

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

September 13, 2007
9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, September 13, 2007, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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 General Discussion and Public Comment.

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

Items placed under “consent calendar” and “consent calendar addenda” 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 who wish to address BART Board matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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.
 1. Evan O’Dorney.
2. CONSENT CALENDAR
 - A. Approval of Minutes of the Meetings of August 23, 2007 (Regular), and August 23, 2007 (Special).* Board requested to authorize.

- B. Award of Contract No. 91CW-110, Furnish and Install Electronic Bicycle Lockers.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. (CONTINUED from August 23, 2007, Administration Committee Meeting)
Fiscal Year 2007 Year-End Budget Revisions.* Board requested to authorize.
- A-2. Public Comments on Fiscal Year 2008 Draft Short Range Transit Plan (SRTP) and Capital Improvement Program (CIP).* For information.
- A-3. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Award of Contract No. 03QH-110, Concord Yard Train Washer.* Board requested to authorize.
- B-2. (CONTINUED from August 23, 2007, Engineering and Operations Committee Meeting)
Quarterly Performance Report, Fourth Quarter Fiscal Year 2007 - Service Performance Review.* For information.
- B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Radulovich, Chairperson

- C-1. Draft Bay Area Regional Rail Plan.* For information.
- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. (CONTINUED from August 23, 2007, Administration Committee Meeting)
Fiscal Year 2007 Year-End Budget Revisions.* Board requested to authorize.

- A-2. Public Comments on Fiscal Year 2008 Draft Short Range Transit Plan (SRTP) and Capital Improvement Program (CIP).* For information.

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Award of Contract No. 03QH-110, Concord Yard Train Washer.* Board requested to authorize.
- B-2. (CONTINUED from August 23, 2007, Engineering and Operations Committee Meeting)
Quarterly Performance Report, Fourth Quarter Fiscal Year 2007 - Service Performance Review.* For information.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. Draft Bay Area Regional Rail Plan.* For information.

5. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of September 19, 2007.* For information.

6. BOARD MATTERS

- A. Report of the District Security Advocacy Ad Hoc Committee. For information.
- B. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

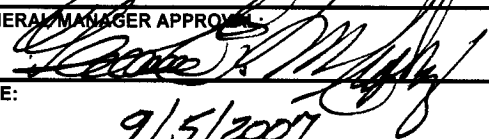
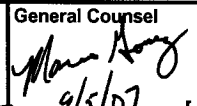
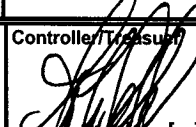
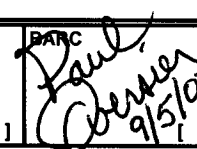

- A. CONFERENCE WITH LABOR NEGOTIATORS:
Designated Representatives: Directors Franklin, Murray, and Sweet
Title: General Manager
Gov't. Code Section: 54957.6
- B. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:
Agency Negotiators: Directors Franklin, Murray, and Sweet
Titles: Controller/Treasurer
District Secretary
Gov't. Code Sections: 54957 and 54957.6

9. OPEN SESSION

- A. Compensation and Benefits for General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 9/5/2007		BOARD INITIATED ITEM: No		
Originator/Prepared by: Laura Timothy Dept: Customer Access Ext. 6446	General Counsel  9/5/07 []	Controller/Treasurer  9/5/07 []	District Secretary []	BARC  9/5/07 []
Signature/Date:  9/4/07				

NARRATIVE:

Award of Contract No. 91CW-110 Furnish and Install Electronic Bicycle Lockers

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 91CW-110, Furnish and Install Electronic Bicycle Lockers, to Nari Construction, Co. of Livermore, CA, in the amount of \$538,000 (including all applicable taxes).

DISCUSSION: This Contract includes all materials, equipment, and labor necessary to furnish and install 198 electronic bicycle lockers at the following Stations: Ashby, Dublin/Pleasanton, Lake Merritt, MacArthur, North Berkeley, Rockridge, San Leandro, and West Oakland. In addition, this project will remove 150 plastic bicycle lockers that have been deemed fire hazards. This Contract represents the first installation phase of the BART Electronic Bicycle Locker Program.

Advance Notice to Bidders was mailed on April 30, 2007 to 7 prospective bidders. Contract Books were mailed to 17 plan rooms and Minority Assistance Organizations. The Contract was advertised on May 2, 2007. A Pre-Bid Conference and site inspection tour were held on May 16, 2007. One prospective bidder attended the Pre-Bid Meeting and did not elect to go on the site inspection tour. Two addendums were issued for the Contract to extend the bid deadline and to respond to questions relating to the Contract Book, respectively. A single bid was received on July 3, 2007 as follows:

<u>Bidder</u>	<u>Bid Price</u>
1. Nari Construction Co. Inc.	\$538,000
Engineer's Estimate	\$463,700

District staff has determined that the bid submitted by Nari Construction Co. Inc. is responsive to the solicitation and that the bidder's business experience and financial capabilities indicate the bidder is responsible. District staff has also determined that the bid of \$538,000, which is approximately 16% above the Engineer's Estimate of \$463,700, is fair, and reasonable because of the specialized nature of work and complexity of the project.

EDD: Award of Contract No. 91CW-110 Furnish and Install Electronic Bicycle Lockers

District staff has determined that there will be no significant effect on the environment from the installation of electronic bicycle lockers at these District facilities, and that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(a), Existing Facilities.

FISCAL IMPACT:

Funding to award the Contract for the amount of \$538,000 is included in the total project budget for the FMS# 91CW – Electronic Bike Lockers. The Controller/Treasurer certifies that funds are currently available to meet this obligation.

<u>Bay Area Air Quality Management District (BAAQMD) Grant</u>	<u>59U</u>	<u>\$193,000</u>
--	------------	------------------

As of July 2007, \$268,400 is available for commitment from this fund source for this project and \$44,675 has been committed by BART to date. There are no pending commitments in the District's financial management system. This action will commit an additional \$193,000, leaving an uncommitted balance of \$30,725.

<u>Alameda County Transportation Improvement Authority (ACTIA)</u>	<u>59V</u>	<u>\$218,704</u>
<u>/Alameda County Congestion Management Agency (ACCMA) Grants</u>		

As of July 2007, \$232,000 is available for commitment from this fund source for this project, and \$13,296 has been committed by BART to date. There are no pending commitments in the District's financial management system. This action will commit an additional \$218,704, leaving an uncommitted balance of \$0.

<u>Metropolitan Transportation Commission (MTC) Grant</u>	<u>61T</u>	<u>\$60,000</u>
---	------------	-----------------

As of July 2007, \$145,200 is available for commitment from this fund source for this project, and \$16,084 has been committed by BART to date. There is \$20,000 pending commitments in the District's financial management system. This action will commit an additional \$60,000, leaving an uncommitted balance of \$49,116.

<u>BART Allocation</u>	<u>51W</u>	<u>\$66,296</u>
------------------------	------------	-----------------

As of August 28, 2007, \$140,000 is available for commitment from this fund source for this project, and \$0 has been committed by BART to date. There are no pending commitments in the District's financial management system. This action will commit an additional \$66,296, leaving an uncommitted balance of \$73,704.

EDD: Award of Contract No. 91CW-110 Furnish and Install Electronic Bicycle Lockers

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is to reject this bid and potentially close out the project, which will result in the District losing the funding allocated to the project from the Bay Area Air Quality Management District (BAAQMD), Alameda County Transportation Improvement Authority (ACTIA), Alameda County Congestion Management Agency (ACCMA), and the Metropolitan Transportation Commission (MTC). The District would not be eligible for reimbursement from these funding sources for any expenditure that has been incurred for this project. Not awarding this contract would delay implementation of the BART Electronic Bicycle Locker Program and impair the District's ability to secure new funding to purchase and install electronic bicycle lockers in the future.

RECOMMENDATION:


Adopt the following motion.


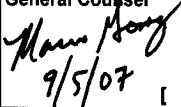


MOTION:

The General Manager is authorized to award Contract No. 91CW-110, Furnish and Install Electronic Bicycle Lockers, to Nari Construction Co. Inc. in the amount of \$538,000 (including all applicable taxes) pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 9/5/07	GENERAL MANAGER ACTION REQ'D: Place on the September 13, 2007 Administration Committee Agenda BOARD INITIATED ITEM: No
--	--

Originator/Prepared by: Robert Umbreit Dept: Operating Budgets Ext. 6273 Signature/Date:  9/5/07	General Counsel  9/5/07 []	Controller/Treasurer  9/5/07 []	District Secretary []	BARC  9-5-07 []
--	---	--	----------------------------------	---

NARRATIVE:

Fiscal Year 2007 Year-End Budget Revisions

PURPOSE: To amend the Fiscal Year 2007 (FY07) Budget for year-end adjustments.

DISCUSSION:

Summary of FY07 Operating Results

Preliminary FY07 results show that the District ended the year favorable by 4% in total operating sources, \$22.5 million (M) more than the budget. This included \$10M in State Transit Assistance (STA) spillover funding, which was then paid to the Metropolitan Transportation Commission (MTC) under terms of the SFO Extension \$60M loan agreement. Operating expenses were slightly over budget by \$3.4M (less than 1%), debt service was over budget by \$10M due to the loan payment, and other allocations were \$0.9M favorable to budget because of an adjustment to recognize lowering of the material inventory level. These results leave \$9.7M available for year-end allocation. Staff recommends that \$2.1M be allocated to capital projects and \$7.6M be allocated to operating reserves which will be used to fund one-time operating expenses.

FY07 Operating Results

(\$millions)

Operating Sources	Budget	Actual ⁽¹⁾	Variance	
Operating Revenue	\$ 296.0	\$ 312.8	\$ 16.8	6%
Sales Tax	202.7	198.8	(3.9)	-2%
Fin. Assistance & Allocations	78.9	88.5	9.6	12%
Total Sources	577.5	600.1	22.5	4%
Operating Uses				
Operating Expense	486.4	489.8	(3.4)	-1%
Debt Service	60.3	70.3	(10.0)	-17%
Other Allocations	0.7	(0.2)	0.9	120%
Allocations to Capital	30.0	32.1	(2.1)	-7%
Allocations to Operating	-	7.6	(7.6)	n/a
Total Uses	\$ 577.5	\$ 599.7	\$ (22.1)	-4%

⁽¹⁾ Board approval of closing budget revisions requested

Operating revenue was favorable by \$16.8M. Passenger revenue was \$10.4M better than budget and other operating revenue was \$6.4M better than budget. Advertising, interest and parking revenue all contributed to the favorable variance in other operating revenue. Operating expense was essentially on budget but came in slightly unfavorable in total. Over-budget expenses related to the high levels of ridership BART experienced in the latter half of the year were a big factor.

EDD: Fiscal Year 2007 Year-End Budget Revisions (cont.)

Average weekday ridership was 339,359 and total trips were 101.7 million, 2% higher than the budget and about 5% growth over last year. Unbudgeted expenses for extra service for Bay Bridge closures and Spare the Air Days contributed to the expense budget overrun but were offset by reimbursements by CalTrans and MTC which were recorded as revenue. Debt service was \$10M over budget, the combination of the MTC \$60M SFO loan payment of \$10M plus interest on the loan of \$1.4M, offset by \$1.4M in net savings from the FY07 bond refunding issue. The MTC loan agreement was finalized after the FY07 budget was adopted, and therefore is included in the year-end budget revisions.

Recommended Allocation of Year-End Results

Staff recommends that **\$7.6M** be allocated to operating reserves, which will then be added to an upcoming FY08 budget revision to fund a number of one-time expenses. These include **\$1.3M** to fund FY08 one-time budget initiatives, already included in the adopted FY08 budget.

Additional funding of **\$3.0M** is proposed for projects including addressing demagnetized tickets, repairing traction motors and replacing encoders needed for rail car reliability, developing the scope of the Information Technology strategic plan recommended in the Organizational Audit, and funding for BART to develop strategies and initiatives associated with developing greenhouse gas reduction programs. Power budget savings of **\$3.3M** are proposed to be used for three energy-related programs. \$2M will be set aside for reserves to protect against future energy market uncertainty and \$1M for the District's share in a new high-efficiency power plant. In addition \$0.3M is included for a survey of District property to determine optimum sites for solar projects, and to install real-time meters on traction power. The meter installation should pay for itself within two years by increasing efficiency of the amount of power scheduled, which will produce savings from lower power purchases.

Allocations of **\$2.1M** to a variety of small capital projects are also recommended by staff. These allocations include: funding the remaining increment of West Bay parking equipment, Hayward shop modifications related to the Strategic Maintenance Program, modifying Transit Information Center facilities, funding Train Operator and Train Controller staff time related to West Dublin construction-related service, and a study to identify causes of water intrusion in underground stations and tunnels and develop potential solutions.

STA Funding and Reserves

As proposed in the FY08 Preliminary Budget, BART will receive an additional \$12M in STA spillover funding (lower than the original estimate of \$14.6M) which was generated from FY07 state tax receipts. As discussed during the development of the budget, we plan to put the \$12M of STA funds in reserves, to be available to help fund the estimated \$14M FY06 and FY07 retiree medical actuarial funding contribution required in FY09. If these funds are not all needed in FY09 to make the retiree medical payments, any amount remaining in reserves should help bring the operating reserve fund up to the Financial Stability Policy goal of 5% of the operating expense budget.

In addition, with the adoption of the State budget the FY08 STA funding level is now determined. The District's estimate from MTC shows an additional \$7.1M for FY08. The budget already included \$1.2M of the additional amount for increased night and weekend service, so the final budget will provide an additional \$5.9M.

These two STA related budget actions will be brought to the Board for approval when the FY08 budget is revised later this fall.

EDD: Fiscal Year 2007 Year-End Budget Revisions (cont.)**Summary of Proposed Budget Revisions for Board Approval**

Further information regarding FY07 operating results are available in Attachment 1. The budget revision line items are listed on the attached resolution. In addition to the proposed allocations and budget adjustments to recognize increased revenue and expenses, there are revision items to conform the budget to the MTC loan and MTC funding related to the SFO Agreement, both of which were finalized after the FY07 budget was adopted. The sum of all of these entries will produce a balanced year-end result for FY07, and will increase capital allocations by \$2.1M and operating allocations by \$7.6M.

FISCAL IMPACT:

If the Board approves the proposed allocations the District will finish the year with a positive result of \$424,716, which after accounting for the office space lease adjustment of \$386,770 leaves the District with a small net positive result of \$37,946.

ALTERNATIVES:

If the Board does not make the recommended operating and capital allocations, the District would end the year with a favorable result of \$10.1M.

RECOMMENDATION:

Approval of the motion below.

MOTION:

Adoption of the attached resolution.

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

In the matter of amending Resolution No. 4988 regarding Fiscal Year
2007 Annual Budget

Resolution No. _____

RESOLVED, that Resolution No. 4988 is amended by changing the following line items in Exhibit A thereof:

	<u>Current Amount</u>		Increase/ (Decrease) In This <u>Resolution</u>	<u>Amended Amount</u>
<u>Fund Source Line Item:</u>				
Operating Revenue	\$ 295,953,937	\$	11,959,580	\$ 307,913,517
SB 1335 (STA)	\$ 11,181,541	\$	10,008,300	\$ 21,189,841
5307 Preventive Maint. Grant - Rail Car Fund Swap	\$ 22,500,000	\$	180,000	\$ 22,680,000
<u>Fund Use Line Item:</u>				
Net Labor Expense	\$ 323,556,389	\$	3,175,395	\$ 326,731,784
Extraordinary Expense - Rail Car Fund Swap	\$ 22,500,000	\$	180,000	\$ 22,680,000
Revenue Bond Debt Service	\$ 60,338,245	\$	(1,423,169)	\$ 58,915,076
MTC Loan Debt Service	\$ -	\$	11,410,000	\$ 11,410,000
Allocations to Operating Reserves	\$ -	\$	7,632,500	\$ 7,632,500
Allocations - Access & Other	\$ 737,818	\$	38,478	\$ 776,296
Allocations - Decrease Inventory Funding	\$ -	\$	(926,415)	\$ (926,415)
Allocations to Capital Rehabilitation ⁽¹⁾	\$ 18,998,651	\$	(4,437,560)	\$ 14,561,091
Allocation to SFO Reserve ⁽¹⁾	\$ -	\$	6,498,651	\$ 6,498,651

⁽¹⁾ Decrease of \$4,437,560 is the net total of reduction of \$6,498,651 for capital funding supplied by MTC as part of their \$24 million payment for the revised SFO agreement, replacing BART capital allocations which are then put into the reserve to fund SFO operations, and the proposed increase of \$2,061,091 for year-end allocations to capital projects.

Fourth Quarter FY07

BUDGET PERFORMANCE REPORT EXECUTIVE SUMMARY

M=million

REVENUE

● Systemwide average weekday ridership for this quarter was 348,635, 3.4% above budget, partly due to the MacArthur Maze Meltdown. Compared to same quarter in FY06, core system weekday trips were up by 5.5% and SFO Extension trips were up by 9.3%. For the year, average weekday ridership was 339,359 and total trips grew 5.0% over FY06 (core 4.9% and SFO extension 5.8%).

● Other operating revenue was \$6.4M over budget due to advertising bonus \$2.5M, parking revenue \$1.1M, interest \$0.9M, parking fines \$0.3M, telecommunications \$0.3M, other revenues \$0.9M and an unbudgeted Spare the Air expense reimbursement \$0.4M.

EXPENSE

● Net labor YTD was \$3.1M unfavorable, but within 1% of the budget. Service and security-related overtime was the main factor in the slight overrun, which also included \$1M for labor settlement expenses that weren't budgeted.

● Electric power was \$5.2M (13%) favorable YTD due to below budget purchase contracts.

● Purchased transportation was \$0.7M favorable YTD, ADA Paratransit was less than budgeted.

● Other non-labor was over budget YTD primarily due to material usage and traction motor repairs related to rail car maintenance, bank card charges relating to ticket sales, legal fees for outside counsel, and \$1M for obsolete inventory write-offs.

EXTRAORDINARY ITEMS

● \$22.7M was received YTD for the Rail Car Fund Swap agreement with MTC. The District received a federal preventive maintenance grant, recorded in other financial assistance, and deposited the funds with MTC for the rail car replacement fund.

OPERATING DEFICIT

● Favorable operating revenues offset the over-budget expenses, resulting in an Operating Deficit that was \$13.5M less than budgeted.

TAX & FINANCIAL ASSISTANCE

● Sales tax was 1.9% under budget, with 3.7% growth over FY06, below the budget of 5.7% growth. However, the 4th quarter grew 7.6% after only 0.1% in the 3d quarter, and the YTD result was greater than the forecast that was used during the FY08 budget process had projected.

● STA came in \$10M favorable to budget due to unbudgeted \$10M STA funding used to pay down \$60M MTC loan (in Debt Service).

● For SFO operations, SamTrans paid \$4.7M YTD (\$5M less \$0.3M FY06 credit). \$5.5M was drawn down from reserves. Overall, the subsidy was lower than budgeted due to increased passenger revenue, which means a lower amount is required to cover expenses.

● Debt service was \$10M unfavorable to budget with \$2.2M in debt service savings from the 2006 refunding, offset by unfavorable items: \$1.4M interest expense and \$10M payment on the \$60M MTC loan and \$0.8M premium fare bond allocations (timing issue only, will be \$0.8M favorable in FY08).

● Proposed operating and capital allocations totalling \$9.7M are included pending Board approval.

● \$6.5M of planned Allocations to Capital was instead allocated to the SFO Reserve Account, with the Capital program being made whole by additional capital funds from MTC.

● Other allocations include the \$0.6M Access Fund and \$0.1M for parking equipment payback, less a \$0.9M reverse allocation (funds coming into the budget) to recognize lowering the inventory balance.

NET OPERATING RESULT

● The net operating result for the year is balanced, with a net result of \$0.4M to cover the amount of the Lakeside lease adjustment.

SYSTEM OPERATING RATIO / RAIL COST PER PASSENGER MILE

● The operating ratio (revenue divided by expense) was favorable for the year because favorable operating revenues were significantly higher than the slight expense budget overrun.

● Rail cost per passenger mile was unfavorable to budget for the quarter, but was slightly favorable YTD.

CURRENT QUARTER

(\$Millions)*

FISCAL YEAR-TO-DATE

Budget	Actual	Var.		Budget	Actual	Var.
REVENUE						
69.5	73.6	6.0%		Net Passenger Revenue	271.7	282.1 3.8%
6.3	9.1	45.9%		Other Operating Revenue	24.3	30.7 26.4%
75.7	82.7	9.3%		Total Net Operating Revenue	296.0	312.8 5.7%
EXPENSE						
79.6	80.2	-0.8%		Net Labor	323.6	326.7 -1.0%
9.8	7.4	24.7%		Electric Power	40.0	34.8 13.0%
3.3	2.7	19.6%		Purchased Transportation	13.1	12.4 5.3%
25.2	31.8	-26.3%		Other Non Labor	87.3	93.2 -6.7%
118.0	122.1	-3.5%		Total Operating Expense	463.9	467.1 -0.7%
EXTRAORDINARY EXPENSES						
0.0	0.0			Rail Car Swap	22.5	22.7 -0.8%
0.0	0.0			Net Extraordinary Items	22.5	22.7
(42.2)	(39.4)	6.8%		OPERATING DEFICIT	(190.5)	(177.0) 7.1%
TAX & FINANCIAL ASSISTANCE						
48.2	47.8	-0.6%		Sales Tax	202.7	198.8 -1.9%
11.9	12.9	8.8%		Property Tax & Other	27.0	27.4 1.6%
2.6	3.5	35.9%		SFO Operating Assistance	11.0	10.2 -7.1%
5.6	5.6	0.0%		State Transit Assistance (STA)	11.2	21.2 89.5%
-	-			Rail Car Fund Swap	22.5	22.7 0.8%
2.2	3.4	53.6%		Other Financial Assistance	7.2	7.0 -3.3%
(15.1)	(15.7)	4.2%		Debt Service	(60.3)	(70.3) -16.6%
(8.4)	(3.9)	-53.6%		Capital Allocations	(30.0)	(23.5) 21.7%
-	(2.1)			Proposed Capital Allocations	-	(2.1)
-	(7.6)			Proposed Operating Allocations	-	(7.6)
-	(4.5)			SFO Reserve Allocations	-	(6.5)
(0.7)	0.2			Other Allocations	(0.7)	0.2 120.3%
46.2	39.7	-14.2%		Net Financial Assistance	190.5	177.4 -6.9%
4.0	0.3			NET OPERATING RESULT	0.0	0.4
64.2%	67.8%	3.6%		System Operating Ratio	63.8%	67.0% 3.2%
33.1 ¢	33.6 ¢	-1.5%		Rail Cost Per Passenger Mile	33.3 ¢	33.2 ¢ 0.2%

* Totals may not add due to rounding to the nearest million.

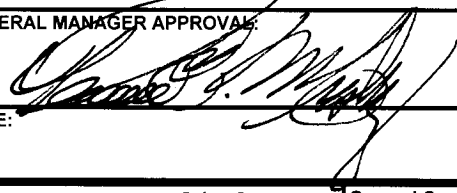
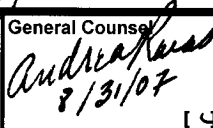
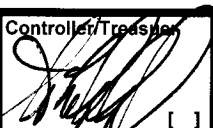
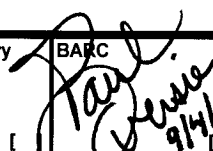
■ No Problem

□ Caution: Potential Problem/Problem Being Addressed

■ Significant Problem



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the September 13, 2007 E&O Committee Meeting	
DATE:		BOARD INITIATED ITEM: No	
Originator/Prepared by: John Gee Dept: TSD , Stations Capital Program Ext. 4928 Signature/Date:	General Counsel:  8/31/07	Controller/Treasurer:  9/4/07	District Secretary:  9/4/07

NARRATIVE:

Award of Contract No. 03QH-110 Concord Yard Train Washer

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 03QH-110 for the Concord Yard Train Washer.

DISCUSSION: The train washer at the Concord Yard, which is one of four operated by the District, has been in service for over 30 years. The train washers at the Richmond and Hayward Yards have been replaced and a new one was added at the Daly City Yard. This Contract is for the design, procurement, and installation of a new train washer and water recycling system to replace the existing train washer at the Concord Yard. The scope of work includes seismically upgrading the existing train wash building to current codes and rehabilitating it to "as-new" condition, and employing the latest train wash and water conserving technology. The new train washer will have the capacity to completely wash and rinse 10-car trains at 15-minute intervals continuously with allowance for a surge of four 10-car trains at 7.5-minute intervals in any one-hour period per day.

On June 19, 2007, the Advance Notice to Bidders was mailed to 21 prospective bidders and contract documents were sent to 17 plan rooms. The Contract was advertised on June 19, 2007 in local publications. A total of 17 firms purchased copies of the contract documents. A pre-bid meeting and site visit were conducted on July 18, 2007 with 7 prospective bidders attending. Bids were publicly opened on August 7, 2007. The bids received and the Engineer's Estimate are shown below:

<u>Bidder</u>	<u>Location</u>	<u>Total Amount</u>
Taber Construction, Inc.	Martinez, CA	\$3,546,000
Shimmick Construction, Inc.	Hayward, CA	\$4,168,000
Monterey Mechanical, Inc.	Oakland, CA	\$4,279,800
Pacific West Utah Builders, Inc.	Salt Lake City, UT	\$4,303,000

Engineer's Estimate: **\$3,359,730**

The apparent low bid submitted by Taber Construction, Inc. of \$3,546,000 is \$186,270 or 5.5 % above the Engineer's Estimate of \$3,359,730.

EDD: Award of Contract No. 03QH-110

After review by District staff, the Bid has been deemed to be responsive to the solicitation. Furthermore, staff's review of the low bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible and that the Bid of \$3,546,000 submitted by Taber Construction, Inc. is fair and reasonable.

The District's Environmental Compliance staff has reviewed the scope of work and determined that there will be no significant effect on the environment from the construction of the new train washer and that it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15302, replacement or reconstruction of existing structures and facilities. The Contract will receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, FTA, has concurred that implementation of the Contract will not have a significant impact on the environment and qualifies for a categorical exclusion under 23 CFR 771.117(d)(9).

FISCAL IMPACT: Funding of \$3,546,000 for the award of Contract No. 03QH-110 is included in the total project budget for the FMS #03QH, Concord Yard Train Washer. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$3,546,000 will be funded as follows:

F/G 52Z FTA CA -90-Y541

\$3,546,000

As of August 21, 2007, \$6,500,000 is available for commitment from this fund source for this project and BART has committed \$638,469 to date. There are pending commitments of \$80,270 in BART's financial management system. This action will commit an additional \$3,546,000 leaving an uncommitted balance of \$2,235,261 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The alternatives are: 1) Redesign and readvertise the Contract in hopes of obtaining a lower bid or; 2) Not award the Contract, cancel the federal grant and continue repairing and using the current train washer that is not functioning at needed capacity nor effectively cleaning the trains.

RECOMMENDATION: Based on analysis by staff, it is recommended that the Board adopt the following motion:

MOTION: The General Manager is authorized to award Contract No. 03QH-110 for the Concord Yard Train Washer to Taber Construction, Inc. for the bid price of \$3,546,000, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA's requirements related to protest procedures.

BAY AREA RAPID TRANSIT DISTRICT

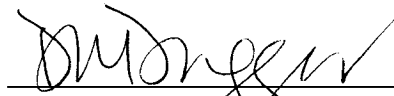
Inter-Office Communication

TO: Board of Directors
FROM: General Manager
DATE: September 7, 2007
SUBJECT: Bay Area Regional Rail Plan – 9/13/07 PPAAL Committee

As we celebrate 35 years of BART service and the California State legislature's adoption of the 1957 Rail Plan for the Bay Area, we are also working on defining a vision for the next 50 years of rail passenger service for the Bay Area. The 1957 plan, which proposed a passenger rail network covering all nine Bay Area counties, launched the start of the Bay Area Rapid Transit District as we know it today. Next week, nearly fifty years later, we will be reviewing the sequel to this historic document – the Bay Area Regional Rail Plan. The Regional Rail Plan takes a comprehensive look at opportunities for rail in the Bay Area, and presents a vision for an expanded passenger rail network. It also presents a vision of a future “metro-like” BART that will serve as the backbone of the regional rail network.

A discussion of the Draft Bay Area Regional Rail Plan is scheduled for the 9/13/07 PPAAL Committee meeting. Staff will present a summary of key findings of the report and also seek Board input on comments to be presented to MTC at the 9/14/07 MTC Planning Committee Meeting. Attached for your review is a Draft Summary of the Regional Rail Plan. It should be noted that the Draft Summary Report is currently still under the review of the study's Project Management Team members. Also attached is a copy of the full Draft Regional Rail Plan Report.

Please contact Marianne Payne at (510) 464-6140 if you should have questions.


Dorothy W. Dugger

CAPITOL CORRIDOR JOINT POWERS AUTHORITY

MEETING OF THE CAPITOL CORRIDOR JOINT POWERS BOARD

Wednesday September 19, 2007

10:00 a.m.

City Council Chambers

Suisun City Hall,

701 Civic Center Blvd., Suisun City, CA

(see attached map)

DRAFT AGENDA

I. Call to Order

II. Roll Call and Pledge of Allegiance

III. Report of the Chair

IV. Minutes of July 18, 2007 Meeting

Action

V. Consent Calendar

Action

1. CCJPA FY 08 Budget

2. Oakland-San Jose Track Project Funding Plan: Revised Budget #2

VI. Action and Discussion Items (Executive Director)

1. CCJPA/Amtrak FY 08 Fixed Price Operating Agreement

Action

2. CCJPA FY 08 Marketing Plan

Action

3. Legislative Matters

Action

4. Results of June 2007 On-Board Surveys

Discussion

5. Managing Director's Report (Status of Service Performance)

Info

6. Work Completed

a. Quik Trak Ticket Vending Machine Project: Phase 1 Installation

Info

b. Train Status Reporting: Call Center Interactive Voice Response System, CCJPA Website

Info

c. Marketing Activities (March – June 2007)

Info

7. Work in Progress

a. Quik Trak Ticket Vending Machine Project: Phase 2 Installation

Info

b. Security Cameras for Capitol Corridor Trains

Info

c. 2006 STIP Project Allocations: Bahia Crossover Project, Capitalized Maintenance

Info

d. Development of Capitol Corridor Project List for 2008 STIP

Info

e. Automated Ticket Validation Pilot Program

Info

f. Upcoming Marketing Activities

Info

VII. Board Member Reports

VIII. Public Comment

IX. Adjournment. Next Meeting Date: 10:00 a.m., November 14, 2007 at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom) 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.