

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

BOARD MEETING AGENDA

August 13, 2015

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, August 13, 2015, 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.
 - a. BART Teams at the 2015 American Public Transportation Association (APTA) International Rail Rodeo.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of July 23, 2015.* Board requested to authorize.
- B. Fixed Property Tax Rates Fiscal Year 2015–2016 – General Obligation Bonds.* Board requested to authorize.
- C. Award of Invitation for Bid No. 8967, Cable, Traction Power, 34.5kV.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Keller, Chairperson

- A. Issuance and Sale of General Obligation Bonds, 2015 Refunding Series D, and Sale of the District's Sales Tax Revenue Bonds, 2015 Refunding Series A.* Board requested to authorize.
- B. Photovoltaic Installation at the Warm Springs/South Fremont BART Station and Power Purchase Agreement with SolarCity Corporation.* Board requested to authorize.
- C. Labor Relations Initiatives Update.* For information.
- D. Report of the Labor Negotiations Review Ad Hoc Committee.* For information.
 - a. Vision Statement.* Board requested to approve.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Professional Services Agreements to Provide Construction Management Services for BART Projects.*
- a. Agreement No. 6M8104, with UCM, a Joint Venture
 - b. Agreement No. 6M8105, with Jacobs Project Management Co.
 - c. Agreement No. 6M8106, with PGH Wong Engineering, Inc.
 - d. Agreement No. 6M8107, with PreScience Corporation
 - e. Agreement No. 6M8110, with Ghirardelli Associates, Inc.
 - f. Agreement No. 6M8111, with The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture
- Board requested to authorize.

- B. Downtown Berkeley BART Station Plaza and Transit Area Improvement Project.*
- a. Mitigated Negative Declaration.
 - b. Mitigation Monitoring and Reporting Plan.
 - c. Proposed Project.
- Board requested to adopt.

- C. Award of Invitation for Bid No. 8964, Procurement of AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design.* Board requested to authorize.

- D. Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex and Speed Encoding System Equipment, with Alstom Signaling, Inc., to Execute Options and Extension of Time (C.O. No. 2).* Board requested to authorize.

- E. Quarterly Performance Report, Fourth Quarter Fiscal Year 2015 - Service Performance Review.* For information.

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

Director Raburn, Chairperson

- A. (CONTINUED from June 25, 2015, Board Meeting)
Art in Transit Policy.* Board requested to approve.

6. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Update of Roll Call for Introductions Items.

7. BOARD MATTERS

- A. Report of the Environmental/Sustainability Ad Hoc Committee. For information.
- B. (CONTINUED from July 23, 2015, Board Meeting)
Proposed Revisions to Rules of the Board of Directors.* Board requested to adopt.
- C. (CONTINUED from July 23, 2015, Board Meeting)
Roll Call for Introduction Items Deemed Not Complete by Directors.* Board requested to authorize. (Director Mallett's request.)
- D. 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.)
- E. 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.)
- F. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

8. PUBLIC COMMENT

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

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

Board of Directors
Minutes of the 1,738th Meeting
July 23, 2015

A regular meeting of the Board of Directors was held July 23, 2015, convening at 5:02 p.m. in the Board Room, 344 20th Street, Oakland, California; and Washington Court Hotel, 525 New Jersey Avenue NW, Washington, DC. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Director present in Washington: Director Saltzman.

Absent: None. Director McPartland entered the Meeting later.

President Blalock introduced and welcomed Ms. Olivia Rocha, Computer Support Coordinator, and congratulated her on receiving her Masters of Science in Transportation Management from the Mineta Transportation Institute at San Jose State University.

Director McPartland entered the Meeting.

Ms. Rocha addressed the Board.

President Blalock announced that the Meeting would be adjourned in memory of Sergeant Scott Lunger.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 25, 2015.
2. Appointment of District 8 Representative to the Citizen Review Board.

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

1. That the Minutes of the Meeting of June 25, 2015, be approved.
2. That the appointment of David W. Rizk to the BART Citizen Review Board to fill the vacancy that exists in the seat representing BART District 8, with a term that expires on June 30, 2017, be ratified.

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

Director Keller, Chairperson of the Administration Committee, brought the matter of Fares for Warm Springs/South Fremont BART Station before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item.

Clarence Fischer addressed the Board.

Director Raburn moved adoption of Resolution No. 5297, In the Matter of Adopting Fare Rates and Charges for the BART Warm Springs/South Fremont Station. Director McPartland seconded the motion, which carried by the required two-thirds vote by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Title VI Equity Analysis for January 1, 2016, Fare Increase before the Board. Ms. Herhold presented the item. The item was discussed.

Jerry Grace addressed the Board.

Director Murray moved approval of the Title VI Assessment for the Proposed Productivity-Adjusted Inflation-Based Fare Increase effective January 1, 2016, as contemplated in Resolution No. 5208, which authorizes implementation on January 1, 2016, of the second in the extended series of biennial Productivity-Adjusted Inflation-Based Fare Increases. Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Agreements with Public and Private Transportation Providers for Temporary Bus Services and to Pay for Related Bus Bridge Expenses before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Blalock moved that the General Manager be authorized to enter into multiple agreements with various public agency and/or private bus operators in order to provide temporary bus transportation services in a total amount not to exceed \$500,000.00 per day per agreement for each day that the District is unable to provide complete train service due to a maintenance project; and that the General Manager be authorized to reimburse the Metropolitan Transportation Commission (MTC) a total amount not to exceed \$1,000,000.00 for each project for which BART implements a bus bridge for agreed-upon expenses that MTC incurs related to the bus bridge; and that the General Manager be authorized to pay for other additional bus bridge related expenses in a total amount not to exceed \$200,000.00 for each project for which BART implements a bus bridge; and that these other additional expenses may include, but are not limited to, permit fees and/or costs for traffic controls and police services; and that these authorizations will expire on June 30, 2016. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Research on a Potential 2016 Funding Measure for District Infrastructure before the Board. Mr. Curt Below, Fairbank, Maslin, Maulin, Metz & Associates, presented the item. The item was discussed.

Director Keller brought the matter of Human Resources Modernization Initiative Update before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, before the Board. Mr. Thomas Horton, Group Manager, Hayward Maintenance Complex, presented the item.

The following individuals addressed the Board.

Janette Leonidou
Osama Martell
Brian Ahern
Marwic Bamba

The item was discussed. President Blalock moved that the General Manager be authorized to award Contract No. 01RQ-110, for Construction of Hayward Maintenance Complex Project Maintenance Facilities, to Clark Construction Group – California, LP, for the total Bid price of \$98,390,000.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Award of Professional Services Agreements for General Environmental Services to Support BART's Hazardous Materials Program before the Board. Mr. Gary Jensen, Principal Engineer, System Safety, presented the item. President Blalock moved that the General Manager or her designee be authorized to award Agreement No. 6M5087 to Environmental Resources Management, and Agreement No. 6M5088 to CDM Smith Inc., both for general environmental services and each in an amount not to exceed \$2,000,000.00, 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 protests. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 02EE-120, Design-Build of Line, Track, Station, and Systems for the Warm Springs Extension, with Warm Springs Constructors, for Additional Warm Springs/South Fremont Station Storm Water Mitigation (C.O. No. 62, Part 2), before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. President Blalock moved that the General Manager be authorized to execute Change Order No. 62, Part 2, Additional Warm Springs/South Fremont Station Storm Water Mitigation, to Contract No. 02EE-120, Warm Springs Extension Design-Build Line, Track, Station and Systems, for a total not-to-exceed amount of \$462,500.00.

Director Raburn seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Exercise Options for Two One-Year Extensions of Contract No. 6M7220, Emergency Restoration Work of the Commercial Fiber Optic and Wireless Network, with Phase 3 Communications, Inc., before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. President Blalock moved that the General Manager be authorized to exercise Options 1 and 2 for two one-year extensions of Contract No. 6M7220, for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks, for a total amount not to exceed \$1,708,420.00. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Support Position for California Senate Bill 9 (Beall) Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program, before the Board. Mr. Paul Fadelli, Legislative Analyst, presented the item. The item was discussed. Director Murray moved that the Board change its position on Senate Bill 9 from watch to support. President Blalock seconded the motion, which carried by roll call vote. Ayes – 6: Directors Josefowitz, Keller, Mallett, McPartland, Murray, and Blalock. Noes – 3: Directors Raburn, Radulovich, and Saltzman.

President Blalock called for the General Manager’s Report.

Mr. Fadelli gave a brief report on recent federal legislative actions.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a brief report on the upcoming closure of the Transbay Tube.

President Blalock called for the Independent Police Auditor’s Report. Mr. Mark Smith, Independent Police Auditor, reported on the activities of the Office over the past quarter. The report was discussed.

President Blalock brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. Director Mallett presented the item. Director Murray moved adoption of revisions to the following Board Rules:

- 1-1.2 Rules
- 3-1.1 Definition of Meeting
- 3-1.2 Notice of Regular Meeting
- 3-2.2 Evening Meetings
- 4-1.3 Holidays
- 5-3.3(e) Expense Reports

- 5-5.2 Contractor/Subcontractor Certification of Compliance
- 5-5.3 Contractor/Subcontractor Information Submitted to Board
- 5-5.4 Definitions

Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Saltzman moved adoption of revision to Appendix C to the Board Rules: Directors' Code of Conduct. Director Keller seconded the motion. The item was discussed. The motion carried by roll call vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman and Blalock. Noes - 1: Director McPartland.

Director Mallett moved adoption of revisions to the following Board Rules:

- 3-2.3 Closed Sessions
- 3-2.7 Acts of the Board
- 3-3.1 Number
- 5-1.6 Faithful Performance Bonds
- 5-2.2 Authorization
- 5-3.5(a) and (c) Use of District Property Other than Automobiles
- 5-5.1 Contractor/Subcontractor Contributions

Director Radulovich seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

President Blalock brought the matter of revision to Board Rule 3-2.1, Regular Meetings, before the Board. The item was discussed. Director Saltzman moved adoption of revision to Board Rule 3-2.1. Director Mallett seconded the motion.

Discussion continued.

Jerry Grace addressed the Board.

Director Josefowitz requested the revision be amended to include a "hard stop" at 9:00 p.m. Directors Saltzman and Mallett accepted the amendment.

The motion failed by roll call vote. Ayes - 4: Directors Josefowitz, Mallett, Radulovich, and Saltzman. Noes - 5: Directors Keller, McPartland, Murray, Raburn, and Blalock.

The remainder of the proposed revisions to Board Rules was continued to a future meeting.

President Blalock brought the matter of Development of Plan for Improved Customer Communications before the Board. Director Murray presented the item. Director Murray moved that the General Manager shall prepare a work plan to improve the clarity, quantity, reliability, consistency and timeliness of BART's rider communications for delays, emergencies and other incidents; with the work plan to include the timeframes and budgets to implement a range of technologies and costs; and that the General Manager report to the Board in a timely manner such that the Board may consider whether to fund this work plan in the supplementary operating budget allocations for Fiscal Year 2015, the Fiscal Year 2016 operating budget, or the

potential revenue measure under consideration for the November 2016 ballot. President Blalock seconded the motion. The item was discussed. Director Raburn requested the motion be amended to include review of proposed changes by the Limited English Proficiency Committee. Directors Murray and Blalock accepted the amendment.

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

President Blalock announced that the matter of Roll Call for Introduction Items Deemed Not Complete by Directors would be continued to a future meeting.

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

Director McPartland reported he had attended the Alameda County Mayors' Conference, a State of the Tri-Valley event, the Alameda County Transportation Commission retreat, and he had been honored at the State Capitol as Veteran of the Year.

President Blalock reported he had attended the Mineta Institute graduation ceremony, the Alameda County Transportation Commission retreat, the Women's Transportation seminars, and the welcome ceremony for the District's Summer Youth program.

President Blalock requested the Meeting be adjourned in memory of Sergeant Scott Lunger.

The Board Meeting was adjourned at 9:28 p.m. in memory of Sergeant Lunger.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 8/5/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michaela Morales Dept. for Rosemarie Poblete Controller/Treasurer's Office <i>[Signature]</i>	General Counsel <i>[Signature]</i> 7-29-15 []	Controller/Treasurer <i>[Signature]</i> 7/28/15 []	District Secretary []	BARC <i>[Signature]</i> 8-5-15 []
TITLE:				

FIXED PROPERTY TAX RATES FY 2015-16 - GENERAL OBLIGATION BONDS

NARRATIVE:

PURPOSE:

Fixing the rate of property taxes for BART in San Francisco, Alameda and Contra Costa Counties for Fiscal Year 2016 as required by Public Utilities Code Section 29126 to pay for the debt service on the District's General Obligation Bonds.

DISCUSSION:

The debt service required on the District's General Obligation Bonds for Fiscal Year 2016 is \$34,478,587.50 as determined by BART's financial staff.

The debt service tax rate required by the District for Fiscal Year 2016 is .0026 percent which equates to \$2.60 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices.

FISCAL IMPACT:

Revenues collected on the basis of the above tax rate will be sufficient for the debt service requirements for the General Obligation Bonds for Fiscal Year 2016.

ALTERNATIVES:

None.

RECOMMENDATION:

It is recommended that the tax rate fixed for Fiscal Year 2016 be approved.

MOTION:

Adopt attached Resolution.

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

In The Matter of Fixing The Rate of Taxes
For San Francisco Bay Area Rapid Transit
District for Fiscal Year 2015/16

Resolution No. _____

WHEREAS, this Board desires to fix the rate of taxes for the District, for the fiscal year July 1, 2015 to June 30, 2016, and make valid assessments of property and valid levies of taxes in accordance with Public Utilities Code Section 29126; and

WHEREAS, Section 93(c) of the Revenue and Taxation Code authorizes the District to levy an ad valorem property tax in order to produce revenues in an amount equal to the amount needed to make annual payments of principal and interest on the General Obligation Bonds which were approved by over two-thirds vote of the District's voters on November 2, 2004; and

WHEREAS, this Board has determined the tax rate for the District taxes for the counties in the District for the fiscal year 2015/16 from the budget of the District for the fiscal year 2015/16 and from the values of property transmitted to this Board by County Auditors;

NOW, THEREFORE, BE IT RESOLVED that the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2015 to June 30, 2016, is hereby fixed at .0026 percent, which equates to \$2.60 per one hundred thousand dollars of assessed value of property, AND BE IT FURTHER RESOLVED that the Secretary shall immediately after the effective date of this resolution transmit to the County Auditor of the Counties in which the District is situated a statement of such tax rate. The effective date of this resolution is August ____, 2015.

Adopted _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and send to the Board		
DATE: c 8/7/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Victor Austria Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 8/6/15		TITLE: <i>[Signature]</i>		

Award for Invitation for Bid No. 8967 Cable, Traction Power, 34.5kV

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid No. 8967 to The Okonite Company, Inc. in the amount of \$654,429.60 (includes all taxes) for the purchase of Traction Power Cable.

DISCUSSION:

The original 45-year old aerial 34.5kV Pipe type Left Circuit Cable along the A-Line between ANA (Nineteenth Ave) and AFV (Fruitvale) substations is leaking nitrogen gas which makes the PIPE (Paper Insulated Pipe Enclosed) type cable vulnerable to cable insulation breakdown and eventual cable failure. The new EPR (Ethylene Propylene Rubber) type cables furnished by this procurement will be used for the Contract No.15EJ-150 34.5 kV Cable Replacement A-Line ANA-ACO Substations, which will be awarded later this year. Due to the long lead time of manufacturing these cables, this overall scope is unbundled to accelerate the project schedule. The BART Facility Standard (BFS) EPR type cable does not need any nitrogen gas pressurization.

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the Supplier a minimum amount of fifty percent (50%) of the contract bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price, subject to availability of funding.

A notice requesting bids was published on June 4, 2015 and bid requests were mailed to eight (8) prospective bidders. Bids were opened on June 30, 2015 and four (4) bids were received. A total of one (1) addendum was issued.

<u>Bidder</u>	<u>Location</u>	<u>Unit Price</u>
<u>Grand Total including 10% Sales Tax</u>		
1. The Okonite Company \$654,429.60	San Ramon, CA	\$8.26 per FT
2. Draka Cableteq USA \$776,643.12	North Dighton, MA	\$9.80 per FT
3. One Source Distributing	San Leandro, CA	\$11.05 per FT

\$875,160.00

4. Graybar Electric Co.
\$1,031,976.00

Dublin, CA

\$13.03 per FT

Engineer's Estimate
\$864,000.00

BART

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.

Staff has determined that the apparent low bidder, The Okonite Company, submitted a responsive and responsible bid, and that their bid is fair and reasonable.

FISCAL IMPACT:

Funding of \$654,430 for the award of Invitation for Bid No. 8967 is included in the total project budget for FMS No. 15EJ150 - 34.5KV Cable Between ANA and ACO. 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 July 6, 2015, \$13,034,144 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Amount
226E	1998 S/T Rev Debt Serv	BART	611
226I	1999 S/T Rev Debt Serv	BART	26,162
347W	FTA Grant No CA-03-0729	Federal	2,443
347X	FTA CA-05-0211-00 FY06	Federal	25,409
347Z	FTA CA-05-0216-00 FY07 FG MOD	Federal	115,596
352X	CA-90-Y339/FY05 Cap Assist Prg	Federal	104,648
353K	CA-05-0236 FG MOD-FY09	Federal	1,642,340
353M	CA-05-0248 FG MOD-FY10	Federal	1,600,000
354G	CA-90-Y604/FY08 Cap Assist Prg	Federal	800,000
3602	FY13 Cap Improve FG/SOGR 5337	Federal	2,960,000
3603	FY14 Cap Improve SOGR 5337F	Federal	3,200,000
6214	RM2 - Match to 53G, 54G, 54J	Regional	200,000
850W	FY00-06 Capital Allocation	BART	6,351
851W	FY07-11 Capital Allocation	BART	1,150,585
8523	Capital Surcharge -Stn 2 Stn	BART	400,000
8525	FY13 Capital Allocation	BART	800,000
Total			13,034,144

BART has expended \$335,832, committed \$236,276, and reserved \$10,600,000 to-date for other action. This action will commit \$654,430 leaving an available fund balance of \$1,207,606 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may reject all Bids and re-advertise the Contract. However, there is no assurance that a rebid would yield lower prices. Further, A-Line cable is presently leaking nitrogen gas daily, requiring unscheduled maintenance and repair to the 34.5kV system. The District is at increased operational risk, so the aging A-Line cables need to be replaced as soon as possible.

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. 8967, an estimated quantity contract for 34.5 kV Traction Power Cables, to The Okonite Company, Inc. for the bid price of \$654,429.60 (including all taxes) for the purchase of Traction Power Cable pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedure and FTA requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michaela Morales</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 8/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michaela Morales Dept: for Rosemarie Poblete Controller-Treasurer's Office Signature: <i>Michaela Morales</i> Date: 8/6/15	General Counsel <i>Andrew...</i> 8/10/15	Controller/Treasurer <i>Anthony...</i> 8/10/15	District Secretary	BARC <i>...</i> 8/1/15

**AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, 2015
REFUNDING SERIES D
AND SALE OF THE DISTRICT'S SALES TAX REVENUE BONDS, 2015 REFUNDING
SERIES A**

NARRATIVE:

PURPOSE:

To request Board adoption of two resolutions, which authorize the issuance and sale of not to exceed \$400 million in General Obligation Bonds, 2015 Refunding Series D, and issuance of the \$250 million in Sales Tax Revenue Bonds, 2015 Refunding Series A. Furthermore, to seek Board authorization for the Interim Controller-Treasurer to 1) enter into a Bond Purchase Agreement with the joint venture team of Wells Fargo Bank, N.A. and Blaylock Beal Van, LLC to provide the District with underwriting services in the issuance of the Bonds, 2) to implement the preparation, execution and delivery of the necessary documents including the preliminary Official Statements, the Official Statements, Supplemental Indenture or Paying Agent Agreement, Bond Purchase Agreements, Continuing Disclosure Agreement, Escrow Agreements and related agreements and, 3) to attend rating agency meetings and to negotiate and commit to bond credit support agreements, if any, in connection with the issuance of the Bonds.

DISCUSSION:

In 2015, the District intends to issue not to exceed \$400 million of voter approved General Obligation Bonds and not to exceed \$250 million in Sales Tax Revenue Bonds. Proceeds of the Bonds will be used to refund outstanding bonds to achieve debt service savings and to pay costs of issuance of the bonds.

The District advertised the RFP for underwriting services in 13 newspapers, held a pre-bid conference on June 12, 2015, mailed out 18 RFPs and received 9 proposals. A Selection Committee consisting of the Interim Controller-Treasurer, Principal Financial Analyst of Grant Development, and the Senior Civil Rights Officer of the District's Office of Civil Rights performed a technical evaluation of the proposals. Based upon the technical scores, 2 proposers were invited for an oral interview with the Selection Committee. After completing a round of oral interviews, the Selection Committee ranked these proposals and recommended the joint venture team of Wells Fargo, N.A., dba Wells Fargo Securities and Blaylock Beal Van, LLC which also proposed the lowest underwriting fee of any proposal.

This RFP was advertised prior to the District implementing the Small Business Program policy, and there were no certified small businesses competing for the scope of services. The nature of bond underwriting requires a single firm (senior manager) to act as the primary firm responsible for purchasing the bonds from the District. This requires substantial financial resources and a willingness to put the Proposer's resources at risk in a dynamic market. The District must rely on the senior manager to underwrite the bonds at the highest price (lowest interest rate) obtainable in the market at the time of sale. Consequently, many smaller firms seek a co-manager status to aid the senior manager with pre-selling and distribution of the bonds.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The Proposer will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

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

The proposed resolutions will authorize the Interim Controller-Treasurer to negotiate the structure, financing and cost of issuance of the Bonds. In addition, the resolutions authorize the preparation, execution, and delivery of the necessary documents including the preliminary Official Statement, the Official Statement, Supplemental Indenture or Paying Agent Agreement, Bond Purchase Agreement, Continuing Disclosure Agreement, Escrow Agreement and related agreements, and payment to cover the costs of issuance as well as the negotiation and commitment to bond insurance or other credit support agreements, if any, in connection with issuance of General Obligation Bonds, 2015 Refunding Series D, and the Sales Tax Revenue Bonds, 2015 Refunding Series A.

FISCAL IMPACT:

The District proposes to issue General Obligation Bonds, 2015 Refunding Series D, in the total principal amount not to exceed \$400 million. The cost of issuance for underwriting, legal counsel, financial advisors, rating agencies, trustee services, and other auxiliary fees is estimated not to exceed 1% of principal amount. All fees shall be paid out of proceeds and, therefore, no direct costs will be paid by the District. If no bonds are issued, no expense will be incurred except for legal expenses.

Interest and principal debt service on the General Obligation Bonds will be paid through assessed ad valorem taxes on all property in the three BART District counties. No General Obligation Bond debt service will be borne by District general fund revenues.

The District also proposes to issue Sales Tax Revenue Bonds, 2015 Refunding Series A, in the total principal amount of not to exceed \$250 million. After setting aside approximately 1% of principal amount for costs of issuance the remaining proceeds will be used to refinance the

outstanding 2005 and 2006 bond issues in order to achieve debt service savings.

All fees for the Sales Tax Revenue Bonds, 2015 Refunding Series A, shall be paid out of bond sale proceeds, therefore, no direct costs will be paid by the District. If no bonds are issued, no expense will be incurred except for legal expenses. Interest and principal debt service on the bonds will be paid in accordance with the provisions of the Supplemental Indenture from sales tax proceeds via allocation from the District's annual adopted operating budget.

ALTERNATIVES:

The District may elect not to issue the General Obligation Bonds, 2015 Refunding Series D and Sales Tax Revenue Bonds, 2015 Refunding Series A, at this time which would mean no debt service savings would be available with respect to bonds currently outstanding.

RECOMMENDATION:

To authorize the Interim Controller-Treasurer to negotiate the structure, financing and cost of issuance for the General Obligation Bonds, 2015 Refunding Series D, and Sales Tax Revenue Bonds, 2015 Refunding Series A, and execute and deliver all documents necessary for their issuance.

MOTION:

The Board adopts the attached resolution, incorporated herein as if set forth in full, authorizing and approving the issuance and sale of not to exceed \$400 million aggregate principal amount of General Obligation Bonds, 2015 Refunding Series D, and authorizing the preparation, execution and delivery of agreements and documents in connection therewith.

The Board adopts the attached resolution, incorporated herein as if set forth in full, authorizing the issuance and sale of not to exceed \$250 million aggregate principal amount of Sale Tax Revenue Bonds, 2015 Refunding Series A, and authorizing the preparation, execution and delivery of agreements and documents in connection therewith.

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

AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$400 MILLION AGGREGATE PRINCIPAL AMOUNT OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT GENERAL OBLIGATION BONDS (ELECTION OF 2004), 2015 REFUNDING SERIES D; AUTHORIZING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL PAYING AGENT AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED, A BOND PURCHASE AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE SOLD BY NEGOTIATED SALE; APPROVING AN OFFICIAL STATEMENT RELATING TO SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT AND CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS, INCLUDING A CONTINUING DISCLOSURE AGREEMENT AND AN ESCROW AGREEMENT; DELEGATING TO THE INTERIM CONTROLLER/TREASURER OF THE DISTRICT POWER TO DETERMINE FINAL TERMS OF SUCH BONDS AND COMPLETE SAID DOCUMENTS AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO.

Resolution No.

WHEREAS, pursuant to Resolution No. 4920 of the San Francisco Bay Area Rapid Transit District (the "District"), adopted June 10, 2004, the District duly called an election, and an election was regularly held in the Counties of Alameda, Contra Costa and San Francisco on November 2, 2004, at which the following proposition ("Measure AA") was submitted to the electors of the District:

"To protect public safety and keep Bay Area traffic moving in the event of an earthquake or other disaster, shall BART, the San Francisco Bay Area Rapid Transit District, be authorized to issue bonds not to exceed \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda Counties, including strengthening tunnels, bridges, overhead tracks and the underwater Transbay Tube, and establish an independent citizens' oversight committee to verify bond revenues are spent as promised?"

WHEREAS, the District has heretofore issued its General Obligation Bonds (Election of 2004), 2005 Series A (the “2005 Bonds”) in an aggregate principal amount of \$100,000,000, pursuant to that certain Paying Agent Agreement (the “Master Paying Agent Agreement”) by and between the District and U.S. Bank National Association (successor to The Bank of New York Trust Company, N.A.), as Paying Agent (the “Paying Agent”), dated as of May 1, 2005;

WHEREAS, the District has heretofore issued its General Obligation Bonds (Election of 2004), 2007 Series B (the “2007 Bonds”) in an aggregate principal amount of \$400,000,000, pursuant to that certain First Supplemental Paying Agent Agreement (the “First Supplemental Paying Agent Agreement”) by and between the District and the Paying Agent, dated as of July 1, 2007, supplementing the Master Paying Agent Agreement;

WHEREAS, the District has heretofore issued its General Obligation Bonds (Election of 2004), 2013 Series C (the “2013 Bonds” and together with the 2005 Bonds and the 2007 Bonds, the “Outstanding Bonds”) in an aggregate principal amount of \$240,000,000 pursuant to that certain Second Supplemental Paying Agent Agreement (the “Second Supplemental Paying Agent Agreement”) by and between the District and the Paying Agent, dated as of October 1, 2013 (together with the Master Paying Agent Agreement, the First Supplemental Paying Agent Agreement, the Second Supplemental Paying Agent Agreement and further supplements and amendments thereto, the “Paying Agent Agreement”);

WHEREAS, \$34,680,000 aggregate principal amount of the 2005 Bonds remain outstanding and are currently subject to redemption, \$366,880,000 of the 2007 Bonds are currently outstanding and are not subject to redemption until August 1, 2017, and \$225,545,000 of the 2013 Bonds are currently outstanding and are not subject to redemption until August 1, 2023;

WHEREAS, pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (the “Government Code”) and other applicable law, the District is authorized to issue refunding bonds to refund all or a portion of the Outstanding Bonds, and to sell its Refunding Bonds at public sale or on a negotiated basis;

WHEREAS, the District now deems that it is necessary and desirable to issue “San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2015 Refunding Series D (the “Refunding Bonds”) in one or more series to provide funds to refund a portion of the Outstanding Bonds (such refunded portion hereinafter referred to as the “Prior Bonds”) as shall be determined appropriate by the Interim Controller/Treasurer of the District (the “Controller/Treasurer”) in order to achieve debt service savings;

WHEREAS, the District desires to issue the Refunding Bonds pursuant to the Paying Agent Agreement, as it may be amended and supplemented pursuant to its terms, by a Third Supplemental Paying Agent Agreement which is proposed to be entered by the District and the Trustee;

WHEREAS, there has been prepared and presented to this meeting a proposed form of Third Supplemental Paying Agent Agreement (with such changes, insertions and omissions as

are made pursuant to this Resolution, being hereinafter referred to as the “Third Supplemental Paying Agent Agreement”);

WHEREAS, this Board of Directors of the District deems it necessary and desirable to sell the Bonds by negotiated sale to Wells Fargo Bank, N.A., as representative of itself and Blaylock Beal Van, LLC and the other underwriters named in the Bond Purchase Agreement (collectively, the “Underwriters”) in order to provide flexibility in the timing of the sale of the Bonds and to achieve a more desirable debt structure and an overall lower cost of borrowing;

WHEREAS, the District has engaged Sperry Capital Inc. as financial advisor to the District with respect to the Refunding Bonds, and Orrick, Herrington & Sutcliffe LLP as bond and disclosure counsel to the District with respect to the Refunding Bonds;

WHEREAS, a proposed form of a bond purchase agreement has been prepared and presented to this meeting (with such changes as are made pursuant to this Resolution, the “Bond Purchase Agreement”);

WHEREAS, there has been prepared and submitted to this meeting a proposed form of Official Statement in preliminary form (the “Preliminary Official Statement”) to be used in connection with the offering and sale of the Bonds;

WHEREAS, a proposed form of an escrow agreement has been prepared and presented to this meeting (with such changes as are made pursuant to this Resolution, the “Escrow Agreement”); and

WHEREAS, in order to assist the Underwriters in complying with Securities and Exchange Commission Rule 15c2-12(b)(5), there has been prepared and submitted to this meeting a proposed form of Continuing Disclosure Agreement (with such changes, omissions and insertions as are made pursuant to this Resolution, the “Continuing Disclosure Agreement”), which is proposed to be entered into by the District and the Paying Agent, as paying agent and as dissemination agent;

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

Section 1. The foregoing recitals are true and correct, and the issuance by the District of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2015 Refunding Series D, in an aggregate principal amount not to exceed \$400 million, and being sufficient to: (i) refund such portion of the Outstanding Bonds as shall be determined appropriate by the Controller/Treasurer of the District in order to achieve debt service savings and/or to restructure existing debt service; and (ii) pay costs of issuance of the Refunding Bonds, on the terms and conditions set forth in, and subject to the limitations specified in, the Third Supplemental Payment Agent Agreement, as finally executed and delivered, is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to determine the principal amount, series designations, interest rate or rates, and other terms of the Refunding Bonds to be issued, including determining whether such Refunding Bonds shall be

issued as taxable or tax-exempt bonds (subject to the aforesaid limitations and the limitations hereinafter specified) and to specify said terms and conditions set forth herein and in the Third Supplemental Paying Agent Agreement.

Section 2. The form of Third Supplemental Paying Agent Agreement presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Third Supplemental Paying Agent Agreement in substantially the form presented to this meeting with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The proceeds of the Refunding Bonds (after payment of the costs of issuance thereof) will be applied to provide funds for the payment of the redemption price of and interest to the redemption date on the Prior Bonds. The maximum term of the Refunding Bonds shall not exceed the term of the Prior Bonds being refunded. The maximum rate of interest to be payable on the Refunding Bonds shall not exceed five percent (5.00%) per annum. The combined true interest cost for the Refunding Bonds shall not exceed four percent (4.00%) per annum. Optional redemption of the Refunding Bonds shall be provided for at not later than ten (10) years from the date of issuance at a premium not greater than one percent (1%); provided, however, that the Controller/Treasurer is hereby authorized to cause all or any portion of the Bonds to be issued as callable, noncallable, taxable, or tax-exempt bonds. The net present value of the savings generated by the refunding shall be at least ten percent (10.00%) of the aggregate principal amount of the bonds to be refunded and the Controller/Treasurer shall provide that all the costs of issuance for the Refunding Bonds, which shall not exceed one percent (1%) of the principal amount thereof, shall be paid from the proceeds of the Refunding Bonds. The Refunding Bonds shall be signed by the manual or facsimile signature of the President of the Board of Directors of the District and countersigned by the manual or facsimile signature of the Secretary of the District, and the manual or facsimile seal of the District shall be affixed to the Refunding Bonds. The Refunding Bonds shall be authenticated by a manual signature of a duly authorized officer of the Paying Agent. The dated date of the Third Supplemental Paying Agent Agreement, the interest payment dates, denominations, forms, manner of execution, terms of redemption and other terms of the Bonds shall be as provided in the Third Supplemental Paying Agent Agreement as finally executed.

Section 3. The sale of the Refunding Bonds to the Underwriters on the terms and conditions contained in the Bond Purchase Agreement is hereby approved and authorized and the form of Bond Purchase Agreement presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Bond Purchase Agreement in substantially the form presented to this meeting with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The maximum underwriting discount on the sale of the Refunding Bonds, (exclusive of original issue discount), shall be not greater than one tenth of one percent (0.10%) of the principal amount of the Refunding Bonds.

Section 4. The form of Preliminary Official Statement presented to this meeting is hereby approved and the distribution of the Preliminary Official Statement, in connection with the offering and sale of the Refunding Bonds, with such changes, omissions and insertions as shall be approved by the Controller/Treasurer, is hereby authorized and approved. The

Controller/Treasurer is hereby authorized to review the Preliminary Official Statement and to certify on behalf of the District that the Preliminary Official Statement is “deemed final” as of its date, except for certain terms and pricing information permitted to be omitted therefrom pursuant to Securities and Exchange Commission Rule 15c2-12. The Controller/Treasurer is authorized to deliver such a certification to the Underwriters.

The Controller/Treasurer is hereby authorized and directed to prepare a final version of the Official Statement (such final version of the Official Statement, in the form of the Preliminary Official Statement, with such changes, insertions and omissions as shall be approved by the Controller/Treasurer, being hereinafter referred to as the “Official Statement”) and to execute the Official Statement and any amendment or supplement thereto, in the name of and on behalf of the District, and cause the Official Statement and any such amendment or supplement, to be delivered to the Underwriters and distributed in connection with the offering and sale of the Refunding Bonds.

Section 5. The form of Continuing Disclosure Agreement presented to this meeting is hereby approved. The Controller/Treasurer is hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement in substantially the form presented to this meeting, with such changes, insertions and omissions as may be approved by him, said execution being conclusive evidence of such approval.

Section 6. The Escrow Agreement in the form presented to this meeting is hereby approved. The Controller/Treasurer is hereby authorized and directed to execute and deliver one or more escrow agreements in substantially the form presented to this meeting, with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The Controller/Treasurer is hereby authorized and directed to take such actions as are necessary in connection with the investment of funds deposited in the escrow funds established pursuant to the Escrow Agreement, including seeking bids for escrow securities and, if applicable, U.S. Bank, in its capacity as trustee or escrow agent, the underwriters, or Sperry Capital Inc., in its capacity as financial advisor to the District, is hereby authorized and directed to file such applications and other documents on behalf of the District as may be required to order and obtain U.S. Treasury Obligations – State and Local Government Series or other government securities to be purchased with proceeds of the Refunding Bonds and deposited in the escrow funds.

Section 7. The Controller/Treasurer is hereby authorized to enter into or to instruct the Paying Agent to enter into one or more investment agreements, float contracts, swaps or other hedging products (hereinafter collectively referred to as the “Investment Agreement”) providing for the investment of moneys in any of the funds and accounts created under the Paying Agent Agreement, on such terms as the Controller/Treasurer shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the Board of Directors of the District hereby directs that, if entered into, the Investment Agreement shall reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and shall be designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Bonds or enhance the relationship between risk and return with respect to investments.

Section 8. Pursuant to Section 29121 of the California Public Utilities Code, the District shall, at the time of fixing the general tax levy and in the manner provided for fixing the general tax levy, levy and collect annually until the Refunding Bonds are paid, or until there is a sum in the treasury of the District set apart for the purpose of paying all principal of and interest (and redemption premiums, if any) on the Refunding Bonds as the same become due and payable, a tax sufficient to pay the annual interest on the Refunding Bonds and such part of the principal thereof, including any sinking fund installments or redemption premiums required to be paid pursuant to the Paying Agent Agreement, as will become due before the proceeds of a tax levied at the next general tax levy will be made available for such purposes.

Section 9. The District hereby pledges all revenues from the property taxes collected from the levy for the payment of the Bonds and amounts on deposit in the interest and sinking fund of the District to the payment of the principal or redemption price of and interest on the Bonds. This pledge shall be valid and binding from the date hereof for the benefit of the owners of the Bonds and successors thereto. The property taxes and amounts held in the interest and sinking fund of the District shall be immediately subject to this pledge, and the pledge shall constitute a lien and security interest which shall immediately attach to the property taxes and amounts held in the interest and sinking fund of the District to secure the payment of the Bonds and shall be effective, binding, and enforceable against the District, its successors, creditors and all others irrespective of whether those parties have notice of the pledge and without the need of any physical delivery, recordation, filing, or further act. "Bonds" for purpose of this pledge contained herein means all bonds of the District heretofore or hereafter issued pursuant to voter approved Measure AA of the District, including the Outstanding Bonds and the Refunding Bonds.

Section 10. The Board of Supervisors, the Auditor-Controller, the Assessor, the Treasurer, and other appropriate officials of each of the County of Alameda, the County of Contra Costa and the City and County of San Francisco (collectively, the "BART Counties"), are hereby requested to take and authorize such actions as may be necessary pursuant to the laws of the State of California to provide for the levy and collection of a property tax on all taxable property of the District sufficient to provide for payment of all principal of, redemption premium, if any, and interest the Bonds, including the Refunding Bonds, as the same shall become due and payable, and to transfer such monies to or as requested by the District for deposit to the District's Interest and Sinking Fund established pursuant to the Paying Agent Agreement, and the Secretary of the Board is hereby authorized and directed to deliver certified copies of this Resolution to the Clerk of the Board of Supervisors, the Auditor-Controller, the Assessor, the Treasurer and other appropriate officials of each BART County. The Board hereby agrees to reimburse each BART County for any costs associated with the levy and collection of said tax, upon such documentation of said costs as the District shall reasonably request. The Controller/Treasurer of the District is hereby authorized to enter into agreements with each BART County or provide such other documentation as the Controller/Treasurer of the District determines is necessary or convenient to assist in the levy and collection of the taxes and the transfer thereof to or at the direction of the District.

Section 11. The provisions of this Resolution shall be a contract with each and every owner of Bonds and the duties of the District and of the Board and the officers of the District shall be enforceable by any bondowner by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction. The President of the Board of Directors of the District, the General Manager of the District, the Controller/Treasurer of the District, the General Counsel of the District, the District Secretary and any other proper officer of the District, acting singly, is, and each of them hereby is, authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper to carry out the transactions contemplated by the Paying Agent Agreement, the Third Supplemental Paying Agent Agreement, the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement, the Escrow Agreement and the Continuing Disclosure Agreement, and by this Resolution, including without limitation, the delivery of tax certifications, the delivery of any instructions or documents relating to the investment of bond proceeds and the making of any determinations or submission of any documents or reports which are required by any governmental entity in connection with the issuance or payment of the Refunding Bonds.

Section 12. All actions heretofore taken by the officers, representatives or agents of the District in connection with the issuance and sale of the Bonds are hereby ratified, confirmed and approved.

Section 13. This Resolution shall take effect from and after its adoption. PASSED AND ADOPTED on _____.

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

RESOLUTION OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$250 MILLION SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT SALES TAX REVENUE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED AND A BOND PURCHASE AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE SOLD; 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 INTERIM 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.

Resolution No.

WHEREAS, the District has heretofore issued its sales tax revenue bonds (the "Prior Bonds") under and pursuant to an Indenture, dated as of July 1, 1990, as supplemented and amended by the First Supplemental Indenture, dated as of August 7, 1990, the Second Supplemental Indenture, dated as of August 29, 1991, the Third Supplemental Indenture, dated as of June 7, 1995, the Fourth Supplemental Indenture, dated as of April 1, 1997, the Fifth Supplemental Indenture, dated as of March 12, 1998, the Sixth Supplemental Indenture, dated as of October 7, 1999, the Seventh Supplemental Indenture, dated as of July 12, 2001, the Eighth Supplemental Indenture, dated as of September 7, 2005, the Ninth Supplemental Indenture, dated as of June 29, 2006, the Tenth Supplemental Indenture, dated as of November 30, 2006 and the Eleventh Supplemental Indenture, dated as of May 19, 2010 (hereinafter collectively referred to as the "1990 Indenture"), between the District and U.S. Bank National Association ("U.S. Bank"), successor by merger to U.S. Bank Trust National Association, which was successor to First Trust of California, National Association, which was successor to Bank of America National Trust and Savings Association, which was successor to Security Pacific National Bank, as trustee (the "Prior Trustee");

WHEREAS, the following Prior Bonds were issued pursuant to the 1990 Indenture and are outstanding in the following amounts:

Series	Issuance Date	Original Principal Amount	Outstanding Principal Amount
2005A	September 7, 2005	\$352,095,000.00	\$231,250,000
2006	June 29, 2006	64,915,000.00	720,000
2006A	November 30, 2006	108,110,000.00	95,840,000
2010	May 19, 2010	129,595,000.00	121,065,000

WHEREAS, the District has heretofore issued its sales tax revenue bonds (the “2012 Bonds” and, together with the Prior Bonds, the “Bonds”) under and pursuant to an Indenture, dated as of September 1, 2012, as supplemented and amended by the First Supplemental Indenture, dated as of September 1, 2012 (hereinafter collectively referred to as the “2012 Indenture”), between the District and U.S. Bank, as trustee (the “Trustee”);

WHEREAS, the following 2012 Bonds were issued pursuant to the 2012 Indenture and are outstanding in the following amounts:

Series	Issuance Date	Original Principal Amount	Outstanding Principal Amount
2012A	October 4, 2012	\$130,475,000.00	\$121,305,000
2012B	October 4, 2012	111,085,000.00	104,770,000

WHEREAS, the District desires to issue its San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds in one or more Series (the “Refunding Bonds”) to provide funds to refund a portion of the Prior Bonds as shall be determined appropriate by the Interim Controller/Treasurer of the District (the “Controller/Treasurer”) in order to achieve debt service savings and/or to restructure existing debt service;

WHEREAS, the District desires to issue the Refunding Bonds, payable on a parity with the Bonds pursuant to the 2012 Indenture, as it may be amended and supplemented pursuant to its terms, including as amended and supplemented by a Second Supplemental Indenture thereto (collectively, as so supplemented and amended, the “Indenture”), which is proposed to be entered by the District and the Trustee;

WHEREAS, Sperry Capital Inc., serves as financial advisor (the “Financial Advisor”) to the District and will serve in such capacity in connection with the bonds authorized hereby;

WHEREAS, there has been prepared and presented to this meeting a proposed form of Second Supplemental Indenture (such Second Supplemental Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being hereinafter referred to as the “Second Supplemental Indenture”);

WHEREAS, Wells Fargo Bank, N.A., acting on behalf of itself and as representative of Blaylock Beal Van, LLC (hereinafter collectively referred to as the “Underwriters”), has submitted a proposed contract to purchase the Refunding Bonds (such purchase contract, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being hereinafter referred to as the “Bond Purchase Agreement”);

WHEREAS, there has been prepared and submitted to this meeting a proposed form of Official Statement in preliminary form (the "Preliminary Official Statement") to be used in connection with the offering and sale of the Refunding Bonds;

WHEREAS, in order to assist the Underwriters in complying with Securities and Exchange Commission Rule 15(c)2-12(b)(5), there has been prepared and submitted to this meeting a proposed form of Continuing Disclosure Agreement (such Continuing Disclosure Agreement, in the form presented to this meeting, with such changes, omissions and insertions as are made pursuant to this Resolution, being hereinafter referred to as the "Continuing Disclosure Agreement"), which is proposed to be entered into by the District and U.S. Bank, as trustee and dissemination agent;

WHEREAS, in order to provide for the refunding of a portion of the Prior Bonds, there has been prepared and submitted to this meeting a proposed form of Escrow Agreement (such Escrow Agreement, in the form presented to this meeting, with such changes, omissions and insertions as are made pursuant to this Resolution, being hereinafter referred to as the "Escrow Agreement"), which is proposed to be entered into by the District and the escrow bank to be designated therein;

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

Section 1. The foregoing recitals are true and correct and the issuance by the District of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds, 2015 Refunding Series A payable on a parity with the Bonds, in an aggregate principal amount not to exceed \$250 million and being sufficient to: (i) refund such portion of the Prior Bonds as shall be determined appropriate by the Controller/Treasurer of the District in order to achieve debt service savings and/or to restructure existing debt service; and (ii) pay costs of issuance of the Refunding Bonds, on the terms and conditions set forth in, and subject to the limitations specified in, the Second Supplemental Indenture, as finally executed and delivered, is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to determine the principal amount, series designations, interest rate or rates, and other terms of the Refunding Bonds to be issued, including determining whether such Refunding Bonds shall be issued as taxable or tax-exempt bonds (subject to the aforesaid limitations and the limitations hereinafter specified) and to specify said terms in the Second Supplemental Indenture.

Section 2. The Second Supplemental Indenture in the form presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Second Supplemental Indenture in substantially the form presented to this meeting with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval; and the District Secretary is hereby authorized to attest to such signature. The proceeds of the Refunding Bonds (after payment of the costs of issuance thereof) will be applied to provide funds for the purposes hereinabove described. The maximum term of the Refunding Bonds shall not exceed the maturity date of the Prior Bonds being refunded. The maximum rate of interest to be payable on the Refunding Bonds shall not exceed five percent (5.00%) per annum. The combined true interest cost for the Refunding Bonds shall not exceed four percent (4.00%). Optional redemption of the Refunding

Bonds shall be provided for at not later than ten (10) years from the date of issuance at a premium not greater than one percent (1%); provided, however, that the Controller/Treasurer is hereby authorized to cause all or any portion of the Refunding Bonds to be issued as noncallable bonds. The net present value of the debt service savings with respect to the Refunding Bonds shall be at least 5% of the aggregate principal amount of the Prior Bonds being refunded. The interest payment dates, denominations, forms, manner of execution, terms of redemption and other terms of the Refunding Bonds shall be as provided in the Second Supplemental Indenture as finally executed.

Section 3. The sale of the Refunding Bonds to the Underwriters on the terms and conditions contained in the Bond Purchase Agreement is hereby approved and authorized. The Bond Purchase Agreement in the form presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Bond Purchase Agreement in substantially the form presented to this meeting with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The maximum underwriting discount on the sale of the Refunding Bonds (exclusive of original issue discount) shall be not greater than one-tenth of one percent (.10%) of the principal amount of the Refunding Bonds. The proceeds shall be applied simultaneously with the delivery of the Refunding Bonds, as required by the terms of the Indenture as finally executed.

Section 4. The Preliminary Official Statement in the form presented to this meeting is hereby approved and the distribution of the Preliminary Official Statement, in connection with the offering and sale of the Refunding Bonds, with such changes, omissions and insertions as shall be approved by the Controller/Treasurer, is hereby authorized and approved. The Controller/Treasurer is hereby authorized to review the Preliminary Official Statement and to certify on behalf of the District that the Preliminary Official Statement is "deemed final" as of its date, except for certain terms and pricing information permitted to be omitted therefrom pursuant to Securities and Exchange Commission Rule 15c2-12. The Controller/Treasurer is authorized to deliver such a certification to the Underwriters.

The Controller/Treasurer is hereby authorized and directed to prepare a final version of the Official Statement (such final version of the Official Statement, in the form of the Preliminary Official Statement, with such changes, insertions and omissions as shall be approved by the Controller/Treasurer, being hereinafter referred to as the "Official Statement") and to execute the Official Statement and any amendment or supplement thereto, in the name of and on behalf of the District, and cause the Official Statement and any such amendment or supplement to be delivered to the Underwriters and distributed in connection with the offering and sale of the Refunding Bonds.

Section 5. The Continuing Disclosure Agreement in the form presented to this meeting is hereby approved. The Controller/Treasurer is hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement in substantially the form presented to this meeting, with such changes, insertions and omissions as may be approved by him, said execution being conclusive evidence of such approval.

Section 6. The Escrow Agreement in the form presented to this meeting is hereby approved. The Controller/Treasurer is hereby authorized and directed to execute and deliver one or more escrow agreements in substantially the form presented to this meeting, with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval.

Section 7. The Controller/Treasurer is hereby authorized and directed to take such actions as are necessary in connection with the investment of funds deposited in the escrow funds established pursuant to the Escrow Agreement, including seeking bids for escrow securities and, if applicable, U.S. Bank, in its capacity as trustee or escrow agent, the underwriters, or Sperry Capital Inc., in its capacity as financial advisor to the District, is hereby authorized and directed to file such applications and other documents on behalf of the District as may be required to order and obtain U.S. Treasury Obligations – State and Local Government Series or other government securities to be purchased with proceeds of the Refunding Bonds and deposited in the escrow funds.

Section 8. The Controller/Treasurer is hereby authorized to enter into or to instruct the Trustee to enter into one or more investment agreements, float contracts, swaps or other hedging products (hereinafter collectively referred to as the “Investment Agreement”) providing for the investment of moneys in any of the funds and accounts created under the Indenture or the Escrow Agreement, on such terms as the Controller/Treasurer of the District shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the Board of Directors of the District hereby finds and determines that the Investment Agreement will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and is designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Bonds or enhance the relationship between risk and return with respect to investments.

Section 9. Orrick, Herrington & Sutcliffe LLP is hereby appointed as bond and disclosure counsel in connection with the issuance and sale of the Refunding Bonds and fees of such counsel are to be paid from the proceeds of the Refunding Bonds and contingent upon the issuance of the Refunding Bonds.

Section 10. The Controller/Treasurer of the District, the District Secretary and any other proper officer of the District, acting singly, is, and each of them hereby is, authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper to carry out the transactions contemplated by the 1990 Indenture, the Indenture, the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement, the Continuing Disclosure Agreement, the Escrow Agreement and by this Resolution, including without limitation, the delivery of tax certifications, the delivery of any documents necessary in connection with the refunding of the Prior Bonds, the delivery of any documents relating to the investment of bond proceeds and the making of any determinations or submission of any documents or reports which are required by any governmental entity in connection with the issuance and sale of the Refunding Bonds. The Controller/Treasurer and such officials of the District as the Controller/Treasurer designates are hereby authorized to undertake such travel and incur such expenses, upon consultation with the District’s financial advisors, as is considered advisable to secure appropriate credit ratings and/or

credit enhancement for the Refunding Bonds or assist in the marketing of the Refunding Bonds, which authorization shall constitute prior approval under Section 5-3.2(b) of the Rules of the Board of Directors of the District.

Section 11. All actions heretofore taken by the officers, representatives or agents of the District in connection with the issuance and sale of the Refunding Bonds are hereby ratified, confirmed and approved.

Section 12. The Controller/Treasurer is authorized to engage such consultants, bond counsel, underwriters, or other parties and to execute, acknowledge and deliver, and to prepare and review, as he deems appropriate, all indentures, official statements and all other documents, certificates, agreements and information necessary to accomplish such refinancing transactions taking as guidance the forms and provisions of the Refunding Documents authorized herein.

This Resolution shall take effect immediately upon its adoption. PASSED AND ADOPTED ON _____.

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

AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$400 MILLION AGGREGATE PRINCIPAL AMOUNT OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT GENERAL OBLIGATION BONDS (ELECTION OF 2004), 2015 REFUNDING SERIES D; AUTHORIZING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL PAYING AGENT AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED, A BOND PURCHASE AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE SOLD BY NEGOTIATED SALE; APPROVING AN OFFICIAL STATEMENT RELATING TO SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT AND CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS, INCLUDING A CONTINUING DISCLOSURE AGREEMENT AND AN ESCROW AGREEMENT; DELEGATING TO THE INTERIM CONTROLLER/TREASURER OF THE DISTRICT POWER TO DETERMINE FINAL TERMS OF SUCH BONDS AND COMPLETE SAID DOCUMENTS AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO.

Resolution No.

WHEREAS, pursuant to Resolution No. 4920 of the San Francisco Bay Area Rapid Transit District (the "District"), adopted June 10, 2004, the District duly called an election, and an election was regularly held in the Counties of Alameda, Contra Costa and San Francisco on November 2, 2004, at which the following proposition ("Measure AA") was submitted to the electors of the District:

"To protect public safety and keep Bay Area traffic moving in the event of an earthquake or other disaster, shall BART, the San Francisco Bay Area Rapid Transit District, be authorized to issue bonds not to exceed \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda Counties, including strengthening tunnels, bridges, overhead tracks and the underwater Transbay Tube, and establish an independent citizens' oversight committee to verify bond revenues are spent as promised?"



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delandee</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>8/6/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real-Estate and Property Development <i>Paul Voix</i> Signature/Date: <i>8/6/15</i>	General Counsel <i>Audrey Powell</i> <i>8/6/15</i>	Controller/Treasurer <i>Agnes...</i>	District Secretary	BARC <i>Powers</i> <i>6 Aug 2015</i>
TITLE:				

APPROVAL OF POWER PURCHASE AGREEMENT AND PHOTOVOLTAIC INSTALLATION AT THE WARM SPRINGS/SOUTH FREMONT BART STATION

NARRATIVE:

PURPOSE: To obtain Board authorization to enter into a 20 year Power Purchase Agreement ("PPA"), with two five-year renewal options, with SolarCity Corporation for its design, installation, operation, and maintenance of a solar photovoltaic system ("PV System(s)") at the Warm Springs/South Fremont BART Station and for the District's purchase from SolarCity Corporation of all solar power generated by that PV system.

DISCUSSION: On December 4, 2014, as a result of a competitive Request for Qualifications process, the BART Board of Directors authorized the General Manager to negotiate and execute an Exclusive Negotiating Agreement (ENA) for the development of photovoltaic system agreements at the Warm Springs/South Fremont BART Station and at four other locations. So that a PV System may be in place at the Warm Springs/South Fremont Station prior to its opening to the public, staff focused first on PV System development at the Warm Springs/South Fremont Station and has reached an agreement with SolarCity Corporation ("SolarCity"), subject to Board approval, as to the terms of a Power Purchase Agreement (PPA) and a related Permit to Enter (PTE) for this location. Key provisions of the proposed PPA and PTE are as follows:

- SolarCity will install, operate, and maintain a PV System at the Warm Springs/South Fremont Station for a 20 year term, with BART options to renew for up to two (2) additional five (5) year periods. The 553 kW PV System will be located on portions of the Station's concourse rooftops and on parking lot canopies at locations designated by the District (depicted in Exhibit A). This will be the largest PV System of its kind located on District property and will produce power in excess of the Station's needs.
- The District agrees to purchase all PV power produced by the PV System at a rate of \$0.127 per kWh, without escalation, for the duration of the PPA. Annual power production is estimated at 803,509 kWh. BART's estimated year 1 payments are \$102,045.64. Pricing excludes all taxes. BART will pay or reimburse SolarCity for any applicable taxes related to power generation and delivery as well as any property taxes levied on SolarCity for its ownership of the PV System.
- The District may purchase the PV System, subject to Board approval, at the end of years six (6), eight (8), ten (10), and fifteen (15) for the greater of either the then current Fair Market Value of the PV System or the following specified values: Year 6 (\$1,000,669), Year 8 (\$868,719), Year 10 (\$763,561), Year 15 (\$459,936). The PV System may also be purchased in Year 20 for Fair

APPROVAL OF POWER PURCHASE AGREEMENT AND PHOTOVOLTAIC INSTALLATION AT THE WARM SPRING

Market Value. If the District opts not to purchase the PV System, SolarCity must remove the PV System, at no cost to the District, at the termination of the PPA.

- Default Remedies. If BART defaults, BART must pay the balance of its remaining payments for the 20 year period, removal costs, and other related costs. If SolarCity defaults, it is responsible for PV System removal costs and certain differences in costs, if any, arising from BART's reconversion to market power.
- Prevailing wage construction. The PPA requires that SolarCity pay prevailing wages for all work related to the construction or maintenance of the PV System and provides that SolarCity will use best efforts to use those crafts for which a prevailing wage rate is established in California.
- SolarCity has the right to entirely assign the agreement and its performance to a third-party. As a safeguard for BART, the PPA requires certain performance assurances from SolarCity or its assignee: (1) an annual bond to cover the full cost of SolarCity's estimated operations, maintenance, and removal obligations (\$100,000 in year 1 escalating to \$500,000 in year 19), (2) a construction bond of \$350,000, and (3) a 100% power performance guarantee agreement.
- SolarCity's terms of access to and use of BART property are subject to BART's standard Permit to Enter conditions during the PPA term. Agreed upon PPA/PTE terms will assure reasonable access restrictions to District infrastructure (e.g. limited access to BART's operating envelope). Parking canopy lighting will be maintained by the District.
- If the Board authorizes execution of the PPA, construction of the PV System would begin no later than September 15, 2015 and will be completed by December 15, 2015, unless otherwise extended by BART. The PV System would be operational by January 15, 2016.
- SolarCity is responsible for ensuring the physical security of the PV System and bears the risk of PV System damage or loss caused by external events or parties. SolarCity is liable for third-party claims arising from its PV System or work, but SolarCity's liability for inadvertent damage caused to BART facilities will be capped at \$5 million per occurrence.
- Inclusive in the pricing is the District's right to own renewable energy credits (RECs) that may accrue as a result of solar power generated by the PV System. Such a right has both tangible and intangible benefits. Ownership of the RECs would advance the District's environmental and green energy goals and allow the District to claim that the Warm Springs/South Fremont Station is powered by renewable energy. The RECs also have a financial value because the District may sell the RECs to third parties.

The Office of the General Counsel will approve the PPA, the PTE, and all related agreements as to form.

FISCAL IMPACT: The proposed price per kWh of \$0.127 is slightly higher than the current +/- \$0.10 per kWh for market power from the grid (e.g. \$102,045.64 compared to \$80,350.90 in year 1). However, the SolarCity price is fixed at 0% escalation for a 20 year period. Assuming a 4% annual increase for market power, PV System power will be lower beginning in year eight and the break-even point for purchasing PV System produced power from Solar City will be approximately 13 years. Under this

APPROVAL OF POWER PURCHASE AGREEMENT AND PHOTOVOLTAIC INSTALLATION AT THE WARM SPRINGS

assumption, the District would save \$320,000 over a twenty year term.

Total estimated cost for the 20-year agreement, accounting for nominal power production degradation over time, is estimated to be \$1,946,817.00, if SolarCity owns and operates the PV System over the 20 year period.

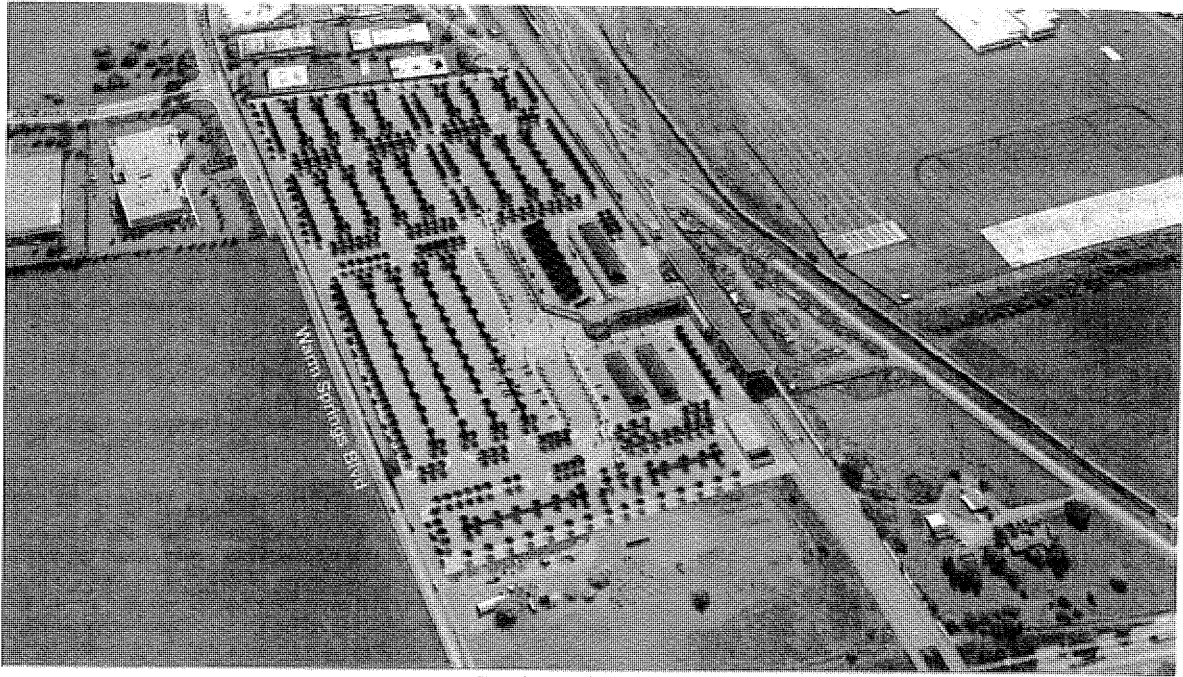
Annual payments under the PPA would be included as part of the future District annual operating budgets.

ALTERNATIVES: Not entering into a PPA with SolarCity at this time. This would result in a lost opportunity to have a PV System installed at the new Warm Springs/South Fremont Station prior to its opening to the public and, at least for the interim, conventional market power would serve in-lieu of the solar power produced at the site.

RECOMENDATION: Adoption of the following motion.

MOTION: The General Manager is authorized to execute a Power Purchase Agreement for twenty years as well as options to renew for two additional five-year terms with SolarCity Corporation for its design, installation, operation, and maintenance of a solar photovoltaic (PV) system at the Warm Springs/South Fremont Station and for the District's purchase from SolarCity of all solar power generated by that PV System.

**Warm Springs Station Renderings
(Depicting Solar Panels)**



Station Site Overview



Bird's Eye View (from Northeast)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: August 7, 2015

FROM: General Manager

SUBJECT: Administration Item #3.C: Collective Bargaining Report Initiatives – For Information

At the August 13, 2015 Board meeting, staff will review the attached presentation which provides an update on labor relations activities as well as the status of implementing major elements of the Collective Bargaining Agreements and other process improvements.

If you have questions regarding the attached, please contact Allison Picard, AGM Employee Relations, at (510) 464-6231.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: August 7, 2015

FROM: Allison Picard, AGM Employee Relations

SUBJECT: Labor Relations Review Ad Hoc Committee Report

On behalf of the Board's Ad Hoc Labor Relations Committee Chair, Director Saltzman, I am transmitting three of their work products for discussion at the August 13, 2015 meeting.

The Responsibilities Matrix/Work lists recommendations from the Labor Negotiation Report that involve the Board of Directors and provides a time table and work plan for each. The Ad Hoc Committee also drafted proposed Board Ground Rules for Collective Bargaining. These two items are for information. The third is a proposed Labor Relations Vision Statement for approval by the Board.

Should you have any questions, please contact Director Saltzman.

c: Board Appointed Officers
Deputy General Manager
Executive Managers

MOTION:

The Board of Directors approves a Labor-Management Relations – Vision Statement.

San Francisco Bay Area Rapid Transit District Board of Directors

Labor-Management Relations – Proposed Vision Statement

The Board of Directors believes that collaborative employer-employee relations are essential to maintaining an effective workforce, and to provide high quality services to BART customers.

The Board of Directors recognizes its responsibility is to set direction and provide oversight, and respects the role of District management in implementing the Board's policy objectives. The Board pledges its commitment to open communication and innovative problem solving between District management and the five Unions representing BART employees, at all levels of the organization. The Board expects the General Manager to fully support its vision and goals for employer-employee relations and to assist the Board in carrying out its objectives.

The Board's goal is to proactively foster an environment of trust and collaboration between the Unions representing BART employees and management, in order to achieve the District's strategic vision of connecting communities with seamless mobility.

BART Board of Directors Ground Rules for Collective Bargaining

Effective (date of adoption), the BART Board of Directors adopts the following guidelines to define and clarify the Board's role and expectations during the course of the collective bargaining process. These guidelines are intended to ensure effective and productive engagement of the Board of Directors in the collective bargaining process; and to provide the Board and the General Manager with clear and concise directives governing the process.

By adoption of this resolution on (date of adoption), the Board of Directors agrees to make good faith efforts to observe the following guidelines:

Establish Policy Direction. Prior to the commencement of negotiations, the Board of Directors shall set policies and define the parameters for bargaining. Actions shall include, but shall not be limited to, the following:

- Through meetings with staff in closed session, the Board shall set specifically enumerated policy goals and bargaining objectives, available for reference at the start of each closed session;
- The Board shall define its expectations for ongoing communication with staff leading the negotiations process.

No Direct Negotiations. The Board of Directors shall operate solely at a policy level:

- During negotiations Board members are discouraged from direct bargaining with labor organizations representing BART employees concerning matters under negotiation;
- The Board affirms that the General Manager and his or her designee(s) are the only individuals authorized to speak on behalf of the District during bargaining.

Majority Decision Making. The intention of the Board of Directors is to speak with one voice:





- Once the policies and bargaining objectives have been established by the Board individual positions or disagreements shall not be made public to avoid undermining the Board's objectives.

Good Faith Negotiations. The Board of Directors recognizes its duty to protect the integrity of the bargaining process:

- The General Manager and his or her designee(s) shall provide regular updates to the Board in closed session;
- All discussions in closed session related to collective bargaining shall remain confidential;
- The Board agrees to refrain from engaging the media concerning matters under negotiation until the bargaining process is completed.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 8/6/15		GENERAL MANAGER ACTION REQ'D: Approve and forward to the August 13, 2015 E&O Committee Meeting BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Mitroff Dept: Planning, Development, & Construction Signature/Date:  August 5, 2015	General Counsel:  8/5/15	Controller/Treasurer:  8/11/15	District Secretary: []	BARC:  8/6/15
Status: Approved		Date Created: 07/29/2015		
TITLE:				

**PROFESSIONAL SERVICES AGREEMENTS
 NO. 6M8104, 6M8105, 6M8106, 6M8107, 6M8110, AND 6M8111
 CONSTRUCTION MANAGEMENT SERVICES
 FOR BART PROJECTS**

NARRATIVE:

PURPOSE: Request the Board to authorize the General Manager to award Agreement No. 6M8104 to UCM, a Joint Venture; Agreement No. 6M8105 to Jacobs Project Management Co.; Agreement No. 6M8106 to PGH Wong Engineering, Inc.; Agreement No. 6M8107 to PreScience Corporation; Agreement No. 6M8110 to Ghirardelli Associates, Inc; and Agreement No. 6M8111 to The Allen Group, LLC/Vali Cooper & Associates, Inc., a Joint Venture; to provide Construction Management Services for BART Projects

DISCUSSION: The District's current Agreements for Construction Management services are at the limits of the compensation allowed in their scope. New agreements are needed to provide the District with the essential Construction Management Services to implement the District's Capital Improvement Program. As a result, the District issued Request for Proposals (RFP) No. 6M8104 on March 6, 2015 to engage up to four consulting firms or joint ventures to provide Construction Management services in an amount not to exceed \$15,000,000 per agreement, each with a five year term.

After RFP No. 6M8104 was issued, staff determined that it was necessary to issue an additional RFP for Construction Management services. The District's existing Construction Management Agreements (three awards at \$20 million each over a five period) were fully committed two years ahead of schedule. Additionally, the District has already placed roughly 50 percent of the \$90 million in General Engineering Consultant work that was awarded in early 2014. Therefore, staff issued RFP No. 6M8110 for two new Construction Management Service Agreements (each in an amount not to exceed \$15,000,000, and again, each with a five year term) to deliver this expanded Capital Improvement Program. Additionally, this \$90 million in combined overall on-call Construction Management capacity will provide future flexibility and responsiveness to potential future funding sources.

A pre-proposal meeting which provided details regarding the procurement process and the submittal requirements for RFP No. 6M8104 was held on March 19, 2015 and was attended by

108 firms. This RFP was distributed to all interested potential proposers, totaling 65 firms. On April 7, 2015 proposals were received from the following 9 firms:

1. UCM, a Joint Venture (URS Corporation and Cooper Pugeda Management, Inc.), San Francisco, CA
2. CALTROP Corporation, Emeryville, CA
3. C2PM, San Francisco, CA
4. Ghirardelli Associates, Inc., Oakland, CA
5. Hill International, Inc., San Francisco, CA
6. Jacobs Project Management Co., Oakland, CA
7. PGH Wong Engineering, Inc., San Francisco, CA
8. PreScience Corporation, Santa Ana, CA
9. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

Based on the combined scores for the oral interviews and written statement of qualifications for RFP No. 6M8104, the RFP Selection Committee determined that the four highest scoring proposers and therefore the most qualified firms were UCM, a Joint Venture (UCM), Jacobs Project Management Co. (Jacobs), PGH Wong Engineering, Inc., (PGH Wong), and PreScience Corporation (PreScience).

As these firms were receiving their request for the Cost Data under RFP No. 6M8104, BART staff issued RFP No. 6M8110 on June 12, 2015 to engage the services of up to two additional Construction Management consultants. A pre-proposal meeting was held on June 24, 2015 which was attended by 62 firms, and proposals were received from the following five firms on July 7, 2015:

1. CALTROP Corporation, Emeryville, CA
2. C2PM, San Francisco, CA
3. Ghirardelli Associates, Inc., Oakland, CA
4. Hill International, Inc., San Francisco, CA
5. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

Based on the combined scores for the oral interviews and written statement of qualifications, the new RFP Selection Committee determined that the two most qualified firms for RFP No. 6M8110 were Ghirardelli Associates, Inc. (Ghirardelli) and The Allen Group, LLC/Vali Cooper & Associates.

After making these determinations, negotiations were entered into with these six most qualified firms. BART Contract Administration, with support from Internal Audit and Planning, Development, & Construction, evaluated and discussed the rates and mark-ups (for a cost-plus fixed-fee rate agreement) received from the six Proposers. These discussions were concluded on terms favorable to BART and each of the Proposers. Staff determined that the recommended rate structures are fair and reasonable and that the six above-listed firms are responsible organizations.

Pursuant to the District's Disadvantaged Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for these Construction Management Agreements. Although no DBE goal was set, each of the recommended awardees committed to the following DBE participation goals: UCM – 30%, Jacobs – 41.2%, PGH Wong – 23%, Prescience – 25%, Ghirardelli Associates – 35%, and The Allen Group LLC and Vali Cooper Associates – 23%.

Accordingly, staff recommends the following four awards under RFP No. 6M8104 and two awards under RFP No. 6M8110, each in an amount not to exceed \$15,000,000 for a five year performance period as follows:

1. UCM a Joint Venture, San Francisco, CA
2. Jacobs Project Management Co., Oakland, CA
3. PGH Wong Engineering, Inc., San Francisco, CA
4. PreScience Corporation, Santa Ana, CA
5. Ghirardelli Associates, Inc. Oakland, CA
6. The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA

Work Plans (WP's) under each Agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule, and budget.

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

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$15,000,000. District obligations will be subject to a series of WP's. Each WP will have a defined scope of services, and separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Grant Compliance/Capital Management will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to including project costs against these Agreements and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Reissuing these RFP's would adversely impact the implementation of BART's Capital Improvement Program.

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

MOTION: The General Manager is authorized to award the below listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$15,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and Federal Transit Administration (FTA) requirements related to protest procedures.

1. Agreement No. 6M8104 to UCM, a Joint Venture, San Francisco, CA
2. Agreement No. 6M8105 to Jacobs Project Management Co., Oakland, CA

3. Agreement No. 6M8106 to PGH Wong Engineering, Inc., San Francisco, CA
4. Agreement No. 6M8107 to PreScience Corporation, Santa Ana, CA
5. Agreement No. 6M8110 to Ghirardelli Associates, Inc., Oakland, CA
6. Agreement No. 6M8111 to The Allen Group, LLC/Vali Cooper & Associates, a Joint Venture, San Francisco, CA



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>8/5/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Smith Dept: Planning, Development and Construction- Office of District Architect	General Counsel <i>[Signature]</i> 7/13/15 []	Controller/Treasurer <i>[Signature]</i> 7/13/15 []	District Secretary []	BARC <i>[Signature]</i> 8/5/15 []
Signature/Date: <i>[Signature]</i> 8/4/15				

TITLE:
Adopt Mitigated Negative Declaration and Proposed Downtown Berkeley BART Plaza and Transit Area Improvement Project

NARRATIVE:

Purpose:

To obtain Board action on the Proposed Downtown Berkeley BART Plaza and Transit Area Improvement Project (Proposed Project), including: 1) Adoption of the Initial Study and Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring and Reporting Plan (MMRP) for the Proposed Project, and 2) Adoption of the Proposed Project.

Discussion:

The Proposed Project will enhance multi-modal transit access and capacity for pedestrians and bicyclists with improved safety and security at the Downtown Berkeley BART Plaza and Transit Area (Plaza). The main elements of the Proposed Project include landscape, hardscape, lighting and accessibility improvements to the Plaza; replacement of the existing BART rotunda with a new main entrance structure; new security gates and canopies at five secondary BART entrances; and new AC Transit bus canopies. The Proposed Project, a part of the City of Berkeley's (City) downtown redevelopment plan, will make the Plaza the welcoming gateway to downtown Berkeley for transit riders, citizens and visitors by activating more commercial and cultural services. It was originally a City project, and the City completed initiated conceptual design under a State grant in 2008. However, BART and the City agreed that BART should be the lead agency responsible for completion of the design and construction of the Proposed Project. BART and the City, with the concurrence of their respective governing bodies, have entered into an Agreement, effective October 2013, setting forth the rights and obligations of each with regard to the environmental clearance, funding, design and construction of the Proposed Project. Numerous public and stakeholder meetings have been conducted by BART and the City in connection with the Proposed Project. Input from those meetings has been incorporated into the design process.

In order to meet the requirements of the California Environmental Quality Act (CEQA), a Draft Initial Study/Mitigated Negative Declaration (IS/MND) and Notice of Intent to Adopt a MND for the Proposed Project was prepared and released to the public on May 20, 2015. The Draft IS/MND evaluated the environmental impacts associated with the Proposed Project. With implementation of the specific mitigation measures identified in the IS/MND, all potential Proposed Project impacts can be avoided, minimized, reduced, or compensated for to a level that is less than significant and no significant environmental impacts would occur. The public comment period for the Draft IS/MND occurred from May 20, 2015 through June 18, 2015. A

public meeting was held on June 1, 2015 at the City of Berkeley Central Library. Responses were prepared for the four comments received during the public review period and comments and corresponding responses are attached to the Final IS/MND. The Final IS/MND provides a full disclosure of the anticipated potentially significant environmental impacts associated with the Proposed Project and identified measures to reduce these potential impacts to a less-than-significant level. The MMRP defines a program to ensure implementation of the specific mitigation measures.

The Proposed Project received federal funding, and is therefore subject to the National Environmental Quality Act (NEPA). Since the Proposed Project is within an area that includes historic structures, the Federal Transit Administration (FTA) is required to consult with the State Historic Preservation Officer (SHPO) in order to comply with Section 106 of the National Historic Preservation Act. Upon completion and review of the evaluation of the effect of the Proposed Project on historic resources, SHPO concurred with FTA on the finding of no adverse effect pursuant to the standards in 36 Code of Federal Regulations (CFR) 800.11. FTA has reviewed a draft environmental checklist for a documented Categorical Exclusion (CE) that demonstrates that the Proposed Project will not result in significant environmental impacts. Upon approval of the IS/MND by the Board, BART will formally submit a letter to FTA to request concurrence that the Proposed Project will not have a significant impact on the environment and is eligible for a CE as defined under 23 CFR 771.118(c)(8) because it involves "maintenance, rehabilitation and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use."

Following receipt of the requested FTA concurrence that the cited CE is applicable for the Proposed Project, staff will complete final design and prepare construction contract documents for solicitation of bids. After bids are received and evaluated, staff will return to the Board for authorization to award the contract.

Fiscal Impact:

There is no fiscal impact in adoption of the motion described below as this action will not commit any funding or impact District Reserves.

Alternatives:

The Board can elect not to adopt the IS/MND, MMRP, and/or the Proposed Project. The current site features at the Plaza, including station entrances, would remain the same, with no improvements to access or safety. Further design efforts would be suspended. Also, if the Proposed Project does not proceed, grant sources for it would have to be notified and appropriate action taken with regard to grant funds programmed and/or spent for it.

Recommendation:

Adoption of the following motion:

Motion:

Based on the findings presented in the Final Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Proposed Downtown Berkeley BART Plaza and Transit Area Improvement Project, together with the comments received during the public

review process, the Board hereby:

1. Finds on the basis of the whole record before it that there is no substantial evidence that the Proposed Downtown Berkeley BART Plaza and Transit Improvement Project will have a significant effect on the environment.
2. Finds that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis.
3. Adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring and Reporting Plan.
4. Adopts the Downtown Berkeley BART Plaza and Transit Improvement Project as proposed.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 8/5/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Randy Labeske Dept: Rolling Stock And Shops <i>RL</i> 7-31-15	General Counsel <i>[Signature]</i> 7/31/15	Controller/Treasurer <i>[Signature]</i> 7/31/15	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> 8/4/15
Signature/Date:				
Status: Approved		Date Created: 07/27/2015		

TITLE:
Invitation for Bid No. 8964 - Procurement of AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design

NARRATIVE:

Purpose: To obtain Board Authorization to Award Invitation for Bid No.8964 to ITP Rail Associates, INC., Avon Connecticut in the amount of \$3,595,878.00 (includes all taxes) for the purchase of AC Traction Motor Encoders.

Discussion: The District's fleet consists of 439 A2/B2 cars. Each car is equipped with 4 AC Traction Motors. This encoder assembly, which is mounted on the front of each traction motor, provides a signal which indicates train movement and provides a signal to the door system preventing the doors from opening above zero speed. Failure of the encoder results on a locked axle indication causing the train to stop, further resulting in mainline service delays. The expected life of the encoder is 8 years. This figure is based upon the bearing manufacturer's projection.

This is a three year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantities contract, during the term of the contract, the District is required to purchase from the supplier a minimum of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price, subject to availability of funding.

A notice requesting bids was published on June 25, 2015 and bid requests were mailed to three prospective bidders. Bids were opened on July 14, 2015 and one bid was received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Including</u>
	<u>2340 Each</u>	<u>10% Sales Tax</u>
ITP Rail Associates, INC Avon, CT.	\$1,397.00	\$3,595,878.00

Independent Cost Estimate by BART Staff:

\$3,310,697.00

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses available for bidding this Contract. Therefore, no Small Business prime preference was set for this Contract.

Staff has determined that the only bidder, ITP Rail Associates, INC. submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based upon the Independent Cost Estimate.

First Articles shall be submitted within thirty (30) days after award of the contract. Delivery shall be a minimum of sixty five (65) each per month, beginning one (1) month after District approval of the first article.

Fiscal Impact

Funding for this contract will be provided from the Rolling Stock and Shops (RS&S) Maintenance Contract account 680-230. The A2/B2 car A/C Traction Motor Assembly of Magnetic Pickup Toothed Wheel Design are scheduled to be procured over a thirty six (36) month period. The following are the estimated annual costs:

FY16	\$1,198,626.00
FY17	\$1,198,626.00
FY18	\$1,198,626.00

Funding for the FY16 expenditures are included in the RS&S operating budget for FY16. Funding for FY17 and FY18 will be requested in future RS&S operating budgets and expenditures will be subject to certification by the Controller-Treasurer that funds are available.

Alternative: The alternative to awarding this contract would be to reject the only bid received and re advertise the contract, which staff believes would not result in a better price or more competition.

Recommendation: Adoption of the following motion.

Motion: The Board authorizes the General Manager to award Invitation for Bid No.8964, an estimated quantity contract for AC Traction Motor Encoder Assembly of Magnetic Pickup Toothed Wheel Design to ITP Rail Associates, INC. for the bid price of \$3,595,878.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBarden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: c 8/5/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Raul Millena Dept: Maintenance & Engineering, x-6552	General Counsel <i>Quelley</i> 8/4/15	Controller/Treasurer <i>Martinez</i> 8/4/15	District Secretary	BARC <i>Tony</i> 8/4/15
Signature/Date: <i>[Signature]</i> 8/3/15	[]	[]	[]	[]

TITLE:

Authority to Execute Change Order No. 002 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to execute Change Order No. 002 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc. Change Order No. 002 is for the amount of \$9,384,637.00 plus applicable taxes, and a time extension of 2185 Days.

DISCUSSION: On December 6, 2007, the Board authorized the General Manager to award Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, to Alstom Signaling, Inc. (Alstom). The Notice to Proceed was issued to Alstom to commence Work on the Base Contract on March 21, 2008. The Board authorization was for a Base Contract with 16 systems for \$8,487,765. The Board also authorized the General Manager to exercise three Options as follows: Option A with 5 systems for \$3,525,259; Option B with 3 systems for \$1,730,503; and Option C with 6 systems for \$4,128,875.

During the Kick-off Meeting held on March 10, 2008, the District acknowledged that in order for Alstom to proceed with the Work, the District needed to provide the necessary documentation and detailed information with regard to the safety submittal, Sequential Occupancy Release System (SORS) and other existing system interface requirements. The parties agreed that additional time would be necessary for the District to gather the required documentation and information.

During the Proof of Concept milestone, the District's engineering team selected to use the Coliseum Station (A30) configuration for Alstom to demonstrate the new system concept. There were several technical issues encountered that generated 147 punch list items. Since this was a critical phase, no other Contract activities could proceed until these items were resolved. Design changes were made to resolve these items that required Alstom to test and validate that the solutions met their own internal safety certifications. Once all items were resolved, the District accepted the successful Proof of Concept Demonstration on August 17, 2012.

The next milestone was the First Article Phase of the Contract, consisting of the successful commissioning of the Hayward Test Track (HTT) system as well as the Union City Station system (A80). These locations were chosen to prove that the new system would be able to interface with the existing systems. The HTT system would be the first new system to test the interface with a majority of the existing systems without impacting revenue service. However, since SORS is not used at HTT, the A80 system was selected to test the new system that incorporates the SORS functionality. The A80 system could only be tested after the successful completion of the HTT First Article.

There were several technical interface issues encountered while testing the HTT system on location. Hardware and software issues were encountered on both the new system and existing systems that hampered the testing process. Both parties worked diligently to resolve all interface issues and the HTT system was successfully commissioned and placed in service on July 15, 2013.

Considerable care was taken to test the A80 system because it is a location that is in revenue service. Extensive testing was performed to validate all aspects of the new system with productive access to the existing system available only during weekend non-revenue hours. Because the existing system had to be restored and tested at the end of every weekend night to be ready for revenue service, a considerable amount of time was spent switching from the existing to the new system and back. However, once all of the safety certifications were completed, the A80 system was commissioned and placed in revenue service on September 30, 2014.

Once the First Article Phase of the Contract was completed, a new baseline schedule was generated to incorporate the delays incurred. The original Base Contract Completion date was October 6, 2010. Incorporating all the delays incurred, and the anticipated extended testing time due to the limited access to the existing system for commissioning each location, the new baseline schedule shows a Base Contract Completion Date of September 29, 2016, a total delay of 2185 Days.

The new system has been demonstrated to have exceeded the District's expectations and has already played a pivotal role at the Fremont Station (A90) system interface with the Warm Springs Extension Project. Six systems of the base contract systems have already been delivered and are in the process of being prepared for in revenue service commissioning. Furthermore, the new system will provide the District a much more reliable and flexible platform as it moves towards Communications Based Train Control (CBTC).

Staff recommends that the Contract time be extended by 2185 Days to accommodate the delays incurred. While the proposed time extension is significant, staff believes that it is justified, and that no Liquidated Damages for delay should be imposed, given the extra time needed by the District to provide required documentation, the unexpected issues that arose during testing, and the significant time limitations for testing at A80. Alstom has not filed any claims in connection with the Contract, and will waive any potential claims in connection with the proposed change order.

The Board approved exercise of the Contract Options when the Contract was awarded; however, the original Base Contract Completion date has expired. Therefore, the respective periods to exercise the Contract Options have expired. Staff recommends that the scope of work for the Contract Options be incorporated into the Contract as part of this Change Order No. 002. Alstom has agreed to keep the total Option price as set forth in the Contract as the price for the work to be added. The total price to incorporate the scope of work for the former three Options is \$9,384,637.00 plus applicable taxes. Staff has performed a cost analysis and the proposed total price has been determined to be fair and reasonable at this time.

Pursuant to Board Rule 5-2.4, Change Orders which involve a substantial alteration or potential alteration in the obligations of either the District or the Contractor require approval of the Board of Directors. The Office of the General Counsel will approve the Change Order as to form. The Procurement Department will review the Change Order for compliance with procurement guidelines.

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

FISCAL IMPACT:

Funding of \$10,276,177.52 (\$9,384,637.00 plus 9.5% sales tax) is available in project 20LT000 Station Speed Encoding MUX Replacement. 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 2006, 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 Source Group Description	Amount Awarded
FTA Capital Assistance - Various	30,988,582.74
MTC Local Bridge Tolls Various	4,514,448.57
BART Capital Allocations & Sales Tax Revenue Bonds	3,911,220.28
Grand Total	39,414,251.59

As of July 28, 2015, \$39,414,251.71 is the total budget for this project. BART has expended \$13,574,146.35, encumbered \$8,207,266.53, and reserved \$3,297,615.22 for other actions to date. This action will encumber an additional \$10,276,177.52 including sales tax leaving an available fund balance of \$4,059,046.09.

ALTERNATIVES: The alternative would be not to issue the Change Order. This would leave unresolved the issue of the significant difference between the Completion date currently established in the Contract and the projected completion date. Also, it would be highly infeasible in terms of cost and time to start the procurement process for a new system. Furthermore, there would be a higher risk of the legacy Westinghouse MUX equipment experiencing a system failure that would result in severe service delays.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager is authorized to execute Change Order No. 002 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc., to add the work described in former Options A, B and C, for a not to exceed amount of \$9,384,637.00 plus applicable taxes, and to extend the Contract Completion date by a total of 2185 Days.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delinger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>8/6/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept. Strategic and Policy Planning <i>Abigail Thorne-Lyman</i> Signature Date: <i>8/5/2015</i>	General Counsel <i>Andrew Powers</i> <i>8/6/15</i> []	Controller/Treasurer <i>John M. [unclear]</i> <i>8/6/15</i> []	District Secretary []	BARC <i>Powers</i> <i>5 Aug 2015</i> []

TITLE:
Art in Transit Policy

NARRATIVE:

PURPOSE: To request Board approval of a new Art in Transit Policy.

DISCUSSION: In April 2013, the Board directed staff to develop an Art in Transit policy establishing the vision, goals, and strategies for developing a robust art in transit program modeled on national and international best practices. As BART has over 50 works of art throughout the current system, BART staff and consultants undertook a rigorous process to understand the issues, opportunities and challenges of implementing art in BART. This process included interviews with BART staff from multiple departments including Planning, Customer Access, External Affairs, Maintenance and Engineering, and Operations, interviews with Directors, and evaluation of art opportunities and constraints in three stations undergoing major Station Modernization efforts: 19th Street Oakland, El Cerrito del Norte, and Powell Street. BART staff and consultants then researched best practices both among other Art in Transit programs throughout North America, and elements of public art programs such as temporary art, partnerships, mural programs, and performance art, that could be applicable to BART. This included a survey of Arts in Transit programs, four Temporary Art and Partnership Roundtable Discussions with experts in public art throughout the District, and a roundtable discussion with visual, performance and cultural arts organizations near Civic Center and Powell Street Stations. The results of this work were presented to the BART Board as informational items at the January 22, 2015 and March 26, 2015 meetings. BART staff presented a proposed art policy for adoption at the June 25, 2015 meeting, and the Board moved that the item be deferred until further information on past BART art projects was provided at a subsequent meeting.

Based on feedback from the BART Board at these previous meetings, BART staff have prepared the attached draft Art in Transit Policy for consideration of adoption at the August 13, 2015 Board meeting.

Subsequent to the Policy adoption, it is BART staff's intent to develop a master plan, work plan, and guidelines for art. The master plan will define the overall priorities and vision for art implementation throughout the District, the work plan will establish a phasing and implementation strategy, and the guidelines will make the process of implementing art more transparent to BART staff, artists, and other interested organizations. As the Policy includes retaining a full time professional Art Program Manager, these documents will be developed with this new position in place so that the program manager shapes the direction, vision, and

implementation phasing of the new Art Program.

FISCAL IMPACT: The Art Policy will direct 1% of the construction cost of capital projects in or adjacent to station facilities, and 0.5% of the construction cost of capital projects along trackways where there is a visual impact on riders, within maintenance facilities where riders and employees may benefit from art, or as part of future revenue vehicle procurements. Funding will be spent to build up the program elements identified in the Policy. Allocations from projects will be subject to the eligibility limitations of the related fund sources. The policy allows BART staff to pool funds where sources allow, and to establish accounts to reserve a portion of funds for major repairs to the collection.

The Art Policy also establishes a full time permanent position for an Art Program Manager which is estimated to cost \$207,000 annually beginning in FY16, including salary and fringe benefits. This has been approved as part of the FY2016 Budget. Lastly, the Art Policy asks for \$10,000 - \$35,000 annually from the operating budget for art conservation and programming. However, this budget will not be allocated in FY16 as staff builds the program and implements art as part of the larger Station Modernization budget, which will include some art conservation.

There may be some positive fiscal impact as well. The Art Program Work Plan will establish private and grant fundraising target amounts each year, leveraging BART's commitment of funds to the program.

ALTERNATIVE: 1. Do not adopt the Art in Transit Policy. Staff would then continue to negotiate art budgets on an ad hoc basis, and art programming will be inconsistently implemented. This may negatively impact BART's ability to fundraise. The FY16 Budget nonetheless allocates funds for an Art Program Manager but this position would not necessarily be permanent and may be affected by future fiscal cycles.

2. Adopt a modified Art in Transit Policy, with changes to the percentage for art in the annual operating budget proposed for consideration. This may have implications for fully achieving the eight art goals described in the Policy document, as discussed at the March 26, 2015 Board meeting.

RECOMMENDATION: It is recommended that the Board adopt the attached Art in Transit Policy

MOTION: Approve the Attached Art in Transit Policy.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ART IN TRANSIT POLICY

VISION:

The San Francisco Bay Area Rapid Transit District (BART) seeks to implement an arts program that will enrich rider experience, strengthen station identity, connect to communities, and support a distinctive sense of place at stations and beyond. BART's art program will build on best practices, lead the field in community participation strategies, engage with arts and cultural organizations and artists, and make riding BART more delightful, vibrant, and welcoming.

GOALS:

- A. **Cohesion.** Create a cohesive and consistent art program.
- B. **Opportunity.** Proactively seek opportunities to implement art across the District, and leverage general capital investments by incorporating art and design elements into public-facing infrastructure.
- C. **Partnerships.** Maximize art in the system by leveraging BART's investments through partnerships with other organizations and agencies, and through grant writing and fundraising.
- D. **Make Transit Work.** Use arts programming to further BART's functional goals and enhance public perception of BART as a transit system that works well for its riders.
- E. **Showcase Art.** Maintain and make BART's art collection accessible through effective asset management and interpretive strategies.
- F. **Integrated Design.** Utilize art to elevate the design of stations and affirm the distinct identity of the surrounding community.
- G. **Transparency.** Establish a transparent and effective process for developing and implementing collaborative projects and programming.
- H. **Engagement.** Engage with communities throughout the BART system to enhance customer relations, support BART's positive impact in communities and create visible expressions of the unique characteristics of neighborhoods around stations and along tracks.

STRATEGIES:

Funding:

1. **Percent of Construction Cost of Capital Projects.** Allocate a share of the construction cost of capital projects to art, consistent with the requirements of individual fund sources, as described below. Funds may be also set aside for maintenance or administration.
 - 1% of construction cost of capital improvements at stations and on BART property adjacent to station areas that have a visual impact on the community, including non-station infrastructure (e.g. power substations or ventilation structures, access enhancements)
 - 0.50% of construction cost of capital improvements on trackway, of improvements that can be seen by surrounding communities
 - 0.50% of construction cost of capital improvements to maintenance shops and yards, and other areas that are regularly visited by either BART workers or riders
2. **Pooling Funds:** Where possible and where funds are available, the percent for art funds shall be applied to capital projects already underway. Where and when funding sources allow, the Art Program funding may be

pooled. The Art Program Manager shall determine how pooled funds are allocated throughout the District, based on the areas of greatest need or impact as informed by the Art Master Plan.

3. **Leveraging External Resources.** BART staff will work with partner agencies and organizations to maximize funding opportunities from external sources. BART staff will also develop a fundraising strategy to leverage private dollars.
4. **Administration and Maintenance.** Provide for the administrative costs of ongoing policy implementation and maintenance costs for art through operating budget. Reserve a portion of percent for art revenues in an account for major repairs, as fund sources allow. Maintain adequate staffing to effectively administer the art program.

Program Elements:

1. **Master Plan.** Create a 15-year systemwide arts master plan, focusing on the art vision for stations and the system as a whole, including the identification and prioritization of arts opportunities. The plan will serve as a valuable tool to guide the allocation of resources as they are available.
2. **Implementation Plan.** Create a five-year art program work plan to identify short-term project workload, establish fundraising goals, and create a phasing and implementation plan for building up the program.
3. **Permanent Works.** Continue to add permanent works to the BART system, including station art works in the stations as well as murals on BART infrastructure visible in public areas, to add visual appeal and abate graffiti.
4. **Integrated Art.** Maximize visual impact of arts funds by identifying opportunities to integrate art and artistic elements into the design of capital improvements.
5. **Temporary Art.** Offer temporary art programming opportunities that appropriately activate public spaces and engage BART riders. This may include visual arts, rotating displays, performance, media, music, literature and poetry, and should provide opportunities for a diverse range of artists.
6. **Interpretation, Conservation.** Develop lively and effective interpretive strategies, including onsite signage, web-based resources and other guides to art throughout the system. This will increase art accessibility to BART riders and reinforce the connection between art and BART's functional priorities.

Process Guidelines and Procedures:

1. **Acquisition.** Establish guidelines to ensure that artworks are acquired and maintained in accordance with recognized standards and best practices in the field of public art.
2. **Engagement.** Design effective programs of ongoing engagement for the arts community and the community at large.
3. **Internal Protocols.** Establish an internal protocol to support BART staff in integrating art opportunities early in capital project development, and create tools to educate staff about the appropriate treatment of artworks in BART facilities.
4. **Internal Review.** Establish an internal BART review process to ensure that all works of art are compliant with BART policies, maintenance, safety and operational needs.
5. **Community Generated Projects.** Establish guidelines for the submittal and review of community-generated projects.
6. **Partnerships.** Establish an ongoing plan for cultivating collaborative partnerships with other public agencies, non-profit groups, and private organizations.
7. **Committee.** Establish an external committee to engage the community, support the development of Program Elements, the work plan and art budget, and review the success of the Art Program.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

To: Board of Directors

Date: August 7, 2015

From: District Secretary

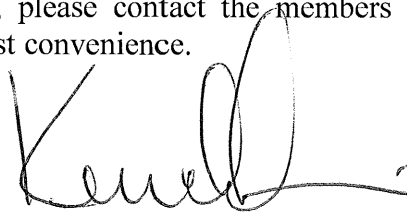
Re: Proposed Revisions to Rules of the Board of Directors

Attached are the remaining Board Rules revisions proposed by the Rules of the Board of Directors Ad Hoc Committee. The Board of Directors adopted proposed revisions one through seventeen and voted to not adopt item number twenty-seven on July 23. The remaining proposed revisions are scheduled for consideration by the Board of Directors at the August 13 Regular Meeting.

The attachment to this memorandum summarizes revisions proposed by Ad Hoc Committee members that do not have a consensus recommendation. Please note the twenty (20) items with an asterisk (*) are related to the proposed elimination of the Standing Committees.

The revisions in the Board Rules are designated by strikethroughs for deleted language; underlines for new language; red color for revisions proposed by Ad Hoc Committee; blue color for language proposed by staff. Table of Contents sections affected by the proposed revisions are shaded.

Should you require any additional information, please contact the members of the Ad Hoc Committee, General Counsel or me at your earliest convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers
Deputy General Manager

C. AD HOC COMMITTEE PROPOSED REVISIONS: NO RECOMMENDATION

Chapter II Officers and Duties. Section 1 Officers

18. Board Rule 2-1.2 Election of Officers. Page II-1. *Permits the appointment of a nominating committee to nominate candidates for President and/or Vice President.*
19. Board Rule 2-1.5 Rotation of Offices. Page II-1&2. *Deletes Rule 2-1.5 provisions: Rotation of the offices of President and Vice President among the three District counties; the President and Vice President shall not be from the same county; Succession of President by Vice President; and designation of election Districts by county.*

Chapter III Board Meetings and Committees. Section 1 Requirement for Board and Committee Meetings

- *20. Board Rule 3-1.1 Definition of Meeting. Page III-1. *Deletes reference to Standing Committees.*
- *21. Board Rule 3-1.2 Notice of Regular Meeting. Page III-2. *Deletes reference to Standing Committees.*
- *22. Board Rule 3-1.3 Place of Meeting. Page III-2. *Deletes reference to Standing Committees.*
- *23. Board Rule 3-1.4 Meeting Start Times. Page III-3. *Deletes obsolete language; deletes references to Standing Committees.*
- *24. Board Rule 3-1.5 Special Meeting. Page III-4. *Deletes reference to Standing Committees.*
- *25. Board Rule 3-1.6 Citizens' Comments. Page III-4. *Deletes reference to Standing Committees.*
- *26. Board Rule 3-1.8 Consideration of Non-agenda Items at a Meeting. Page III-5&6. *Deletes reference to Standing Committees.*

Chapter III Board Meetings and Committees. Section 2 Board Meetings

28. Board Rule 3-2.1 Regular Meetings. Page III-6. *Creates requirement for two Regular Board Meetings each year to be held at locations within the District other than the BART Board Room. The remote meeting locations will be accessible by BART and rotated amongst southern/eastern Alameda, Contra Costa and San Francisco counties; with a sunset of the end of calendar 2017.*

Chapter III Board Meetings and Committees. Section 3 Committees

- *29. Board Rule 3-3.1 Number. Page III-12. *New permissive language for creating Standing Committees. Deletes reference to Standing Committees.*
- *30. Board Rule 3-3.2 Membership. Page III-13. *Deletes reference to Standing Committees.*
- *31. Board Rule 3-3.4 Term of Office. Page III-14. *Deletes reference to Standing Committees.*
- *32. Board Rule 3-3.5 Nature and Responsibilities of Committees. Page III-14. *Clarifies which committee meetings (special) shall be recorded given deletion of Standing Committees.*
- *33. Board Rule 3-3.6 Functions of the Standing Committees. Page III-15 to 17. *Deletes reference to Standing Committees.*

* Identifies items related to the elimination of the Standing Committees.

Chapter III Board Meetings and Committees. Section 4 Meeting Material

- *34. Board Rule 3-4.1 Agendas. Page III-17&18. *Deletes reference to Standing Committees.*
- 35. Board Rule 3-4.1 Agendas. Page III-17. *Inserts proposed new language for Roll Call for Introductions items, for resolution of concerns with an item.*

Chapter III Board Meetings and Committees. Section 6 Board Correspondence and Communications

- 36. Board Rule 3-6.1 Board Correspondence. Page III-22. *New rule requiring issuance of "bart.gov" email addresses to Directors and requires use for email communication involving District business.*

Chapter V Financial Provisions. Section 1 Annual Budget

- *37. Board Rule 5-1.1 General Provisions. Page V-1. *Deletes reference to Standing Committees.*
- *38. Board Rule 5-1.2 Budget Submitted to Board. Page V-1. *Deletes reference to Standing Committees.*

Chapter V Financial Provisions. Section 2 Agreements and Contracts

- *39. Board Rule 5-2.3 Review. Page V-3. *Deletes reference to Standing Committees.*

Chapter V Financial Provisions. Section 3 Reimbursable Expenses

- *40. Board Rule 5-3.1 Reimbursement for Travel and Personal Expenses. Page V-5. *Deletes reference to Standing Committees.*
- *41. Board Rule 5-3.2 Rules for Travel and Personal Expenses. Page V-6&7. *Deletes reference to Standing Committees.*
- *42. Board Rule 5-3.3(d) Expense Reports. Page V-9. *Deletes reference to Standing Committees.*
- *43. Board Rule 5-3.5(d) Use of District Property Other than Automobiles. Page V-10. *Deletes reference to Standing Committees.*

Chapter V Financial Provisions. Section 4 Campaign Contribution Statements and Statements of Economic Interest

- 44. Board Rule 5-4.1 Filing and Publication of Required Statements. Page V-11. Presents alternate proposals:
 - a. *Adds filing of copies of Campaign Contribution Statements concurrent with filing with Registrar of Voters.*
 - b. *Deletes requirement to provide copies of Campaign Contribution Statements for posting on website and provides a link to respective county Registrars of Voters for access to Campaign Contribution Statements information.*

Chapter V Financial Provisions. Section 5 Financial Contributions Limitation

- 45. Board Rule 5-5.1 Contractor/Subcontractor Contributions. Page V-12. *Changes limits on amounts of and terms for contributions.*

* Identifies items related to the elimination of the Standing Committees.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: General Manager

DATE: June 4, 2015

FROM: Director, District 7

SUBJECT: Outstanding Roll Call for Introduction Items

In a memo dated April 9, I provided a table that summarized outstanding Roll Call for Introduction (RCI) items that I am the sponsoring Director for and what is/was expected for those RCI items to be closed. In response to the Board of Directors' expressed interest on May 28 to "clean up" the RCI list, I will be withdrawing most of the RCI items that staff has provided a response to, but done so in a manner that I find to be inadequate. For these withdrawn RCI items, I will seek to have their purposes addressed in a different manner, as described in the table on the attached page.

My records indicate that there are five (5) RCI items that staff has indicated being fulfilled, but that I have articulated still being outstanding. The four (4) RCI items in this category that are hereby withdrawn have the following Control Numbers:

- 12-683
- 12-684
- 13-711
- 15-762

The remaining one (1) waits to be fulfilled or, if you bring it back for the full Board's perspective, will be addressed at the discretion of the Board of Directors. This remaining RCI item is also summarized in a table on the second attached page with a note.

If you have any questions, please contact me to discuss.



Zakhary Mallett

cc: Board of Directors
Board Appointed Officers
Deputy General Manager

Withdrawn RCI Items

<u>RCI Control Number/Summary</u>	<u>Disposition</u>
<p>12-683: Requests a future Board agenda topic for a comprehensive review of the District's fare structure</p>	<p>Administration and Budget staff is prepared to present this item and two other Board members support this being presented to the Board if certain conditions are met. Its standing as an RCI item is no longer necessary.</p> <p>Accordingly, this item will be presented to the Board at a future meeting. The District Secretary has been informed of this.</p>
<p>12-684: Requests estimated costs per mile for the construction of sound walls (like the areas between the Concord and North Concord/Martinez Station)</p>	<p>The intent of this RCI will be further explored with relevant executive staff and potentially be revised or reduced in scope for reconsideration at a later time.</p>
<p>13-711: Requests the development of a clear definition of "crowded" trains as it applies to Bicycle Access program</p>	<p>The current bicycle policy that prohibits bicycles on crowded trains is confusing and unenforceable due to the subjectivity of the term "crowded." This RCI was created based on an assumption that staff has/had a visual understanding of what they meant by "crowded" when this policy was recommended to the Board and that staff would be able to provide a visual description of the term for the riding public and BART Police to refer to for consistency, understanding, and enforcement.</p> <p>Based on the initial memo response to this RCI and subsequent communications with staff, it is clear that staff does not have a visual sense for this term. In light of this, I will work to seek two additional Directors to sponsor bringing definition options, as well as the options of voiding this policy, for the Board's consideration.</p>
<p>15-762: Requests development and presentation to Board for consideration of a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future.</p>	<p>I will consult colleagues to narrow and better-specify the scope of this RCI for reconsideration at a later date.</p>

Upheld RCI Items

<u>RCI Control Number/Summary</u>	<u>Notes</u>
14-760: Requests a study/evaluate methods for increasing public participation in decision-making processes and bring back for Board discussion	Based on there being interest by at least some members of the Board of Directors to be able to discuss this further, a discussion with the Board should be completed. As mentioned via email to the Assistant General Manager of External Affairs, "a verbal summary of your memo followed by opening it up for any Board questions or feedback is all that a 'discussion' entails" (i.e., a full-fledged presentation is not necessary).

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: June 5, 2015

FROM: General Manager

SUBJECT: Board Matters Agenda Item #6.A: Roll Call for Introduction Items Deemed Not Complete by Directors – For Action

This memorandum is in response to Director Mallett's request for Board assistance in resolving six Roll Call for Introduction (RCI) items that staff have already responded to but were not accepted as complete by the Director. Each RCI request, listed below in chronological order, is followed by a brief synopsis of the staff response and draft motions for use at the June 11, 2015 meeting.

As background information, I have attached copies of the original staff response for each item; an email dated March 17, 2015 from Director Mallett to AGM Kerry Hamill; and a memo dated April 9, 2015 from Director Mallett to me regarding his outstanding RCI items.

1. **RCI 12-683: Requests a future Board agenda topic for a comprehensive review of the District's fare structure (2/28/13).**

Response Summary:

On March 9, 2015, I sent the Board a memo which stated that the majority of the Board did not support agendizing a comprehensive review of BART's existing fare structure. The memo included a list of other fare-related topics Board members showed an interest in exploring, including a youth discount extension and an increase to the base fare.

Potential Motions:

- A. Staff is directed to do no further work on this item.
- B. Staff is directed to calendar a comprehensive review of the District's fare structure for an upcoming Regular Board meeting.

2. **RCI 12-684: Requests estimated costs per mile for the construction of sound walls (like the areas between the Concord and North Concord/Martinez Stations) for aerial structures (2/28/13).**

Response Summary:

The Board received a memo dated April 28, 2014, which lists the numerous considerations regarding cost as well as an estimate ranging from \$2 million to well over \$4 million depending on the specific factors at a particular location.

Potential Motions:

- A. Staff is directed to do no further work on this item.
- B. Staff is directed to research and analyze data to provide an estimated cost per mile for construction of sound walls (like the areas between Concord and North Concord/Martinez Stations) for aerial structures.

3. **RCI 13-711: Requests the development of a clear definition of 'crowded' trains as it applies to Bicycle Access program (8/8/13).**

Response Summary:

In an email to Director Mallett dated April 3, 2014, Paul Oversier, AGM of Operations, explained that the QuickPlanner on bart.gov provides a visual indication of how crowded each train is to help bicyclists comply with bike rules. The email further explained that the threshold for the depiction of three icons (which represents "heavy crowding expected") is an average load factor of 107 passengers per car on any given trip. The email also indicates that the Bike Rules in the 'BART Fares and Schedules' brochure states, "Regardless of any other rule, bikes are never allowed on crowded cars. Use your good judgment and only board cars that can comfortably accommodate you and your bicycle". Additionally, at the March 12, 2015 Board meeting, staff provided a status update on the Bike Access program. The presentation included the District's bike rules education efforts (e.g. a car card with clear crowded train graphics and written rules) as well as rider survey data.

Potential Motions:

- A. Staff is directed to do no further work on this item.
 - B. Staff is directed to create a written definition of "crowded" that can be visually verified by the "average person" which can also be supplemented by a supporting picture.
4. **RCI 14-734: Evaluate the feasibility of a revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014 (1/23/14).**

Response Summary:

On October 9, 2014, the Board authorized an extension of the Exclusive Negotiating Agreement (ENA) with the developer for 18 months. In the memo to the Board dated December 3, 2014, it was indicated that future discussions of revenues associated with the Millbrae project would be conducted in closed session with the Board.

Potential Motions:

- A. Staff is directed to do no further work on this item at this time but will calendar a Closed Session to discuss project financials upon receipt of an updated term sheet to be developed as part of the ENA process.
 - B. Staff is directed to evaluate the feasibility of a revision of revenue estimates for the proposed transit oriented development at the Millbrae Station.
5. **RCI 14-760: OEA to evaluate methods for increasing public participation in decision-making processes and bring back to the Board for discussion (1/22/15).**

Response Summary:

On March 17, 2015, AGM Kerry Hamill sent a memo to Director Mallett that described the robust customer and stakeholder outreach program executed by the Office of External Affairs (OEA) and indicated that she was open to additional suggestions.

On March 18, 2015, Director Mallett responded with suggestions that OEA evaluate:

- Participatory budgeting;
- Satellite Board of Directors meetings; and
- "Hot Topics" Communications spread to stations.

On April 20, 2015, AGM Kerry Hamill committed to implementing a Virtual Town Hall (conducted on June 3, 2015) to discuss the FY16 budget. She also indicated that hosting satellite Board meetings in different locations would be a challenge to stream a live video and may also confuse the public of where to go; however, staff would follow Board direction if requested.

Regarding "Hot Topics" communications, Ms. Hamill mentioned that OEA already publishes the monthly BARTable newsletter (distributed at all stations) and also places topical messages on platform digital signs. Both of these methods point the public to bart.gov as a resource for information.

Potential Motions:

- A. Staff is directed to do no further work on this item.
 - B. Staff is directed to consider options for increasing public participation in decision making, evaluate the costs and feasibility of those options, and present them to the Board for consideration.
6. **RCI 14-762: Develop and bring to the Board for consideration, a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future (2/26/15).**

Response Summary:

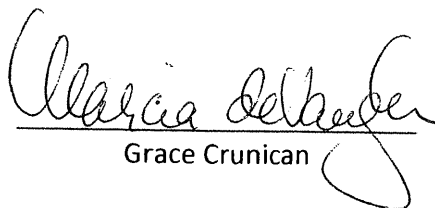
On March 9, 2015, a memo was sent to the Board that outlined the extensive, two-year public outreach plan OEA executed to engage the public on the critical design features of the Fleet of the Future. This effort reached more than 35,000 people, processed 17,500 surveys and tens of thousands of additional comments, yet not one person expressed the desire to select voice or sentence options for on-car announcements.

Staff will work with Bombardier to select an appropriate voice and script. If riders so choose, they will have an opportunity to provide feedback on the audio announcements when the pilot cars go into service.

Potential Motions:

- A. Staff is directed to do no further work on this item.
- B. Staff is directed to consider options for public participation in the selection of voices, wording and types of announcements for the Fleet of the Future and summarize those options and related costs in a presentation to the Board.

We are continuing to work to clear all RCIs in a timely manner. If you have any questions on the responses provided, please do not hesitate to contact me.


Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: March 9, 2015

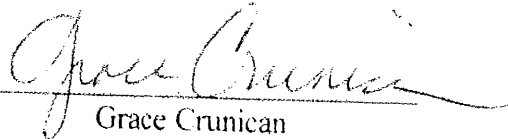
FROM: General Manager

SUBJECT: RCI 12-683 Fare Programs

Based on input from the Directors at the January Board workshop, a majority of the Board expressed interest in staff exploring the following potential fare programs: a youth discount extension, an increase in the base fare, peak and off-peak pricing, and fare coordination with other operators. Majority support was not present for an examination of BART's existing fare structure (RCI 12-683).

Later this year, staff will finalize the Title VI report for extending the eligibility age for BART's youth discount. Staff will also prepare additional information on the other potential fare programs noted above, and follow up with the Board to determine if the Board is interested in pursuing these alternatives further.

This serves to complete RCI 12-683. If you have any questions or comments about the proposed process, please contact Carter Mau, Assistant General Manager, Administration and Budget, at (510) 464-6194.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 28, 2014

FROM: General Manager

SUBJECT: RCI Item # 12-684
Estimated Cost per Mile for Sound Wall Construction

This memo is in response to Roll Call for Introductions Item #12-684, requested by Director Mallett, for estimated costs per mile for construction of sound walls for aerial structures (specifically the area between the Concord and North Concord/Martinez BART stations).

There is a wide range of cost factors for sound wall installations, including location, access constraints, wall height, surface finishes, architectural/art finishes, seismic constraints, drainage, soil types, and other considerations. Various state transportation departments report sound wall construction costs per mile ranging from \$2 million to well over \$4 million depending on such considerations. A sound wall barrier for an aerial BART structure is likely to be taller than the average highway sound wall barrier, and right of way constraints are significant throughout most of the BART system, therefore it can be assumed that sound wall construction for BART's aerial structures is likely to be on the highest side of the construction cost spectrum.

If you have any further questions on this subject, please contact Chris Quinn, Chief Planning and Development Officer, at (510) 464-7539.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Assistant General Manager, Operations Paul Oversier's Response to RCI #13-711

-----Original Message-----

From: Paul Oversier [mailto:Poversi@bart.gov]

Sent: Thursday, April 03, 2014 10:00 AM

To: mallettforBART@gmail.com

Cc: jfang@asianweek.com; honorjk@comcast.net; john@mcpartlands.net;
murrayconsult@aol.com; robertraburn@covad.net; tom@livablecity.org;
rebeccaforBART@gmail.com; Scott Schroeder; Kenneth A Duron; Marcia E
deVaughn; Carter Mau; Matthew Burrows; David Kutrosky; Kenton Rainey; Mary
Martinez; Grace Crunican; Bob Powers; Kerry Hamill; rmisra@bart.gov

**Subject: RCI #13-711-Definition of "crowded trains" as it applies to Bike
Access Program**

Director Mallett-

The trip planner on BART.gov provides a visual indication of how crowded each train is in order to help bicyclists comply with the bike rules. The trip planner shows one to three icons to illustrate varying levels of crowding on a particular train. Three icons is defined as "Heavy Crowding Expected". The threshold for showing 3 icons is an average load factor of 107 passenger per car on any given trip. This is the same criteria used in our Title VI Service Standards.

For your information, the Bike Rules in the "BART Fares and Schedules " brochure state "Regardless of any other rule, bikes are never allowed on crowded cars. Use your good judgement and only board cars that can comfortably accommodate you and your bicycle."

Paul Oversier

Assistant General Manager - Operations

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors


DATE: December 3, 2014

FROM: General Manager

SUBJECT: Roll Call for Introductions Item #14-734

Director Mallet's RCI #14-734 requested staff to "evaluate the feasibility of a revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014." At the Thursday, October 9, 2014 Board of Directors meeting, staff provided a status report on the Millbrae Specific Plan update process and secured Board authorization to extend the Exclusive Negotiating Agreement with the developer for 18 months. Future discussions of revenues associated with the Millbrae project as part of the exclusive negotiations will be conducted in closed session with the BART Board of Directors.

If you have any questions, please contact Bob Powers at (510) 874-7410.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

March 17, 2015

To: Director Mallett:

From: Kerry Hamill. AGM External Affairs

RE: RCI - Office of External Affairs (OEA) to evaluate "methods for increasing public participation in decision-making processes and bring back to the Board for discussion."

This is to follow up on your Roll Call for Introductions Item, which requested the Office of External Affairs (OEA) to evaluate "methods for increasing public participation in decision-making processes and bring back to the Board for discussion."

OEA currently executes a robust customer and stakeholder outreach program that includes daily customer and community engagement. Receiving the ideas of our community, and ensuring that the input is used to inform policy and administrative decisions is the major mission of the OEA. In the last few years, the OEA has accelerated its use of social media tools to communicate with customers in real time. We also conduct social media town hall meetings, initiate tours in partnerships with local senior centers and schools to keep our aging population and school children mobile and to introduce them to BARTable activities.

Certainly, during an era where communication tools change almost daily, community engagement techniques must continue to be fresh and updated. To that end, I am open to any suggestions that you may have to enhance OEA's public engagement program. In the meantime, below is a roster of last year's efforts:

Marketing and Research Department

More than 35,000 people gave us feedback about the design of the new cars through our award winning Fleet of the Future (FOTF) outreach program. This outreach included the ideas of 17,000 people who participated in the 10 Bay Area events hosted by BART staff. Additionally, we held numerous meetings with the disability community and bike groups on FOTF design.

Marketing and Research also:

Interacted with 30,000 customers to get feedback on Passenger Environmental Survey (PES);
Participated in eight major community parades with several million viewers in total;
Received 5,600 customer satisfaction survey responses and shared the customer comments with the Board of Directors; and
Hosted approximately 5,000 attendees at the Blue Sky Festival.

Government & Community Relations:

Sent 50 blast email messages regarding District initiatives and news stories to nearly 1,000 external contacts in each blast (e.g. elected officials and staff members, community-based organizations, business associations, environmental, bicycle advocacy and disability rights organizations);

Staffed information booths at 27 fairs and festivals;

Conducted 15 Summer Youth Tours, hosting more than 400 youth and community members;

Set-up, staffed and followed up on 60 Better BART presentations, primarily supporting BART Directors;

Organized the community celebration for BART to OAK (the Facebook photo album of the OAK community event got over 8,000 clicks);

Provided outreach to Downtown Berkeley Plaza and Transit Area Improvement Program; BART to OAK - Fare Equity & Service Analysis, Employee Discount Program;

Station Modernization at the 19th Street, Powell Street, and El Cerrito del Norte Stations; Station Capacity Improvement Project at the Embarcadero and Montgomery Stations.

Customer Services Department:

Assisted 150,000 callers at the Transit Information Center (TIC);

Staffed tables at 32 outreach events in every county in the District;

Hosted 29 BART senior field trips after engaging with senior centers across the District;

Coordinated the 10th Annual Lunar New Year with hundreds of local students;

Organized 30 BART employees to engage with new customers on the OAK line when it opened as a part of the OAC Ambassador Outreach Program; and

Expanded customer service public engagement to social media by tracking customer comments and complaints in real time, and where possible, tweeting a response.

Communications Department:

Sent 93 news alerts to the public;

Sent 40 alerts related to BART projects (people who signed up to hear about OAC, Warm Springs, FOF);

Emailed 156 alerts to the media;

Produced and released 25 BARTtv videos;

Designed car cards that featured photos of our riders to thank them;

Hosted two on-line twitter Town Hall meetings to engage community members who are using social media and want to interact with us.

Capitol Project Outreach Team:

Conducted 91 total interactive events with the public and special stakeholders, including community meetings and tours related to the work of the Earthquake Safety Program, the Warm Springs Project, and the Oakland Airport Connector Project, among others;

Staffed advisory committees which provide oversight to capital projects, created partnering and coordination relationships with key stakeholders, organized interactive tours of major projects with students, dignitaries, funders and elected officials.

Finally, one of OEA's major goals has been to ensure that our customers and the community are aware of service disruptions in real time. As the system ages, our customers need to know as soon as possible when a delay occurs which may interfere with their trip. As part of this initiative, in all of our customer contacts—including PES platform surveys—staff encourages our riders to sign up for service advisories. The effort is working - as demonstrated by the fact that 98,509 customers have signed up for BART Service Advisories, which is almost double the 2013 number.

This summarizes some of our ideas. Please share any that you may have.

Ms. Hamill:

Thank you for taking the time to produce this summary of what your office is actively doing to try to engage the public.

Your email asked for ideas/input from me (and I assume any of my colleagues as well).

Please see the attached for some ideas.

Sincerely,

Zakhary Mallett, MCP
Director, District 7
San Francisco Bay Area Rapid Transit District (BART)
300 Lakeside Drive, 23rd Floor
Oakland, California 94612
510-815-9320
MallettForBART@gmail.com
www.ZakharyMallettBART.com

RCI Background

This RCI is intended to try to figure out ways to better-engage the "average Joe" and "average Jane" BART riders (or, in Director Murray's words, "Betty BART Rider") in BART decision-making. Despite all the efforts you have outlined, the introduction of evening Board meetings, and other avenues BART has built to make decision-making accessible to the public (a necessary condition for achieving more public engagement); the public has not engaged to a desirable level from my perspective. The only people who tend to come out are protestors, special interests, and people who do business with BART.

Is This Achievable?

Some have been very frank with me about their perspective that BART being a single-purpose agency inherently works against the prospect of public participation in policymaking. We merely provide a transportation link for people – something that is too minimal a part of our customers' daily lives to be of significant enough importance to them to get engaged. Never mind the service we provide being something that many perhaps take for granted. The fact that we also cover such a large area also works against us when it comes to District-wide policy issues. The more District-wide it is, the less the matter touches at-home for the average customer.

I think there is some truth to this sentiment. But I would prefer not to give up yet.

My Ideas

Below are some ideas that I have that I would appreciate your team to evaluate and offer an opinion about. For all of the below ideas, the aforementioned challenges of making BART more relevant to the average person transcends as a likely challenge for each of them.

- **Participatory Budgeting (Wikipedia definition)**

This is a growing practice of many cities, including the City of Vallejo, in which the city holds several town hall meetings to describe the budget the city has and the city's needs from staff's perspective; as well as to receive public input about the public's needs from the public's and perspective; and ultimately allow the public to help develop the annual budget. It's a way to allow the public to democratically participate in how the city spends the public's money. Such town halls can also be used simultaneously to educate the public about the financial woes a city has and seek the public's input on ways to overcome those woes. Surveys (as we have done relating to our SOGR needs) only go so far when the public is not well-informed about the complications that underwrite what they are being surveyed about. Perhaps this idea of a participatory budget process can be transferable to BART for its general budget or for specific budgetary matters, such as accessibility improvements and station modernization prioritizing and the financing these.

There is a national organization devoted to advancing the concept of participatory budgeting, the Participatory Budgeting Project (<http://www.participatorybudgeting.org>), which has a local office in Oakland. They may have ideas or experiences on strategies to overcome the aforementioned challenges that BART faces for the purposes of Participatory Budgeting.

- **Satellite Board of Directors Meetings**

The idea of having satellite Board of Directors meetings at city council chambers or other public spaces throughout the District had been floated when the Board first began discussing having evening meetings. Many Directors, including me, were wary of doing this based on the concern that too many irregular locations of Board of Directors meetings would compete with the principle of having a predictable time and place for the meetings. However, if this could be done perhaps once or twice a year and the agenda include an item of significance to the local area, it could potentially be beneficial in the effort of increasing public engagement.

- **Expansion of Communication About "Hot Topics" At Board of Directors Meetings**

I am aware that your office puts out press releases and social media blasts about hot topics that are coming forth at BART Board of Directors meetings and that the District Secretary sends out alerts to subscribers with the agenda of the upcoming Board meeting. But is there some way to expand this communication to stations and trains?

Also, there are topics that my colleagues and I know are of interest to our constituents and customers, but are not sexy enough to be covered by the news media, including the recent presentation on service planning for special events. Finding some way to get the word out at stations or on trains about the public being able to learn about such service planning at an upcoming Board meeting might make a difference (?).

Do You Have Ideas?

Apart from the work that your office is actively doing, might you or any of your staff have ideas worth exploring to achieve increased public participation of "average Joe/Jane" in BART's policymaking?

To: Director Mallett

From: Kerry Hamill

RE: Second response to RCI # 14-760 – “Office of External Affairs (OEA) to evaluate methods for increasing public participation in decision-making processes and bring back to the Board for discussion.”

April 20, 2015

Director Mallett, per our discussion, this memo will serve to clear RCI # 14-760. As I indicated in my initial response, we always welcome new ideas to connect with the public. I subsequently have agreed to implement a few good ones that were in the document that you sent to me on March 18, 2015.

Participatory budgeting:

We are committed to a broader budgetary discussion this year.

Like you, members of my team and I agree that the budget is a significant policy document that merits as much public input as possible. The District already hosts several budget discussions at scheduled Board meetings and the public is given an opportunity to attend and offer comments.

Our plan this year is to augment the Board meeting discussions with Virtual Town Hall meetings, so that our constituents may hear a brief budgetary presentation and ask questions and offer comments without having to travel to the Board Room.

We are currently putting together the mechanics of the Virtual Town Hall meetings. These meetings will allow us to reach out to a vast network of community members, stakeholders, riders and non-riders and invite them to participate in a budget discussion with the help of their own computers or through computers at a local library or community non-profit organization.

We know that our constituents value their time. Attempts to host face to face budget meetings in locations across the District in the past have drawn only a handful of people. It behooves us to try the new social media tools to encourage input, and to offer to respond to the key elements of the budget without having to travel may bring in some new people and points of view.

Also on the topic of engagement, the Meet and Greet Station efforts that we **have** scheduled at five BART stations during the month of April will also enhance **your** ability to talk to the “Average Jane and Joe” BART rider that you referenced **in** your RCI.

Satellite Board of Directors meetings:

Setting the date, time and locations of the Board meeting is really a decision **of** the Board of Directors, not the OEA. That said, the logistics of live streaming and recording the meetings are made more difficult as the location moves from **place** to place, and multiple sites can confuse the public.

The fact that daytime and evening Board meetings do not attract significant numbers of people does not mean that the public is not engaged in policy discussions. It should be noted that the District makes a real effort to talk to **the** public about local issues in convenient offsite locations. Just this week, we are doing outreach at several BART stations. We speak with members of the disabled community and the bicycle community during regular task force meetings. We are on the platforms almost daily getting customer feedback with our Passenger Environmental Surveys (PES) instrument. We also have presentations scheduled nearly every day in April and May in locations offsite where the Board and the General Manager are talking to the public about BART priorities. We have **booths** set up at community fairs and festivals and at senior centers to talk to the public, and we expect thousands of people at Wednesday’s Blue Sky Festival.

The BART Board meeting is a business meeting that is one opportunity for public comment. It is only one of many venues that are created to allow input on a plethora of topics during any given week.

“Hot Topics” Communication spread to Stations

Currently, we provide information in our stations that is relevant to service changes and advisories via passenger bulletins. We place the monthly BARTable newsletter in the stations to give our riders some great ideas about events that are accessible by taking the trains, and we talk to passengers about special events through our DSS sign messages. At the request of the Board, we could also put copies of the BART Board agenda, the employee newsletter and summaries of key staff reports in our stations for our passengers to read, as you suggested. The downside of

providing copies in stations is the use of an enormous amount of paper. Board
agendas are available via email and important reports can be accessed on bart.gov.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: March 9, 2015

FROM: General Manager

SUBJECT: RCI 15-762: Voice and Sentence Options for On-Board Announcements

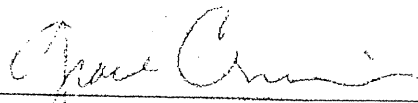
This memo is in response to Roll Call for Introductions #15-762 (Mallett), which requests that staff "develop and bring to Board for consideration, a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future."

After considering the concept, it is our assessment that we should not devote staff resources to this effort. Over the last two years, the District has done an unprecedented and award winning amount of public engagement on many critical design features related to the Fleet of the Future. With a series of outreach activities in all of the BART Districts, we were able to reach over 35,000 people. Our demonstration and listening outreach work allowed us to design the cars from the public's point of view, and driven by public comment, we were able to improve the new car seating materials, on board information system, ventilation system, accessibility configurations for the disabled, and an interior layout that afforded more open space and maximized seating, among other elements.

We processed 17,500 surveys and tens of thousands of additional comments from the public. In all of the feedback received, not a single person expressed concern about, or requested an opportunity for public input, on the selection of voice and sentence options for on-board announcements. We heard repeatedly that riders would like to be able to clearly hear the upcoming station announcement, and we received great feedback about the on-board digital screen messaging that will enhance the ability of our customers to understand their location in the system. These comments have been factored into the design for on board announcements.

Staff is in the process of accelerating our outreach to educate the public about the great capital challenges which BART faces over the next few years, and getting input from the public to help prioritize the spending of scarce resources. That being said, staff will work with Bombardier to select an appropriate voice and script for audio messages, and, if they choose to, the public will have an opportunity to give us feedback on the audio announcements when the pilot cars go into service.

This memo serves to complete RCI 15-762. Should you have additional questions regarding the Fleet of the Future public outreach, please contact Kerry Hamill, Assistant General Manager, Office of External Affairs, at (510) 464-6153.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: General Manager

DATE: April 9, 2015

FROM: Director, District 7

SUBJECT: Outstanding Roll Call for Introduction Items

The enclosed table summarizes current Roll Call for Introduction (RCI) items that I am the sponsoring Director for, what (if any) action has been taken by staff and said to be in fulfillment of the RCI, and what remains for the RCI to be fulfilled/closed. This is being provided to you due to staff providing responses that have been inconsistent with the requested information or actions as detailed in the RCIs. If you or the responsible executive staff has any additional question, you or they may contact me.

The attached summary is being provided as a one-time courtesy. You and your direct reports should make it a habit to contact an RCI's sponsoring Director before investing time in the RCI to ensure that you or the responsible executive staff is familiarized with what the sponsoring Director is asking for. This is the process that was agreed to when the Board of Directors agreed to amend the Roll Call for Introduction (RCI) process to require a sponsoring Director to seek a second.



Zakhary Mallett

Enclosure

cc: Board Appointed Officers
Board of Directors
Deputy General Manager

Outstanding Roll Call for Introduction Items
Sponsored by Director Mallett

<u>RCI Control Number</u>	<u>RCI Topic Summary</u>	<u>Summary of Initial Response</u>	<u>Outstanding Information Required to Close RCI</u>
12-682	Requests an assessment of feasibility and summary of options for instituting an inclusionary policy for development at and adjacent to BART stations	N/A; no response yet.	<p>Staff shall report to the Board of Directors what, if anything, peer agencies do to promote inclusionary (i.e., affordable) housing in developments at or adjacent to their rail stations, whether or not those same policies can be applied to developments at or adjacent to BART stations, and staff's judgment of the application of those policies at or adjacent to BART stations.</p> <p>Staff shall also assess the potential and their judgment of establishing a set-aside percentage for affordable housing for all housing developments on BART properties. Staff would use this policy to advocate such inclusionary housing targets in their negotiations with cities and developers and would need to come to the Board of Directors for any exception to the policy.</p>

<u>RCI Control Number</u>	<u>RCI Topic Summary</u>	<u>Summary of Initial Response</u>	<u>Outstanding Information Required to Close RCI</u>
12-683	Requests a future Board agenda topic for a comprehensive review of the District's fare structure	Via memo to the Board of Directors, staff indicated that, due to limited interest expressed by the Board of Directors, this RCI will not be fulfilled.	<p>Staff shall make a presentation to the Board of Directors that details the District's fare structure, including how it compares to local transit agencies and national peer agencies.</p> <p>In order to address some Directors' concerns, this presentation shall be made as a lead in to a different fare discussion that would be the primary agenda topic, such as when the Board establishes the fares for the Warm Springs extension. At least two other Directors support this approach and at least one other Director has explained that their concerns would be mitigated with this approach.</p>
12-684	Requests estimated costs per mile for the construction of sound walls (like the areas between the Concord and North Concord/Martinez Station)	Via memo to the Board of Directors, staff provided a cost per mile estimate of traditional, freeway-scale sound walls.	<p>As articulated in the RCI summary, staff is to provide an estimated cost per mile of sound walls similar to those along our tracks "between the Concord and North Concord/Martinez Station."</p> <p>The cost assessment should be quantitative, though ballpark figures are acceptable.</p>

<u>RCI Control Number</u>	<u>RCI Topic Summary</u>	<u>Summary of Initial Response</u>	<u>Outstanding Information Required to Close RCI</u>
13-711	Requests the development of a clear definition of "crowded" trains as it applies to Bicycle Access program	Via memo to Board of Directors, staff defined "crowded" using internal load factor metrics.	<p>Staff shall provide a written definition of "crowded" that can be visually verified by an average person. A supporting picture, as staff has suggested, is acceptable to supplement the written definition. It is understood that precision is not achievable, but something less subjective than the undefined current term is requested.</p> <p>Alternatively, at a future Board of Directors meeting, staff can provide a list of possible written definitions of "crowded" for the Board of Directors to consider and adopt.</p>
14-734	Evaluate the feasibility of a revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014	N/A; no response yet.	<p>This was not completed by the requested time.</p> <p>When the development package for the Millbrae Station is finalized, staff shall perform a revenue and ridership estimate for the final project using the same formulas/metrics as those that were used when staff presented the Republic Urban and Justin Republic proposals to the Board of Directors at the time that the current Exclusive Negotiating Agreement (ENA) was entered into. These ridership and revenue estimates should be shown side-by-side with the estimates of the original proposal.</p>

<u>RCI Control Number</u>	<u>RCI Topic Summary</u>	<u>Summary of Initial Response</u>	<u>Outstanding Information Required to Close RCI</u>
14-743	Requests assessment of costs and feasibility of incorporating route colors into station and on-board train destination announcements	Via memo to Board of Directors, staff indicated that this option is feasible with minimal costs, but not recommended due to ADA concerns of our Destination Sign System (DSS) not having variable colors to communicate the route colors to the hearing impaired. Memo suggested that the Board may make an alternative determination at its choosing and that greater opportunity may become available as the Fleet of the Future (FOF) arrives.	None. This RCI is completed, but was not communicated to the District Secretary as being closed.
14-752	Requests comprehensive overview of station maintenance performance standards and corresponding accountability standards for Board of Directors consideration on a future agenda	N/A; no response yet.	Staff shall make a presentation to the Board of Directors that details what programs or metrics are in place to maintain cleanliness, landscaping, interior design aesthetics, and mechanical functionality within station areas to appropriate standards; as well as how worker accountability is applied when these standards are not met.

<u>RCI Control Number</u>	<u>RCI Topic Summary</u>	<u>Summary of Initial Response</u>	<u>Outstanding Information Required to Close RCI</u>
14-758	Evaluate options and feasibility of instituting a routine employee satisfaction survey program relating to employees' satisfaction with their management team and as affiliates of BART	N/A; no response yet	I understand that staff intends to conduct an employee satisfaction survey. If this survey will become recurrent and address both employees' satisfaction with their management and their feelings towards BART as an employer, as well as ways they feel their satisfaction with both can be improved, then a memo to the Board explaining such is sufficient. If any of these (i.e., recurrence, satisfaction with management, feelings toward BART as employer, and ways to improve these) will not be a part of the survey, then the memo must also include a discussion about the feasibility of these.
14-760	Requests a study/evaluate methods for increasing public participation in decision-making processes and bring back for Board discussion	Via memo to Board of Directors, staff articulated existing efforts to engage public and solicited Board feedback of other options – if any – that the Board would like staff to evaluate.	Staff shall brainstorm possible options for increasing public participation of “average customers” in the decision making at BART and evaluate the costs and feasibility of those options. The options highlighted in an email to staff dated March 17, 2015 shall be included in this evaluation. A qualitative assessment of costs is acceptable.

<u>RCI Control Number</u> 15-762	<u>RCI Topic Summary</u> Requests development and presentation to Board for consideration of a public participation plan for the selection of the voice and sentence options for on-board announcements of the Fleet of the Future.	<u>Summary of Initial Response</u> Via memo to Board of Directors, staff expressed opposition of idea and suggested that any public comments can be obtained through normal comment avenues after test train is put into service.	<u>Outstanding Information Required to Close RCI</u> Staff shall brainstorm options of including the public in the selection of voices, wording, and types of announcements for the on-board announcements of the Fleet of the Future and summarize the potential costs of those options in a presentation to the Board of Directors. This evaluation shall include consideration of the options discussed in-person with staff, including an online survey that includes a voice lab with different announcement and wording options, as well as having a customer working group. The cost assessment should be quantitative, though ballpark figures are acceptable.
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