorizing the extension as to form.

FISCAL IMPACT: CHEC will pay the District $25,000 for the extension of the ENA. That amount is intended to cover consultant costs and outside counsel fees associated with the negotiation of a potential Option Agreement. In addition, any negotiated Option Agreement will require CHEC to reimburse BART for all reasonable outside counsel expenses incurred during subsequent negotiations.

ALTERNATIVES: Do not authorize extension of the ENA with CHEC. If the extension is not authorized, direction would be required as to whether and how negotiations would continue.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to extend the Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station for a period through June 30, 2017.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Marcia DeVaughn			GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 6/17/16			BOARD INITIATED ITEM: No	
Originator/Prepared by: Sean Brooks Dept: Real Estate and Property Development x.6114 Signature/Date:	General Counsel MB 6/12/16 [ ]	Controller/Treasurer Chris Gan 6/17/16 [ ]	District Secretary [ ]	BARC Powers 17 June 2016 [ ]

TITLE:

Adoption of Findings, Statement of Overridding Considerations, and Mitigation Monitoring Reporting Plan relating to the Millbrae BART Transit Oriented Development, Approval of the Millbrae BART Transit Oriented Development and Delegation of Authority to General Manager to approve changes to the Millbrae BART Transit Oriented Development under certain circumstances

NARRATIVE:

Purpose:

To have the Board of Directors: 1) review the Millbrae Station Area Specific Plan Final EIR ("Final EIR"), which consists of the Draft Environmental Impact Report and responses to comments on environmental issues and modifications to the Draft EIR, prepared by the City of Millbrae ("City"), and adopt Findings, a Statement of Overriding Considerations ("SOC"), and a Mitigation Monitoring Reporting Plan ("MMRP") relating to the Millbrae BART Transit Oriented Development, in accordance with the California Environmental Quality Act ("CEQA"), 2) approve the Millbrae BART Transit Oriented Development as described in the Final EIR, and 3) Delegate to the General Manager the authority to approve changes to the Millbrae BART Transit Oriented Development under certain circumstances .

Discussion:

On February 14, 2013, the Board of Directors authorized staff to enter into an exclusive negotiating agreement ("ENA") with Republic Millbrae LLC ("RUP") regarding transit oriented development on BART property located in the City of Millbrae at the BART Station and identified in the EIR as the TOD #2 Plan Area ("Project" or "TOD #2 Project"). The 18-month ENA was extended for the site on October 19, 2014 for another 18 months and, most recently, on April 14, 2016 for an additional 12 months.

During this time, staff from BART, RUP and Millbrae have worked to achieve Project goals and have modified the development plan by increasing commercial and residential density, added affordable housing and a hotel, reduced and unbundled parking, and facilitated station access mode shift.

The Project site is located in an area that is the subject of the Millbrae Station Area Specific Plan ("MSASP"). The MSASP analyzed a mix of uses that includes office, restaurant/retail, residential, and hospitality. The MSASP is intended to "provide the vision and strategies to guide in the creation of Millbrae's new economic center, including vibrant, diverse and sustainable transit oriented developments at and around the station." The related Final EIR serves as a program-level level document that analyzes the potential impacts of adopting and implementing the MSASP and its buildout potential, along with the associated General Plan and Zoning amendments. The Final EIR also serves as a project-level document that analyzes the

potential impacts of constructing and operating the TOD #2 Project.

The Draft MSASP and related Draft EIR were circulated on June 24, 2015. The public comment period closed on August 10, 2015. On January 12, 2016, the City Council certified the Final EIR and on February 9, 2016 adopted the MSASP. The City did not adopt Findings, an SOC, or an MMRP for the TOD #2 project.

BART is a "responsible agency" under CEQA for the TOD #2 Project. As a responsible agency, BART must consider the Final EIR prepared by the City and reach its own conclusions regarding the adequacy of those portions of the EIR relating to the TOD #2 Project. BART staff has reviewed the Final EIR as certified by the City and has prepared Findings, an SOC, and an MMRP which are attached here as Attachments A, B, and C respectively.

Since the adoption of the Final EIR, RUP has worked with BART to provide more affordable housing in the Project, in the form of veteran-preference housing. RUP submitted its Site Development Plan to the City of Millbrae on March 21, 2016 and is currently working with the City to address comments on the site plan. This change may or may not impact the environmental analysis contained in the EIR. Because vehicular trip generation is likely to be lower with the added veteran-preference housing component, it is possible that the proposed changes will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects.

Staff is requesting that the BART Board of Directors adopt a motion that would adopt Findings, SOC, and MMRP for the TOD #2 Project prepared by BART and make certain findings regarding the EIR. The motion would also approve the TOD #2 Project and delegate authority to the General Manager or her designee to approve or disapprove any modifications to the TOD #2 Project from what was contained in the Final EIR's Project Description, based upon the General Manager or her designee's determination that appropriate environmental analysis of the modifications has been performed by the City of Millbrae, and provided that said environmental analysis concludes that the modifications will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects.

Fiscal Impact:

There is no fiscal impact from the proposed action.

Alternatives:

If the BART Board determines that evidence of CEQA compliance is inadequate, additional analysis would be required to address any deficiencies identified by the Board.

Recommendation:

It is recommended that the following motion be adopted.

Motion:

After review and consideration of the Final EIR certified by the City of Millbrae on February 9, 2016, the Board: 1) Adopts the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the TOD #2 Project, 2) Finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment, 3) Finds that for the significant and unavoidable effects of the TOD #2 Project identified in the Final EIR, specific economic, legal, social, technological or other considerations make mitigation measures or alternatives identified in the EIR infeasible and specific overriding economic, legal, social, technological or other benefits of the project outweigh

the significant effects on the environment, as identified in the Final EIR and the Statement of Overriding Considerations, 4) Approves the TOD #2 Project, and 5) delegates to the General Manager or her designee the decision to approve or disapprove any modifications to the TOD #2 Project as described in the Project Description contained in the Final EIR, based upon the General Manager or her designee's determination that appropriate environmental analysis of such modifications has been performed by the City of Millbrae as lead agency pursuant to CEQA, and that such environmental analysis concludes that the modifications will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE**: June 17, 2016

FROM: Director, District 7

SUBJECT: Agenda Item 10A: Supplemental Funding for West Contra Costa High-Capacity Transit Study

At the June 23, 2016 meeting of the Board of Directors, I intend request that funding be allocated to supplement the West Contra Costa High-Capacity Transit Study (HTS) so that a BART alternative in the study can advance to the next phase of the study.

The West Contra Costa Transportation Advisory Committee (WCCTAC) is the lead agency for the study.

Background

As part of the Fiscal Year 2014-2015 budget, the Board of Directors allocated $300,000 towards the HTS, a study funded cooperatively by five partner agencies as follows:

- Contra Costa Transportation Authority (CCTA) ($300,000)
- Metropolitan Transportation Commission (MTC) ($100,000)
- San Francisco Bay Area Rapid Transit District (BART) ($300,000)
- West Contra Costa Transportation Advisory Committee (WCCTAC) ($400,000, including $100,000 in contingency)

The goal of the HTS is to identify which one or combination of high-capacity transit investment(s) can best serve high-demand travel markets and corridors in West Contra Costa County that are currently underserved by viable high-capacity transit options. The initial alternatives for the study included the following:

- Alternative 1: Expanded express bus service
- Alternative 2: Bus Rapid Transit (BRT) via San Pablo Avenue/Macdonald Avenue
- Alternative 3: Bus Rapid Transit (BRT) via 23rd Street
- Alternative 4: Commuter Rail via Union Pacific (UP) Railroad
- Alternative 5: Commuter Rail via Burlington Northern Santa Fe (BNSF) Railroad
- Alternative 6: BART Extension from Richmond Station via Rumrill Boulevard/ Interstate 80
- Alternative 7A: BART Extension from El Cerrito del Norte Station via Interstate 80
- Alternative 7B: Diesel Multiple Unit (DMU) service from El Cerrito del Norte Station via Interstate 80

Thus far, the study has mainly developed background information about the existing and planned transportation network; current travel markets for travel to, from, and through West Contra Costa

County; current and planned land-uses in the area; and a preliminary screening of the above alternatives based on these considerations and other mostly qualitative metrics.

Purpose of Request

The HTS recently reached a benchmark in which a limited number of the aforementioned alternatives were advanced for a more rigorous and quantitative evaluation that will include, but not be limited to, ridership modeling/forecasting, more defined capital cost estimating, and gathering public feedback. Due in part to funding constraints, the number of alternatives that were advanced was limited to four (4) alternatives and included the three bus alternatives – Alternatives 1, 2, and 3 – and a single BART alternative, Alternative 6.

One of the other BART alternatives, Alternative 7A, remains a competitive candidate in this study, but limited funding did not allow for it to be advanced. The consultant for the study, in concert with WCCTAC staff, advises that adding Alternative 7A to the study would cost up to an additional $125,000, including $30,000 in contingency funds.

In order to ensure that this study thoroughly and competitively evaluates all viable options so that the best investment(s) for the corridor can ultimately be advanced towards implementation, I am seeking to supplement the study to support adding Alternative 7A to the second phase of the alternatives evaluation.

The attachment to this memorandum summarizes the alignment and qualitative cost-benefit differences between Alternative 6 and Alternative 7A.

Proposed Motion

The General Manager or her designee is directed and authorized to coordinate with the West Contra Costa Transportation Advisory Committee to financially supplement the West Contra Costa High-Capacity Transit Study for the purpose of adding Alternative 7A, as defined by the study, to the second phase of the alternatives evaluation. These funds, which are not to exceed $125,000, are to be limited in use to costs that are attributable to adding Alternative 7A to the second phase of the alternatives evaluation.

Zakhary Mallett

Attachment

ATTACHMENT

SUMMARY OF ALIGNMENT AND QUALITATIVE COST-BENEFIT DIFFERENCES BETWEEN ALTERNATIVE 6 AND ALTERNATIVE 7A

Alternative 6

Alternative 6 would extend BART from the existing Richmond Station via Rumrill Boulevard to San Pablo Avenue, and then transition to a tunnel alignment under Hilltop Mall before linking with Interstate 80 near Richmond Parkway for the remainder of the extension. Potential stops include a stop in the vicinity of either Hilltop Mall or Contra Costa College, a stop in Pinole near Appian Way, and a terminus in Hercules at either Highway 4/Sycamore Avenue or Willow Avenue. The length of this extension is estimated to be eight (8) miles.

This alternative would likely result in both the Richmond to/from Fremont and Richmond to/from San Francisco/Millbrae routes being extended to all stations north, resulting in a combined frequency of between six (6) and ten (10) minutes (after train control modernization) along the extension when both routes are in operation. Depending on the final stations selected, this alternative also has the potential to more directly serve a local community college (Contra Costa College) and a higher density area of West Contra Costa County (Central San Pablo). Of the BART alternatives, this alternative is also the most consistent with Richmond's General Plan that explicitly refers to both of BART's Richmond-based routes serving the Downtown area.

At the same time, this alignment results in a circuitous route that would add 5 minutes and 2.8 miles (a fare impact) to any customer traveling from locations north of Richmond when compared to Alternative 7A and fails to capture populations central and east of Interstate 80 between El Cerrito and Pinole. In addition, the existing proposal calls for BART running as an aerial structure along Rumrill Boulevard, posing either environmental sound and visual impacts to the local community or increased construction costs for mitigating them – likely through tunneling. This alternative also has potential of reducing the performance of the Downtown Richmond BART Station – currently the eleventh lowest performing station in the BART system – because residents of north/central San Pablo and North Richmond who currently find the Downtown Richmond Station to be the most accessible would potentially find a station in Central San Pablo to be more accessible.

The preliminary cost estimate for Alternative 6 is $2.453 billion.

Alternative 7A

Alternative 7A would involve extending BART from the El Cerrito del Norte Station via Interstate 80 to Hercules with potential stops near San Pablo Dam Road, in the vicinity of Hilltop Drive/Hilltop Mall/Richmond Parkway, in Pinole near Appian Way, and in Hercules at either Highway 4/Sycamore Avenue or Willow Avenue. The length of this extension is estimated to be 7.5 miles.

Compared to Alternative 6, Alternative 7A provides the most direct alignment to the northern communities of West Contra Costa County and, although it doesn't directly serve one of the densest areas in the corridor, it more centrally serves the corridor and its development patterns

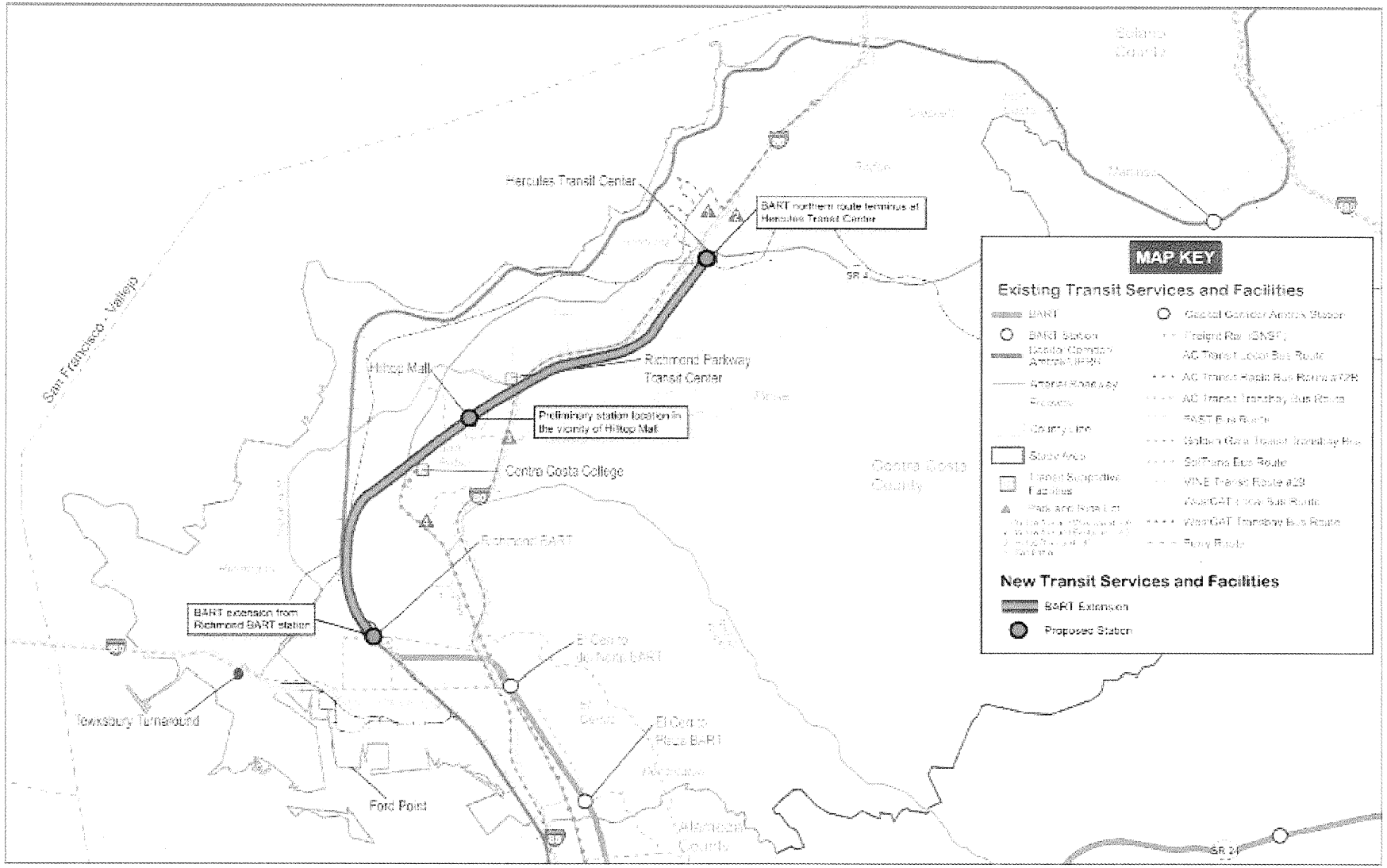
overall and is the most accessible for attracting automobile traffic. This alternative also relies more on state-owned right-of-way and property acquisitions compared to Alternative 6 that has a higher share of private property acquisitions for its implementation.

However, while both Alternative 6 and Alternative 7A cross the Hayward Fault, Alternative 7A also goes through an area known to have loose soil, posing increased engineering costs. This alternative would also require the construction of either a new yard near Hercules – although that may be unavoidable in the very long-term should BART ever be extended further north – or a wye north of the El Cerrito del Norte Station so that the Richmond yard can be directly accessed from locations north. Finally, Alternative 7A would split service north of the El Cerrito del Norte Station with either BART's Fremont route or San Francisco/Millbrae route going to Richmond and the other going to Hercules, thereby requiring BART service between West Contra Costa County and San Francisco/Millbrae to become a fulltime service. The net effect of this is that all locations north of the El Cerrito del Norte Station would experience a base frequency no less than twelve (12) minutes (after train control modernization), while all locations between El Cerrito del Norte and 12th Street/Oakland City Center Stations would experience frequency improvements with combined frequency from these two routes during all BART operating hours. Lastly, due to the Richmond Station having a reduction in service under this alternative, Alternative 7A has the potential of posing a Title VI impact on those who access BART via the Richmond Station. Further study would be required to determine whether a Title VI impact is indeed created with this alternative, including whether the populations served by the extension would mitigate those impacts.

The preliminary cost estimate for Alternative 7A is $2.465 billion.

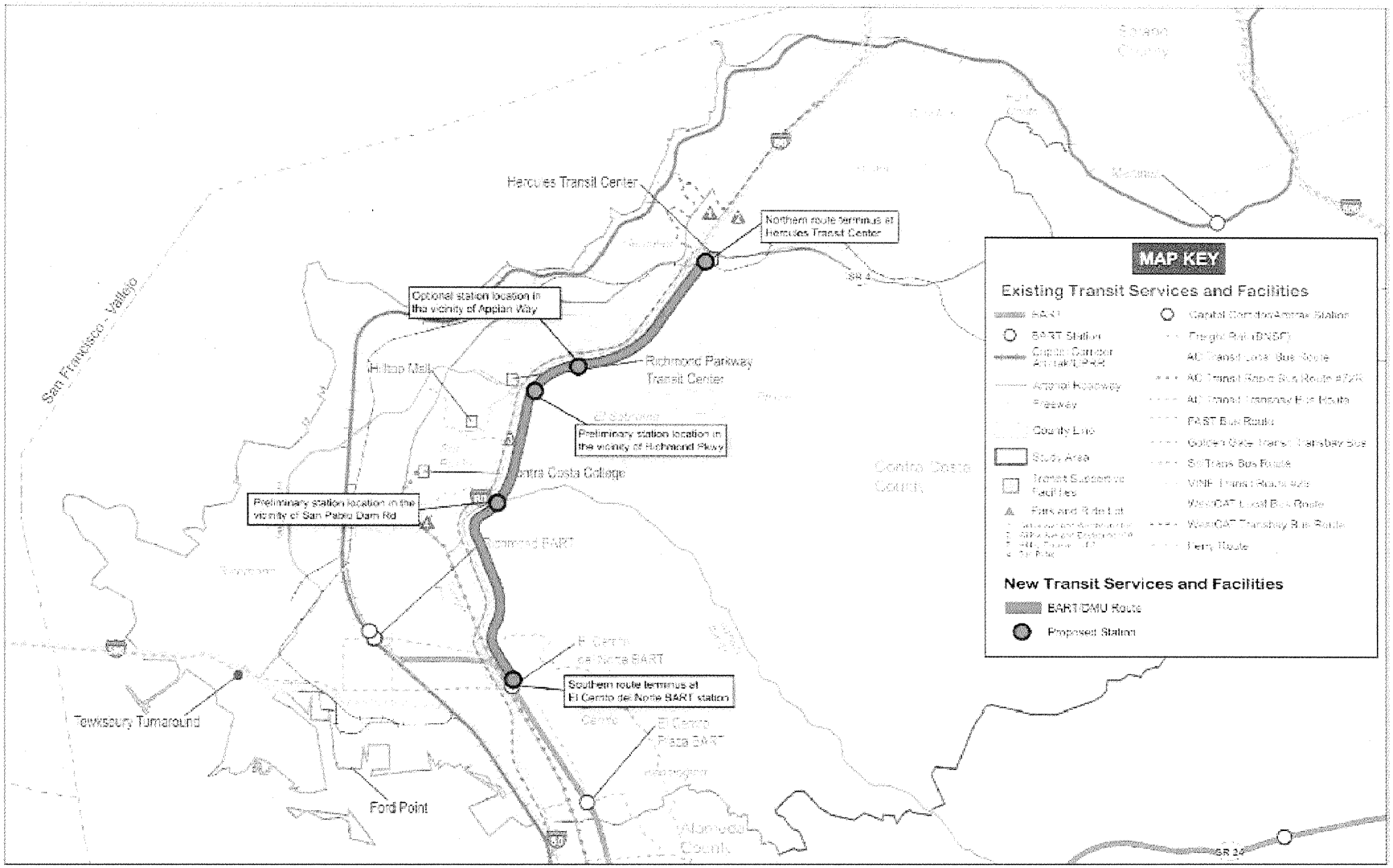
For additional information about these and other alternatives and the study overall, visit the study website at www.westcountytransitstudy.com.

ALTERNATIVE 6



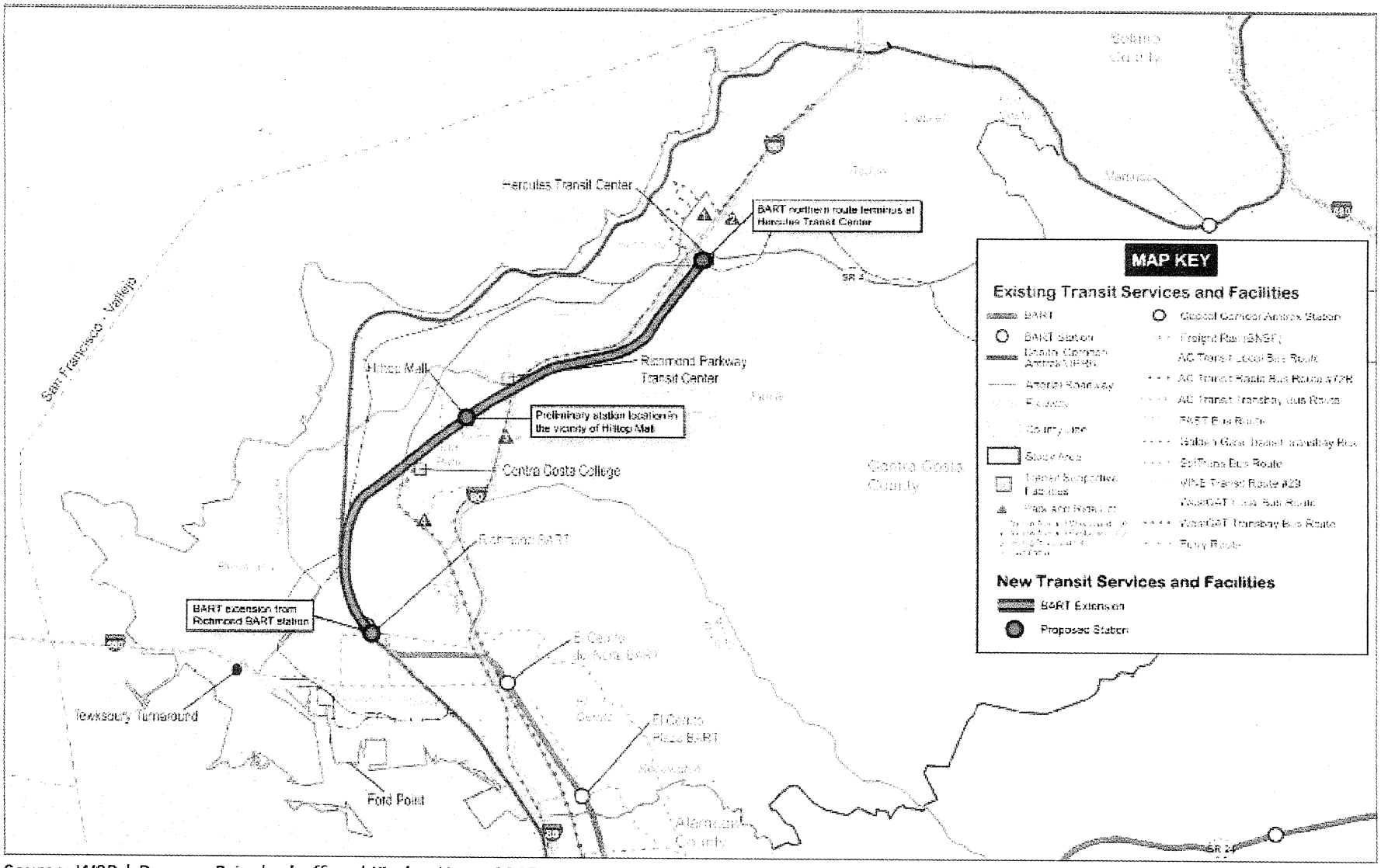
Source: WSP | Parsons Brinckerhoff and Kimley-Horn, 2015

ALTERNATIVE 7A



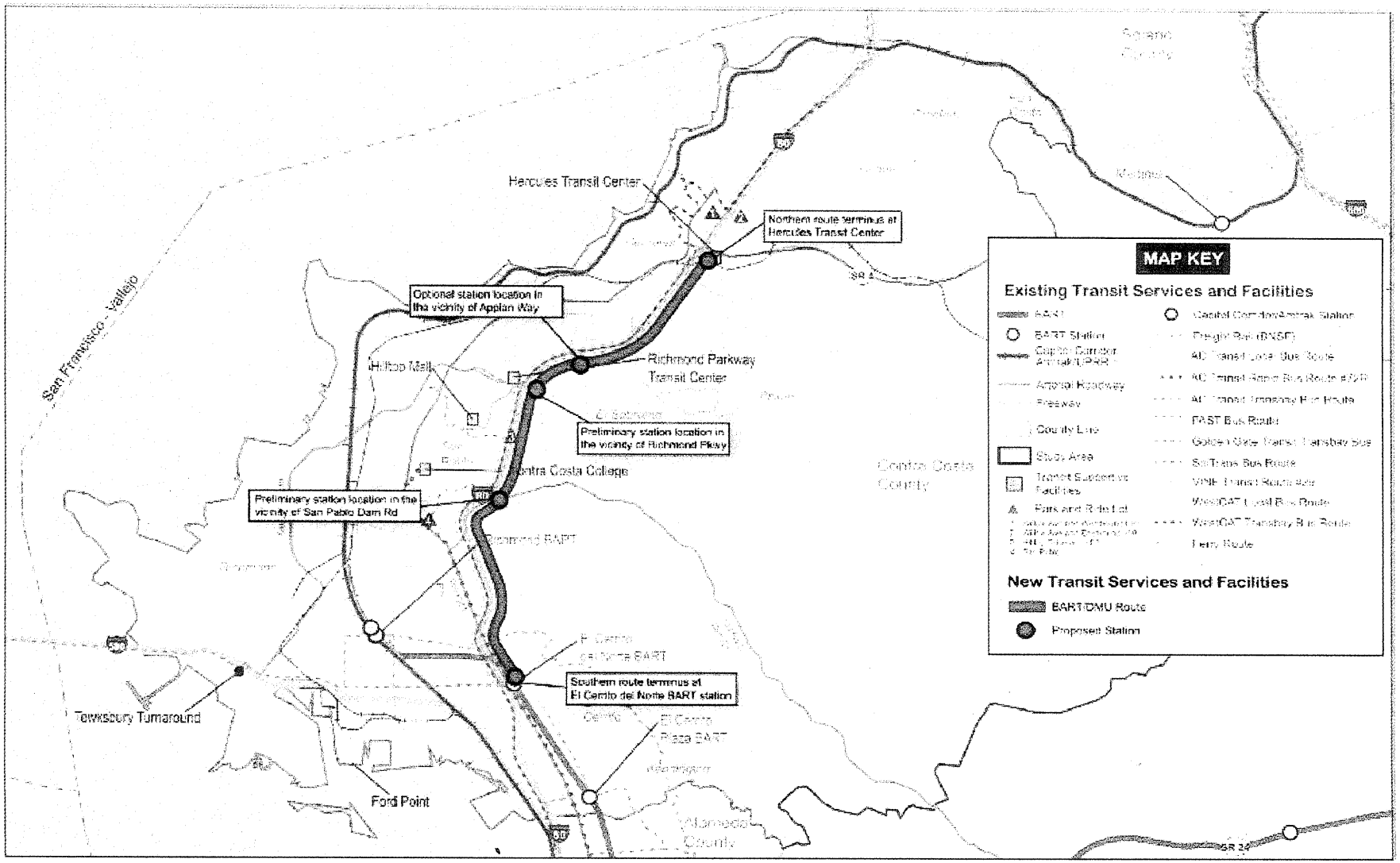
Source: WSP | Parsons Brinckerhoff and Kimley-Horn, 2015

ALTERNATIVE 6



Source: WSP | Parsons Brinckerhoff and Kimley-Horn, 2015

ALTERNATIVE 7A



Source: WSP | Parsons Brinckerhoff and Kimley-Horn, 2015