

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

**BOARD MEETING AGENDA**

September 24, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 24, 2020.

**Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.**

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 and entering access code 958-0202-3171.

**If you wish to make a public comment:**

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 958-0202-3171, and dial \*9 to raise your hand when you wish to speak.

**Public comment is limited to three (3) minutes per person.**

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.

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>).

Meeting notices and agendas are available for review on the District's website (<https://www.bart.gov/about/bod/meetings/>); at [bart.legistar.com](https://bart.legistar.com); and via email (<https://cloud.info.bart.gov/signup>) 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 and [bart.legistar.com](https://bart.legistar.com) no later than 48 hours in advance of the meeting.

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

Patricia K. Williams  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER
  - A. Roll Call.
  - B. Pledge of Allegiance.
  - C. Introduction of Special Guests.
  
2. CONSENT CALENDAR
  - A. [Approval of Minutes of the Meeting of September 10, 2020.\\*](#)  
Board requested to authorize.
  
  - B. [Submittal of California Office of Emergency Services \(CalOES\) Form 130, Designating Agents Necessary to Provide for All Matters Pertaining to State and Federal Emergency Management Agency \(FEMA\) Reimbursements.\\*](#) Board requested to authorize.
  
  - C. [Resolution Authorizing Cycle 6 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission \(MTC\).\\*](#)  
Board requested to adopt.
  
3. PUBLIC COMMENT – 15 Minutes  
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)
  
4. ADMINISTRATION ITEMS  
Director McPartland, Chairperson
  - A. [Fiscal Year 2020 Year-End Budget Revision.\\*](#)  
Board requested to adopt.
  
  - B. [Fiscal Year 2021 Budget Outlook.\\*](#) For information.
  
5. ENGINEERING AND OPERATIONS ITEMS  
Director Dufty, Chairperson  
NO ITEMS.
  
6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Saltzman, Chairperson
  - A. [Amendment to Power Purchase Agreement for Renewable Energy with Sky River Wind, LLC, Developed by NextEra Energy Resources.\\*](#)  
Board requested to authorize.

- B. [Update on BART Headquarters Office Building \(2150 Webster St., Oakland, CA\).](#)\* For information.

7. GENERAL MANAGER’S REPORT

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

8. BOARD MATTERS

- A. [Resolution in Support of Clean Air Day.](#)\* (Director Foley’s request)  
Board requested to adopt.
- B. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- D. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

9. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS:

- |                             |  |
|-----------------------------|--|
| Designated representatives: | Robert Powers, General Manager; Michael Jones, Deputy General Manager; and Shana Dines, Chief Employee Relations Officer |
| Employee Organizations: (1) | Amalgamated Transit Union, Local 1555;   |
| (2)                         | American Federation of State, County and Municipal Employees, Local 3993;  |
| (3)                         | BART Police Officers Association;  |
| (4)                         | BART Police Managers Association;  |
| (5)                         | Service Employees International Union, Local 1021; and   |
| (6)                         | Service Employees International Union, Local 1021, BART Professional Chapter   |
| (7)                         | Unrepresented employees (Positions: all)   |
| Government Code Section:    | 54957.6  |

10. OPEN SESSION

- A. Announcement from Closed Session, if any.

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

Board of Directors  
Minutes of the 1,870th Meeting  
September 10, 2020

A regular meeting of the Board of Directors was held on September 10, 2020, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

Directors Present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Absent: None.

President Simon gave remarks regarding the commemoration of the events of September 11, 2001 and announced that the Meeting would be adjourned in memory of Juan Cortez, valued BART structures worker.

President Simon gave instructions on the virtual meeting, viewing the Meeting and accessing presentation materials online, Public Comment, and Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of August 27, 2020.
2. Computer Software Agreement with Carahsoft Technology Corporation for eSignature Software.
3. Computer Software Agreement with Dell Technologies for Microsoft Enterprise Software.

President Simon called for Public Comment on the Consent Calendar. No comments were received.

The District Secretary advised the Board that Zoom was experiencing nationwide technological issues.

Director Dufty made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the Minutes of the Meeting of August 27, 2020, be approved.
2. That the General Manager or his designee be authorized to execute a three (3) year information technology software contract with the Carahsoft Technology Corporation for an amount not to exceed \$206,865.69.

3. That the General Manager or his designee be authorized to execute renewal of a Microsoft Enterprise License Agreement utilizing the County of Riverside's competitively awarded agreement with Dell Marketing LP for a three-year term not to exceed \$1,628,051.85.

President Simon called for general Public Comment. No comments were received.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Budget Outlook before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget, and Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames expressed agreement with Aleta Dupree; commented on remote work; and inquired about infrastructure grants and state funding.

Director Dufty commented on commuters comprising 71% of pre-COVID-19 ridership.

Director Li requested that the next budget update include different ridership projections, scenarios, and revenue projections.

Director McPartland commented on comparing transit agencies within the Bay Area.

Director Raburn inquired about and/or commented on service levels implemented by New York City Transit, the remarks of Patrick Foye, Chairman and Chief Executive Officer of the New York Metropolitan Transportation Authority, at the New York City Transit's Special Meeting on August 26, 2020, BART service levels, and the impact of increased headways on the budget, appreciation for staff facilitating social distancing on the most crowded trains, ridership and costs for East Bay Paratransit, and opposition to reductions in paratransit.

Director Saltzman commented on transparency with the public and riders, federal funding, state funding, and the importance of BART to the Bay Area and the nation; and requested that legislative priorities include federal and state funding advocacy.

Director McPartland expressed agreement with Director Saltzman.

Director Foley associated himself with the comments by Directors Li and Saltzman regarding reviewing various scenarios and commented on ridership trends among stations.

President Simon commented on the Bay Area's economy, commitment to keeping the railroad running, future discussion of difficult trade-offs, the crisis state of transit for the foreseeable future, basing quarterly decisions on weekly and daily data analysis and comparison to regions throughout the country and world, the budget process, and her confidence in the Board and staff to move forward and lead with integrity and clarity based on data.

Director Allen commented on the budget as a long-term problem and delivering service in a more efficient and cost-effective way as BART looks forward to ridership returning.

Director Dufty, Chairperson of the Engineering and Operations Committee, announced that the order of Committee items would be changed. He indicated that Item 5-A, Bay Area Rapid Transit District's Annual Surveillance Report – 2020, was continued from the August 27, 2020 Board Meeting and commented on a letter submitted by Brian Hofer with Secure Justice.

Director Dufty brought the matter of Fleet Decommissioning before the Board. Brian Tsukamoto, Manager of Special Projects, Production Support; Alicia Trost, Chief Communications Officer; and Tamar Allen, Assistant General Manager, Operations, presented the item. The presentation included a video depicting the deconstruction process for legacy train cars.

Director Ames inquired about local retention of recycled metals and the destination for recycled metals that are shipped overseas; and commented on exploring local retention of recycled metals in the Request for Proposal (RFP) and improvement of BART's image through recycling and repurposing.

Aleta Dupree addressed the Board.

Discussion of the item continued, with the following highlights:

Director McPartland commented on public entities paying for expenses related to receipt of legacy train cars and requested that Mimi Bolaffi, Director of Security Programs, Police Operations Division, contact him to discuss agencies' requests for legacy train cars.

Director Saltzman commented on working with public and private entities to place legacy train cars out in the world, opposition to recycling all legacy train cars, and agreement with Aleta Dupree; and requested that staff retain at least one of each type of legacy train car and one ten-car legacy train for preservation.

Director Raburn expressed support for the vehicle acquisition guidelines and appreciation for Alicia Trost's outreach efforts; inquired about the status of the surplus platform at Colma Station; and suggested that Colma is a fitting resting place for BART cars.

Director Foley commented on the video that was shown; requested that staff evaluate whether legacy train cars can be used as homeless shelters or supportive housing for fire victims; and expressed support for a holiday train.

Director Li expressed support for the vehicle acquisition guidelines and commented on branding, the iconic nature of the legacy train cars, people's attachment to the image of legacy train cars, being thoughtful of staff's time, and agreement with ensuring purchasers' payment of all costs.

Director Dufty brought the matter of Innovations in Infrastructure before the Board. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; Laurence Farrell, Group Manager, Engineering, Civil/Structural/Construction Engineering; and Jefre Riser, Manager of Electrical and Communications Engineering, Systems Engineering; Wendy Wheeler, Acting Group Manager, Systems Engineering; and Tamar Allen presented the item.

Director Dufty noted Tamar Allen's pride and enthusiasm about the presentation and staff's entrepreneurial approach.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Foley inquired about the possibility of using automated drone inspections of railways after a seismic event as part of BART's emergency operations response.

Director Saltzman requested that staff provide an update on the presented innovations and any new innovations in six months and that updates on infrastructure innovations be presented at Board Meetings on a regular basis.

Director Li associated herself with Director Saltzman's comments; commented on staff's innovations; recognized Aleta Dupree for her participation; and requested more substantive cost-saving information.

Director Raburn inquired about the department at University of California (UC) Berkeley that assisted BART and integration of new sensors into the future Operations Control Center displays; and commented on implementing decontamination of air in train cars as soon as possible.

Director Allen expressed agreement with other Directors for more frequent updates on infrastructure innovations.

Director Dufty brought the matter of Bay Area Rapid Transit District's Annual Surveillance Report – 2020 before the Board; read a letter from Brian Hofer, Executive Director of Secure Justice, aloud; and thanked Brian Hofer for his letter. Deputy Chief of Police Kevin Franklin and Tamar Allen presented the item.

Aleta Dupree addressed the Board.

Director Saltzman expressed support for the Annual Surveillance Report – 2020 (Report) and moved that the Board determine, based on information provided in the 2020 Surveillance Annual Report, that the benefits to the community of the 7 surveillance technologies described in such report outweigh the costs, and that civil liberties and civil rights are safeguarded. Director McPartland seconded the motion.

The item was discussed, with the following highlights:

Director Li inquired how the Report identifies whether Memoranda of Understanding (MOUs) are fully implemented and commented on methodology of tracking complaints.

Director McPartland expressed support for the steps taken to protect privacy.

Director Raburn thanked Brian Hofer; commended Deputy Chief Franklin for his responsiveness; and expressed support for the motion before the Board.

Director Allen commented on and/or inquired about the importance of the privacy policy, adherence, and reporting; strengthening surveillance activity; the state of surveillance camera equipment; capital projects to install and replace cameras; the closed-circuit television (CCTV)

system on new trains; re-use of cameras from decommissioned trains; CCTV public video monitors; automatic license plate reader technology; and customer complaints.

Director Foley inquired about addressing consumer complaints regarding insufficient coverage and the sufficiency of staff available to respond to video information requests from the public.

The motion brought by Director Saltzman and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Ballot Measure (Proposition 15) for Consideration before the Board. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

The District Secretary announced that four written comments in favor of supporting Proposition 15 had been previously received.

Director Saltzman moved that the Board of Directors support Proposition 15. Director Li seconded the motion.

The item was discussed, with the following highlights:

President Simon commented on her involvement with moving Proposition 15 throughout the state, Proposition 13, homeless services and safety, and giving counties more resources.

Director Raburn expressed support for Proposition 15 and comment on the 1% cap on commercial and industrial properties.

Director Ames expressed opposition to Proposition 15 and commented on an opinion piece by *The Mercury News*, property tax revenues, the need for more taxes, and implementing a tax incentive and redevelopment of sites.

Director Saltzman expressed support for Proposition 15 and commented on addressing problems with Proposition 13 and BART's dependency on fare box revenues.

The motion brought by Director Saltzman and seconded by Director Li carried by roll call vote. Ayes: 7 – Directors Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Ames.

Director Saltzman brought the matter of Update on BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to BART Grant Program. Carl Holmes, Assistant General Manager, Design and Construction and Rachel Factor, Principal Planner, Station Area Planning, presented the item.



The item was discussed, with the following highlights:

Director Li thanked Walk SF and Transform and commented on her previous advocacy for access-related projects, her discussion with Bike East Bay, rejecting projects, and receiving more applications in the future.

Director Raburn commented on efforts leading to the Safe Routes to BART Grant Program (Program), the selected projects, his discussion with East County advocates, and BART's contribution to the Pittsburg Center project; and inquired about the timing for the second round of applications.

Director Allen commented on allocating Measure RR access funds to projects that are not on BART property, funding for capital projects, prioritizing fare gate replacement, station hardening, and expanding camera systems, and requesting funding from communities to subsidize the fare gate replacement project.

Director Ames expressed appreciation for Director Allen's concerns and support for the Program; inquired about the project surveys and the selected projects' non-BART funding sources; and requested survey data.

Director Li inquired how the \$25 million would be budgeted and the flexibility surrounding the \$25 million.

Director Raburn commented on and/or inquired about the inclusion of the expenditure plan in the Measure RR Bond Oversight Committee Annual Report, voters' support of the expenditure plan, the permanent nature of the projects and dollar amounts for the projects in the expenditure plan, and BART's adherence to the expenditure plan.

Director Saltzman expressed agreement with Directors Li and Raburn; commented on giving cities funding for projects and requesting funding for different projects from counties, working with cities as partners, the size and importance of the grants, the importance of improving access, and the Powell: 5<sup>th</sup> Street Improvement Project; requested that staff follow-up on the issues with the traffic and pedestrian signals at 5<sup>th</sup> Street in San Francisco; and expressed support for the Program.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority, Phase 2 before the Board. President Simon announced that the item would be continued to a future Board Meeting.

Aleta Dupree and Roland Lebrun addressed the Board on the item.

Director Saltzman brought the matter of Update on Transbay Corridor Core Capacity Project before the Board. Javier Martinez, Group Manager, Capital Projects, Core Capacity Project Delivery, presented the item.

Aleta Dupree addressed the Board.

Director Ames expressed support for the full funding grant agreement (FFGA).

Director Dufty thanked BART's federal representatives for their work with BART and staff, Rodd Lee, Assistant General Manager, External Affairs, and Robert Powers, General Manager, for their work.

Director Saltzman expressed support for the FFGA and thanked the team for their work to secure the grant.

Director Dufty thanked Senator Dianne Feinstein, Senator Kamala Harris, BART's congressional delegation, and Speaker Nancy Pelosi for their assistance in securing the grant.

President Simon called for the General Manager's report. Robert Powers reported on the service schedule change effective September 14, 2020, ridership, the El Cerrito Plaza Station transit-oriented development (TOD) project, and Assistant General Manager Gia Ilole's departure from BART.

Roland Lebrun addressed the Board.

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

Director Dufty reported that he had watched the "DERAILED" series; thanked President Simon and Directors Allen and Li for participating in the series; and commented on the collection of demographic data related to the fare check program at Embarcadero Station and Proposition C.

Director Li expressed agreement with Director Dufty's comments.

Director Raburn reported that he had attended the Diridon Station Area Joint Policy Advisory Board meeting and that he had written letters of support for Senate Bill 731.

Director Saltzman reported that she and President Simon spoke at a community meeting regarding development at the North Berkeley and Ashby BART stations and thanked the City of Berkeley and BART staff for organizing the meeting.

Director Foley reported that he had attended the League of California Cities East Bay Division meeting regarding understanding racial inequity in the San Francisco Bay Area, that the Labor Negotiations Review Special Committee had met, and that he had attended the Contra Costa Mayors Conference meeting regarding responses to non-criminal calls for public safety; and wished BART a Happy 48<sup>th</sup> Birthday.

President Simon reported that she had presented to the Silicon Valley Leadership Group and thanked Rodd Lee's staff for preparing her for the presentation; thanked Labor Negotiations Review Special Committee members and organized labor representatives for their service; thanked Director Dufty for his leadership and commented on Proposition C; and thanked riders for continuing to ride BART.

The Meeting was adjourned at 12:28 p.m. in honor of Juan Cortez.

Patricia K. Williams  
District Secretary



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 9/17/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 9/3/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Celestine Do Dept: Grant Development	General Counsel <i>[Signature]</i> 9/17/20 [ ]	Controller/Treasurer <i>[Signature]</i> 9/17/2020 [ ]	District Secretary [ ]	BARC [ ]
Signature/Date: <i>[Signature]</i>				

## California Office of Emergency Services (CalOES) Form 130, Designating Agents Necessary to Provide for All Matters Pertaining to State and Federal Emergency Management Agency (FEMA) Reimbursements

### PURPOSE:

To obtain Board approval of the California Office of Emergency Services (CalOES) Form 130 (attached) which designates BART's General Manager and Deputy General Manager as authorized agents necessary to accept federal and/or state disaster relief and emergency assistance.

### DISCUSSION:

On March 13, 2020, the President of the United States declared the ongoing Coronavirus Disease 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (Stafford Act). This national emergency declaration increases federal support for state and local responses to the COVID-19 pandemic.

In order for BART to be eligible for reimbursement from the federal or state government, the Board must approve a California Office of Emergency Services (CalOES) Form 130 - Designation of Applicant's Agency Resolution for Non-State Agencies (Form 130). The Form 130 serves to designate the General Manager and Deputy General Manager as authorized agents on behalf of the District to interact with and to accept public assistance and recovery funding from the Federal Emergency Management Agency (FEMA) and CalOES for a three-year period.

BART submitted a claim for reimbursement on August 28, 2020 for Personal Protective Equipment (PPE), cleaning supplies related to disinfection of public facilities, and communications of general health and safety to public in the amount of \$2.5 million. FEMA reimburses eligible COVID-19 related expenses at a 75% cost share or an anticipated \$1.9 million of the total requested funding of \$2.5 million. Additionally, BART plans to submit subsequent claims for reimbursement in the future.

**FISCAL IMPACT:**

BART must approve the CalOES Form 130 as a condition of eligibility to accept certain disaster cost reimbursements from FEMA and the State related to the current COVID-19 emergency over the next three years. If FEMA approves of BART's submission of expenditures related to COVID-19, BART may receive \$1.9 million applied to the operating budget for PPE, cleaning supplies related to disinfection of public facilities, and communications of general health and safety to public. BART may also receive additional funding based on future reimbursement claims.

**ALTERNATIVES:**

Do not approve the resolution authorizing the acceptance of FEMA and CalOES funds over the next three years. The District would lose eligibility to receive disaster and emergency assistance from FEMA and CalOES.

**RECOMMENDATION:**

Approve the following motion.

Approve the "California Office of Emergency Services (CalOES) Form 130, Designating Agents Necessary to Provide for All Matters Pertaining to State and Federal Emergency Management Agency (FEMA) Reimbursements."

**MOTION:**

The Board of Directors approves the California Office of Emergency Services (CalOES) Form 130 (attached) which designates BART's General Manager and Deputy General Manager as authorized agents necessary to accept federal and/or state disaster relief and emergency assistance.

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Directors OF THE San Francisco Bay Area Rapid Transit District  
(Governing Body) (Name of Applicant)

THAT General Manager, OR  
(Title of Authorized Agent)

Deputy General Manager, OR  
(Title of Authorized Agent)

\_\_\_\_\_  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the San Francisco Bay Area Rapid Transit District, a public entity  
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the San Francisco Bay Area Rapid Transit District, a public entity established under the laws of the State of California,  
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 24 day of September, 2020

Lateefah Simon, President  
(Name and Title of Governing Body Representative)

Mark Foley, Vice President  
(Name and Title of Governing Body Representative)

John McPartland, Director  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Patricia Williams, duly appointed and Secretary to Board of Directors of  
(Name) (Title)

San Francisco Bay Area Rapid Transit District, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District  
(Governing Body) (Name of Applicant)

on the 24 day of September, 2020.

\_\_\_\_\_  
(Signature)

Secretary to Board of Directors  
(Title)



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <span style="float: right;">9/10/2020</span>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approval and forward to Board		
<b>DATE:</b> 9/10/2020		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Richard Fuentes <b>Dept:</b> Grant Development  <b>Signature/Date:</b> <span style="float: right;">9/15/2020</span>	<b>General Counsel</b>  <span style="float: right;">9/15/20 [ ]</span>	<b>Controller/Treasurer</b>  <span style="float: right;">9/15/2020 [ ]</span>	<b>District Secretary</b>  <span style="float: right;">[ ]</span>	<b>BARC</b>  <span style="float: right;">9/15/20 [ ]</span>

### Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District Requesting the Metropolitan Transportation Commission to program available funds under the Lifeline Transportation Program Cycle 6

**PURPOSE:** To obtain Board approval of a Resolution to accept Lifeline Transportation Program (LTP) Cycle 6 funds from the Metropolitan Transportation Commission (MTC), subject to all the terms and conditions of receipt of said funds.

**DISCUSSION:** The Lifeline Transportation Program (LTP) is intended to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties. To be eligible for funding under this program, a project must be developed through a collaborative and inclusive planning process, enhance the range of transportation choices for low-income and minority riders, and address transportation gaps or barriers identified in Community-Based Transportation Plans (CBTPs) or other substantive local planning efforts. All eligible projects must be located in "communities of concern," defined as those census tracts that have a high concentration of minority and low-income households earning less than 200% of the federal poverty level.

In July 2020, MTC released its LTP Cycle 6 Guidelines and estimates for two years of funding (FY 2019 - FY 2020). The funding source is federal funds to support both operating and capital activities for the region, in total roughly \$7 million in FTA Section 5307 funds (Urbanized Area Formula Funding).

LTP funding for FTA Section 5307 was assigned to Operators based on their share of regional, low-income population. LTP funds will be administered by MTC.

Following a process of evaluation, MTC is proposing to award \$1,172,942 to the District's Embarcadero Elevator Project, for purchase and installation of a new redundant elevator at

the North end (exit towards Ferry Building) of the Embarcadero BART/Muni Station to improve mobility and access for customers. BART is required to provide a funding match of \$250,000 from Station & Access from Parking Revenue.

MTC requires each recipient of LTP funds to adopt a Resolution agreeing to meet project delivery and obligation deadlines and provide a local funding match. Following the BART Board adoption of this Resolution, MTC will submit the projects for funding.

**FISCAL IMPACT:** Funding in the amount of \$1,172,942 for the Embarcadero Elevator Project (11FE001), for purchase and installation of a new redundant elevator at the North end (exit towards Ferry Building) of the Embarcadero BART/Muni Station, will be included in the total project budget upon the acceptance of the Lifeline Transportation Program Cycle 6 funds.

The table below lists current funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet the Embarcadero Elevator project will be expended from the following sources:

Fund Fund Description	Threshold
3014 FTA 5307-3 CA-2019-029-00	\$2,000,000
6814 SFMTA - Joint Use Agreement	\$7,500,000
6816 SFPD CFD Bonds-Emb Elev Proj	\$1,000,000
6817 SFCTA Prop K Res 20-003	\$1,000,000
8528 Stations & Access from Pkg Rev	\$250,000
802A2017A Measure RR GOB #1	\$507,333
802B2019B Measure RR GOB #2	\$9,492,667
Total	\$21,750,000

As of 9/11/2020, \$21,750,000.00 is the total budget for this project. BART has expended \$1,933,364.78, committed \$3,859,878.53, and reserved \$7,000,000.0 to date. This action will increase the total budget to \$22,922,942.00 upon acceptance of the Lifeline Transportation Program Cycle 6 funds.

The Office of the Controller/ Treasurer certifies that funds needed for the local match to this award are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

**ALTERNATIVES:** MTC will not release the Lifeline Transportation Program funds without a duly adopted Resolution by the BART Board. If the Resolution is not adopted, BART would lose funds in the amount of \$1,172,942.

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

**MOTION:** The BART Board approves adoption of the attached resolution "In the Matter of Authorizing Action Necessary to obtain Cycle 6 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission".



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

**In the Matter of Authorizing the San Francisco  
Bay Area Rapid Transit District Requesting the  
Metropolitan Transportation Commission to  
Program Lifeline Transportation Program Funds**

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

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION TO PROGRAM AVAILABLE FUNDS UNDER THE LIFELINE TRANSPORTATION PROGRAM CYCLE 6

**WHEREAS**, the Metropolitan Transportation Commission (MTC) has established a Lifeline Transportation Program to assist in funding projects that: (1) are intended to result in improved mobility for low-income residents of the nine San Francisco Bay Area counties; (2) are developed through a collaborative and inclusive planning process; and (3) are proposed to address transportation gaps and/or barriers identified through a substantive community-based transportation plan or are otherwise based on a documented assessment of needs; and

**WHEREAS**, MTC has adopted principles, pursuant to MTC Resolution No. 4416, to guide implementation of the Lifeline Transportation Program for the two year period from Fiscal Year 2018-19 and Fiscal Year 2019-20, and MTC has solicited applications from transit operators (eligible recipients of FTA Section 5307 funds) from each of the nine bay area counties to propose projects for Lifeline Cycle 6 funding; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District generally conducted a broad, inclusive public involvement process, and utilized multiple methods of public outreach in identifying projects for the Lifeline Transportation Program in San Francisco county; and

**WHEREAS**, San Francisco Bay Area Rapid Transit District submitted a project in response to the solicitation of applications/call for projects; and

**WHEREAS**, San Francisco Bay Area Rapid Transit District has confirmed that proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, is consistent with the Lifeline Transportation Program goals as set out in MTC Resolution No. 4416; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District, recommends the proposed project, described more fully on Attachment A to this Resolution, attached to

and incorporated herein as though set forth at length, be funded in part under the Lifeline Transportation Program; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Lifeline Transportation Program, provide for the required local matching funds, and satisfy all other conditions set forth in MTC Resolution No. 4416; and

**WHEREAS**, the San Francisco Bay Area Rapid Transit District certifies that the project(s) and purpose(s) for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

**WHEREAS**, there is no legal impediment to the San Francisco Bay Area Rapid Transit District making the funding request; and

**WHEREAS**, there is no pending or threatened litigation which might in any way adversely affect the ability of the San Francisco Bay Area Rapid Transit District to deliver the proposed project for which funds are being requested, now therefore be it

**RESOLVED**, that the San Francisco Bay Area Rapid Transit District requests that MTC program funds available under its Lifeline Transportation Program, in the amounts requested for which the San Francisco Bay Area Rapid Transit District is eligible, for the project described in Attachment A of this Resolution; and be it further

**RESOLVED**, that staff of the San Francisco Bay Area Rapid Transit District shall forward a copy of this Resolution, and such other information as may be required, to MTC, San Francisco Municipal Transportation Agency, and such other agencies as may be appropriate.

**SAMPLE ATTACHMENT A**  
**Lifeline Transportation Program Cycle 6 Projects**

<b>Project Name</b>	<b>Project Description</b>	<b>Lifeline Transportation Program Funding Amounts</b>		<b>Local Match Amount</b>	<b>Total Project Cost</b>
		<b>5307</b>	<b>Total Lifeline Funding</b>		
Embarcadero Station Platform Elevator Capacity and Redundancy Project	This project will purchase and install a new redundant elevator at the North end (exit towards Ferry Building) of the Embarcadero BART/Muni Station to improve mobility and access for customers.	\$1,172,942	\$1,172,942	\$250,000	\$1,42,2942
Total		\$1,172,942	\$1,172,942	\$250,000	\$1,42,2942



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 9/17/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/16/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Christopher Simi Dept: Budget Admin	General Counsel 	Controller/Treasurer  Chris Gan 9/17/2020	District Secretary	BARC
Signature/Date: 	9/17/20 [ ]	[ ]	[ ]	[ ]

### Fiscal Year 2020 Year-End Budget Revision

**Purpose:** To amend the Fiscal Year 2020 (FY20) Budget for year-end adjustments.

**Discussion:** The District finished FY20 with a balanced budget. A precipitous drop in revenues caused by the COVID-19 pandemic-related Shelter in Place (SIP) orders beginning in March was offset by one-time emergency federal assistance. Absent such assistance, the District would have finished the year with a \$120.3M deficit. Sources were \$54.3M (5.7%) favorable to budget and total expenses were \$14.6 M (1.8%) favorable. The financial results are summarized below, with more detail provided in the Background section and Attachments 1, 2, and 3.

#### FY20 Operating Results, Including Accounting Adjustments

##### FY20 Operating Results (\$ million)

	Budget	Actual	Var.	%
<b>Sources</b>				
Operating Revenue	\$ 545.5	\$ 399.3	\$ (146.2)	-26.8%
Sales Tax	277.0	266.9	(10.1)	-3.6%
Other Assistance	124.8	335.3	210.6	168.8%
<b>Total Sources</b>	<b>947.3</b>	<b>1,001.5</b>	<b>54.3</b>	<b>5.7%</b>
<b>Uses</b>				
Labor	591.6	586.2	5.4	0.9%
Non-Labor	208.1	198.9	9.2	4.4%
<b>Total Expense</b>	<b>799.7</b>	<b>785.2</b>	<b>14.6</b>	<b>1.8%</b>
Debt Service	47.2	45.9	1.3	2.8%
Capital & Other Allocations	100.3	171.9	(71.6)	-71.4%
<b>Total Debt Service &amp; Allocations</b>	<b>147.5</b>	<b>217.8</b>	<b>(70.3)</b>	<b>-47.7%</b>
<b>Total Uses</b>	<b>947.2</b>	<b>1,003.0</b>	<b>(55.7)</b>	<b>-5.9%</b>
NBV of Fixed Assets Disposed <sup>(1)</sup>	-	(1.4)	1.4	
<b>Total Uses - After Adjustment</b>	<b>947.2</b>	<b>1,001.5</b>	<b>(54.3)</b>	<b>-5.7%</b>
<b>NET RESULT</b>	<b>\$ 0.0</b>	<b>\$ 0.0</b>	<b>\$ (0.0)</b>	

<sup>(1)</sup> Non-cash transaction related to the net book value of fixed assets disposed not considered in the operating budget

Note: For clarity, the above table excludes Other Post Employment Benefit (OPEB) Unfunded Liability and GASB 68 and GASB 75 pension and OPEB adjustments, which do not impact the Net Result. Results including such adjustments are shown in Attachment 3.

**BACKGROUND:** FY20 was unlike any in BART history due to the onset of the COVID-19 pandemic and subsequent SIP orders in Bay Area counties. SIP orders were initiated in mid-March. Until then, the District was on a similar financial trajectory as in previous years; expenses (particularly labor) were above budget, but offset by better than expected financial assistance (notably Low Carbon Fuel Standard, or LCFS, credits). Overall ridership in February was within 1% of budget. Despite the pandemic, the District was able to finish FY20 balanced, as described below.

Between mid-March and the end of FY20, BART experienced three major variances from the adopted FY20 budget:

1. Ridership plummeted, to as low as 6% of the pre-COVID baseline, and slowly recovered to about 12% by the end of June. This, along with associated reductions in parking and other operating revenues, led to nearly \$150M in revenue reductions when compared to budget.
2. Expenses, which had been above budget until SIP, decreased, primarily by limiting overtime and re-directing Operating Budget-funded staff to accelerate capital projects, the funding for which was not affected by the pandemic. By the end of FY20, overall expenditures had been held to just below budget. *The net result for the District before any emergency assistance would have been \$120M deficit.*
3. BART was able to avoid finishing FY20 with a deficit due to the passage of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, which created a new source of emergency federal aid available to the District. Per the federal formula, BART was able to draw down \$186M in federal funding. This revenue allowed BART to balance FY20 without the use of reserves, instead making a deposit of \$65.2M into the Reserve for Economic Uncertainty, which will be carried forward to offset operating deficits in FY21.

**Total Operating Sources: \$54.3M (5.7%) favorable to budget.**

Operating Revenue was \$146.2M unfavorable to budget, driven by low ridership stemming from COVID-19 related SIP orders.

- Passenger Revenue was unfavorable (\$138.7M). Passenger trips totaled 83.7M, 27.9% unfavorable to budget and average weekday ridership was 288,271, 28.8% unfavorable.
- Parking Revenue was \$8.3M unfavorable, with lower ridership impacting the daily non-reserve program.
- Other Operating Revenue was \$0.8M favorable due to above budget investment

income and miscellaneous other revenue, offset by below budget advertising and traffic fines & forfeitures revenue.

Sales Tax was \$10.1M below budget and Other Assistance was \$210.6M better than budget due to the following:

- Sales Tax was unfavorable to budget by \$10.1M for the year, with the 4th quarter results \$13.9M (21.8%) below budget due to SIP orders and deferral of payments permitted under State emergency orders. Through the end of the 3rd quarter, Sales Tax was 1.8% over budget.
- The Federal CARES Act provided \$185.5M of one-time assistance. Federal Transit Administration (FTA) rules for CARES Act drawdowns resulted in more funds drawn down to offset FY20 losses than needed in the fiscal year. \$65.2M of funds that were not needed to balance FY20 will be deposited in the Reserve for Economic Uncertainty and are budgeted to help offset expected operating losses in FY21.
- Additional Financial Assistance ending the year above budget include: an additional \$9.5M provided by SFO Extension Financial Assistance to offset below budget SFO Extension ridership; \$1.2M from the Valley Transportation Authority (VTA) for Silicon Valley Berryessa Extension (SVBX) operations; \$1.8M from unbudgeted County Block Grant funds provided through State Transit Assistance; \$1.8M from Property Tax; and \$2.1M for miscellaneous Financial Assistance categories. Also contributing to over budget Financial Assistance is the Low Carbon Fuel Standard (LCFS) Program, which was \$8.7M favorable due to higher than anticipated sale of credits generated due to high market prices.

**Total Operating Expenses: \$14.6M (1.8%) favorable to budget.** Before SIP, expenses were tracking above budget, but quickly enacted cost-cutting measures after SIP orders went into effect brought expenses below budget by year end.

- Net Labor and Benefits were \$5.4M (1%) favorable to budget due to vacant operating positions, which increased in number during SIP, as well as the shifting of operating hours to accelerate work on capital-funded projects. Overtime in FY20 totaled \$75.8M, with approximately \$49M attributed to operating and \$27M to capital. Over-budget Operating Budget Overtime totaled \$16.9M, just over half the amount above budget in FY19. The decrease is due to the limiting of Overtime as a cost savings measure after SIP orders went into effect.
- Non-Labor expenses were \$9.2M (4.4%) favorable to budget. Power was \$5.0M favorable due to reduced service and reductions in transmission and distribution costs. Other Non-Labor items favorable to budget due to reduced ridership include ADA paratransit service (\$2.3M favorable); Clipper Fees (\$3.8M favorable); and credit card & interchange fees (\$2.2M favorable). These savings were offset by increased

Maintenance and Repair (\$2.6M unfavorable) costs for ongoing maintenance and station cleaning. An additional \$2.1M was expended for enhanced COVID-related station, vehicle, and facility cleaning costs as well as personal protective equipment (PPE).

**Debt Service and Allocations: \$70.3M above budget.** Planned allocations were generally held to budget, including those allocations linked to ridership or parking revenue, despite the reductions in revenues. The vast majority of the above budget sum consists of \$68.7M deposited into reserves; \$3.5M per the Financial Stability Policy and \$65.2M in CARES Act funds to be carried forward into FY21.

- Debt Service was \$1.3M under budget due to favorable debt refunding in the fall of 2019.
- \$65.2M of one-time CARES Act funds drawn down in FY20 were directed to the Reserve for Economic Uncertainty to help balance the FY21 budget. \$3.5M of the FY20 year-end positive result was allocated to District operating reserves per the Financial Stability Policy, which brings the reserve balance to \$53.7M.
- \$4.3M of over-budget Low Carbon Fuel Standard (LCFS) Program revenue was allocated to capital reserves for sustainability per the LCFS policy adopted by the Board.
- The Allocation to the Fiscal Stability Pension was \$0.3M over budget due to investment earnings and Other Capital Allocations were \$1.7M under budget due to a reversed allocation not budgeted in FY20.

The budget revision requires Board approval for adjustments that conform the final budget to Board Rules. These adjustments increase or decrease categories of expense, revenue, and allocations and fully offset each other. For example, the budget for revenue is decreased; budgets for various categories of financial assistance are increased; budgets for labor and non-labor are decreased; and certain allocations are increased as described in the Background section of this document.

**FISCAL IMPACT:** Board approval of the proposed allocations closes the fiscal year and results in a balanced FY20 Budget.

**ALTERNATIVES:** If the Board does not approve the adjustments, the District will still end the year balanced.

**RECOMMENDATION:** Approval of the motion below.

**MOTION:** Approval of the attached resolution "In the Matter of Amending Resolution No. 5401 regarding Fiscal Year 2020 Annual Budget."



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

In the matter of amending Resolution No. 5401 regarding Fiscal Year 2020 Annual Budget

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

RESOLVED, that Resolution No. 5401 is amended by changing the following line items in Exhibit A thereof:

<u>Fund Source Line Item:</u>	<u>Current Amount</u>	<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
Operating Revenue	\$ 545,493,392	\$ (146,179,176)	\$ 399,314,216
1/2 ¢ Sales Tax	\$ 277,000,000	\$ (10,104,905)	\$ 266,895,095
CARES Act Funds	\$ -	\$ 185,509,587	\$ 185,509,587
SFO Ext Financial Assistance	\$ 5,814,899	\$ 9,549,626	\$ 15,364,525
VTA Financial Assistance	\$ -	\$ 1,183,052	\$ 1,183,052
State Transit Assistance	\$ 39,370,555	\$ 1,768,367	\$ 41,138,922
Property Tax	\$ 50,622,254	\$ 1,770,251	\$ 52,392,505
Other Financial Assistance	\$ 6,429,013	\$ 2,057,299	\$ 8,486,312
Low Carbon Fuel Standards Program	\$ 14,149,560	\$ 8,731,815	\$ 22,881,375
Low Carbon Transit Operations Program (LCTOP)	\$ 8,374,385	\$ -	\$ 8,374,385
 <u>Fund Use Line Item:</u>			
Net Labor Expense	\$ 591,627,445	\$ (5,383,508)	\$ 586,243,937
Net Labor Expense - GASB 68 and 75	\$ -	\$ 52,142,414	\$ 52,142,414
Non-Labor Expense	\$ 208,130,477	\$ (9,186,281)	\$ 198,944,196
Revenue Bond Debt Service	\$ 47,237,727	\$ (1,307,323)	\$ 45,930,404
Allocations to Capital - Rehabilitation	\$ 25,404,856	\$ -	\$ 25,404,856
Allocations to Capital - Priority Capital Program	\$ 52,165,937	\$ -	\$ 52,165,937
Allocation - Operating Reserve for Economic Uncertainty	\$ -	\$ 65,206,043	\$ 65,206,043
Allocation - Operating Reserve	\$ -	\$ 3,500,000	\$ 3,500,000
Allocation to Sustainability from LCFS	\$ 7,074,780	\$ 4,351,064	\$ 11,425,844
Allocation - Fiscal Stability Pension	\$ 10,000,000	\$ 294,375	\$ 10,294,375
Allocations to Capital & Operating - Other	\$ 8,140,117	\$ (1,749,049)	\$ 6,391,068
Reverse Operating Reserve	\$ (2,527,281)	\$ -	\$ (2,527,281)
PERS Employer Current Year Contrib - (GASB 68)	\$ -	\$ 96,640,995	\$ 96,640,995
PERS Pension Expense - Offset (GASB 68)	\$ -	\$ (156,783,409)	\$ (156,783,409)
Non-Pension Employer Current Year Contrib - (GASB 75)	\$ -	\$ 43,633,000	\$ 43,633,000
Non-Pension Expense - Offset (GASB 75)	\$ -	\$ (35,633,000)	\$ (35,633,000)
NVB of Fixed Assets Disposed	\$ -	\$ (1,439,404)	\$ (1,439,404)

**Attachment 1**  
**Quarterly Financial Report**  
**Fourth Quarter**  
**Fiscal Year - 2020**

**Revenue**

● Due to the COVID-19 pandemic and associated shelter in place orders, average weekday trips for the quarter were 32,071, 92.1% under budget and 92.2% below the same quarter last year. For FY20, avg weekday ridership was 288,271, 28.8% under budget, and total trips were 83.7M, 27.9% under budget. Total trips were 29.1% lower than FY19.

● FY20 net passenger revenue was \$138.7M unfavorable due to below budget ridership.

● Parking revenue was \$8.3M unfavorable for FY20 mainly due to under budget daily non-reserve program.

● Other operating revenue was \$0.8M favorable for FY20, with above budget investment income and miscellaneous other revenue offsetting below budget advertising and traffic fines & forfeitures revenue.

**Expense**

● Labor (excluding OPEB and GASB) was \$5.4M favorable in FY20 due to savings from vacancies, offset by unfavorable overtime.

● Power was \$5.0M favorable in FY20, mostly due to lower than expected electric consumption due to COVID-19 pandemic-related service reductions and lower transmission and distribution costs.

● Purchased Transportation was \$2.4M favorable in FY20 due to COVID-19 related service reductions.

● Other Non Labor was under budget by \$1.8M for the year. This result was driven by \$5.0M favorable Miscellaneous Expense, mostly due to favorable interchange rates/fees and Clipper reimbursement. This savings was offset by \$2.6M overspending in Repairs & Maintenance due to station cleaning, repairs to damaged commercial fiber network, inventory adjustments, and maintenance & fuel of all non-revenue vehicles as well as \$1.0M of telecom and garbage and water utilities from increased usage and utility rates.

**Financial Assistance and Allocations**

● FY20 Sales Tax was 4.8% under FY19 and \$10.1M unfavorable due to COVID-19 and Shelter in Place (SIP).

● Property Tax was \$1.8M favorable. Other financial assistance was \$12.8M favorable due to \$9.5M from the SFO Extension reserves (San Mateo County financial assistance) for under budget ridership on the extension; \$1.2M from VTA for SVBX operations; and \$2.1M for miscellaneous over budget financial assistance.

● Emergency federal assistance from the CARES Act was \$185.5M.

● State Transit Assistance was \$1.8M favorable due to unbudgeted County Block Grant funds received.

● Low Carbon Transit Operations Program (LCTOP) revenue was on budget.

● Low Carbon Fuel Standard (LCFS) Program revenue for FY20 was \$8.7M favorable due to higher than anticipated sale of credits generated as a result of high market prices.

● Debt service was \$1.3M favorable due to savings from refunding.

● Capital and other allocations for FY20 were \$71.6M above budget, with \$65.2M allocated to the reserve for economic uncertainty (used to carry over funds into FY21). An additional \$3.5M is allocated to operating reserves per Board policy.

**Net Operating Result**

● The Net Operating Result for Q4 was \$26.7M favorable, driven by FTA Cares Act revenue of \$185.5M. FY20 total year Net Operating Result was balanced, again, primarily due to the FTA Cares

Current Quarter			(\$ Millions)	Year to Date		
Budget	Actual	Var		Budget	Actual	Var
<b>Revenue</b>						
124.1	9.6	-92.3%	Net Passenger Revenue	480.2	341.6	-28.9%
9.3	2.3	-75.1%	Parking Revenue	36.5	28.2	-22.8%
7.0	5.1	-26.5%	Other Operating Revenue	28.7	29.5	2.8%
<b>140.5</b>	<b>17.1</b>	<b>-87.9%</b>	<b>Total Net Operating Revenue</b>	<b>545.5</b>	<b>399.3</b>	<b>-26.8%</b>
<b>Expense</b>						
147.4	120.7	18.1%	Net Labor	591.6	586.2	0.9%
0.0	60.1	-	GASB 68 Pension Adjustment	0.0	60.1	-
0.0	(8.0)	-	GASB 75 OPEB Adjustment	0.0	(8.0)	-
11.4	9.5	16.7%	Electric Power	45.6	40.6	11.0%
7.9	5.6	28.9%	Purchased Transportation	31.6	29.2	7.6%
36.5	40.0	-9.5%	Other Non Labor	130.9	129.1	1.4%
<b>203.2</b>	<b>228.0</b>	<b>-12.2%</b>	<b>Total Operating Expense</b>	<b>799.8</b>	<b>837.3</b>	<b>-4.7%</b>
<b>(62.7)</b>	<b>(210.9)</b>	<b>-236.3%</b>	<b>Operating Result (Deficit)</b>	<b>(254.3)</b>	<b>(438.0)</b>	<b>-72.3%</b>
<b>Taxes and Financial Assistance</b>						
63.7	49.8	-21.8%	Sales Tax	277.0	266.9	-3.6%
24.2	38.2	58.1%	Property Tax, Other Assistance	62.9	77.4	23.2%
0.0	185.5	-	Federal CARES Act Assistance	0.0	185.5	-
19.7	27.9	41.7%	State Transit Assistance (STA)	39.4	41.1	4.5%
0.0	(0.0)	-	Low Carbon Transit Op Prog	8.4	8.4	0.0%
3.5	5.3	51.0%	Low Carbon Fuel Std Prog	14.1	22.9	61.7%
(11.8)	(11.3)	4.2%	Debt Service	(47.2)	(45.9)	2.8%
(35.5)	(110.4)	-210.6%	Capital and Other Allocations	(100.3)	(171.9)	-71.4%
0.0	60.1	-	GASB 68 Pension Adj. Offset	0.0	60.1	-
0.0	(8.0)	-	GASB 75 OPEB Adj. Offset	0.0	(8.0)	-
0.0	1.4	-	NBV of Fixed Assets Disposed	0.0	1.4	-
<b>63.8</b>	<b>238.7</b>	<b>274.3%</b>	<b>Net Financial Assistance</b>	<b>254.3</b>	<b>438.0</b>	<b>72.3%</b>
<b>1.0</b>	<b>27.7</b>	<b>26.7%</b>	<b>Net Operating Result</b>	<b>0.0</b>	<b>0.0</b>	<b>(0.0)</b>
69.1%	9.7%	-59.4%	<b>System Operating Ratio</b>	68.2%	50.9%	-17.4%
<b>0.438 ¢</b>	<b>4.889 ¢</b>	<b>-1015.1%</b>	<b>Rail Cost / Passenger Mile</b>	<b>0.436 ¢</b>	<b>0.604 ¢</b>	<b>-38.4%</b>

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

- No Problem
- Caution: Potential Problem/Problem Being Addressed
- Significant Problem

## Attachment 2

### Explanation of GASB 68 and 75

Governmental Accounting Standards Board (GASB) Statements No. 68 and No 75 establish accounting and financial reporting standards and requirements related to pension liability and post-employment benefits other than pensions (Other Post-Employment Benefits or OPEB), respectively, for state and local government employers. GASB 68 applies to the District's pension program while GASB 75 applies to all OPEB programs, which include retiree medical, survivor benefits, and life insurance. The standards represent a shift from the "funding based approach" to an "accounting based approach" and are intended to provide standardization and additional transparency for public agency pension and OPEB reporting. The standards call for public agencies to report their present obligation to pay future benefits. These future benefits are recognized in the financial statements but not paid. Therefore, the expenses reported in the District's financial statements, which follow Generally Accepted Accounting Principles (GAAP) and GASB guidelines, will be different than the amounts required to be paid to CalPERS annually to fund the pension plans and contributions to OPEB. The District's annual operating budget accounts for actual payment to CalPERS as an expense based on the amount of funds contributed to pensions during the year and the amounts contributed to OPEB per actuarial calculations. The expenses determined under GASB 68 and GASB 75 are not funded by the District, so the recognized expenses are backed out as non-expense allocations to reconcile with the District's annual operating budget.

The main changes to financial statements from adopting the GASB 68 and 75 are that employers now report the pension and OPEB liabilities on their balance sheet, and expenses are calculated in a different manner than the payments required to fund the contributions. Local governments now receive two actuarial reports for each pension plan and OPEB program, one for funding contributions and a second valuation for financial reporting.

## Attachment 3

### FY20 Operating Results, Including Accounting Adjustments

#### FY20 Operating Results (\$ million)

		Budget		Actual	Var.	%
<b>Sources</b>	Operating Revenue	\$ 545.5	\$	399.3	\$ (146.2)	-26.8%
	Sales Tax	277.0		266.9	(10.1)	-3.6%
	Other Assistance	124.8		335.3	210.6	168.8%
	<b>Total Sources</b>	<b>947.3</b>		<b>1,001.5</b>	<b>54.3</b>	<b>5.7%</b>
<b>Uses</b>	Labor	591.6		586.2	5.4	0.9%
	<i>OPEB Unfunded Liability</i> <sup>(1)</sup>				-	
	<i>Pension - GASB 68 Adjustment</i> <sup>(2)</sup>	-		60.1	(60.1)	
	<i>Non-Pension - GASB 75 Adjustment</i> <sup>(3)</sup>	-		(8.0)	8.0	
	Non-Labor	208.1		198.9	9.2	4.4%
	<b>Total Expense</b>	<b>799.8</b>		<b>837.3</b>	<b>(37.6)</b>	<b>-4.7%</b>
	Debt Service	47.2		45.9	1.3	2.8%
	Capital & Other Allocations	100.3		171.9	(71.6)	-71.4%
	<b>Total Debt Service &amp; Allocations</b>	<b>147.5</b>		<b>217.8</b>	<b>(70.3)</b>	<b>-47.7%</b>
	<b>Total Uses</b>	<b>947.3</b>		<b>1,055.1</b>	<b>(107.9)</b>	<b>-11.4%</b>
	<i>OPEB Unfunded Liability</i> <sup>(1)</sup>	-		-	-	
	<i>Pension - GASB 68 Adjustment Offset</i> <sup>(2)</sup>	-		(60.1)	60.1	
	<i>Non-Pension - GASB 75 Adjustment Offset</i> <sup>(3)</sup>	-		8.0	(8.0)	
	<i>NBV of Fixed Assets Disposed</i> <sup>(4)</sup>	-		(1.4)	1.4	
	<b>Total Uses - After Adjustments</b>	<b>947.3</b>		<b>1,001.5</b>	<b>(54.3)</b>	<b>-5.7%</b>
	<b>NET RESULT</b>	<b>\$ 0.0</b>	<b>\$</b>	<b>0.0</b>	<b>\$ (0.0)</b>	

<sup>(1)</sup> OPEB Unfunded Liability: Other Post Employment Benefits, primarily life insurance (non-cash adjustment)

<sup>(2)</sup> GASB 68 requires restating of pension expense (non-cash adjustment)

<sup>(3)</sup> GASB 75 requires restating of non-pension post-employment expense (non-cash adjustment)

<sup>(4)</sup> Non cash transaction related to the net book value of fixed assets disposed not considered in the operating budget

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** September 18, 2020

**FROM:** General Manager

**SUBJECT:** Administration Agenda: Fiscal Year 2021 Budget Outlook

At the September 24, 2020 BART Board of Director's meeting, the District's "Fiscal Year 2021 Budget Outlook" will be presented as an information item.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at [pherhol@bart.gov](mailto:pherhol@bart.gov), or (510) 464-6168.

  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# ▶ FY21 Budget Update

September 24, 2020



# Agenda

- Recap of 9/10 budget outlook
- Indicators
  - Containment and new re-opening framework
- Other Operators Update
- Summary / Next Steps

# 9/10 Recap: Summary

## Ridership Data

- **Remaining BART riders are mostly essential workers**; many lack access to a car and have low incomes. Stations serving lower income neighborhoods are now among our busiest.
- **Current distribution of trips by time is similar to pre-COVID**, average trip length and average fare fell sharply and first, but have bounced back since April
- **Most peer US rail services continue to have very low ridership**, as do air carriers
- **Many factors influence ridership recovery**, each with great uncertainty. Vaccine timing and efficacy, confidence in transit, and the timing of return to on-site work are critical factors.







## Budget Update

- **COVID Expenses are projected to be below budget**, but we continue to monitor needs
- **Staff is preparing options to address the projected serious FY21 operating budget shortfall**; these will consider cost reductions (labor and non labor), revenue strategies, and one-time resources
- **Additional federal and state funding is required** to avoid damaging cuts to essential service

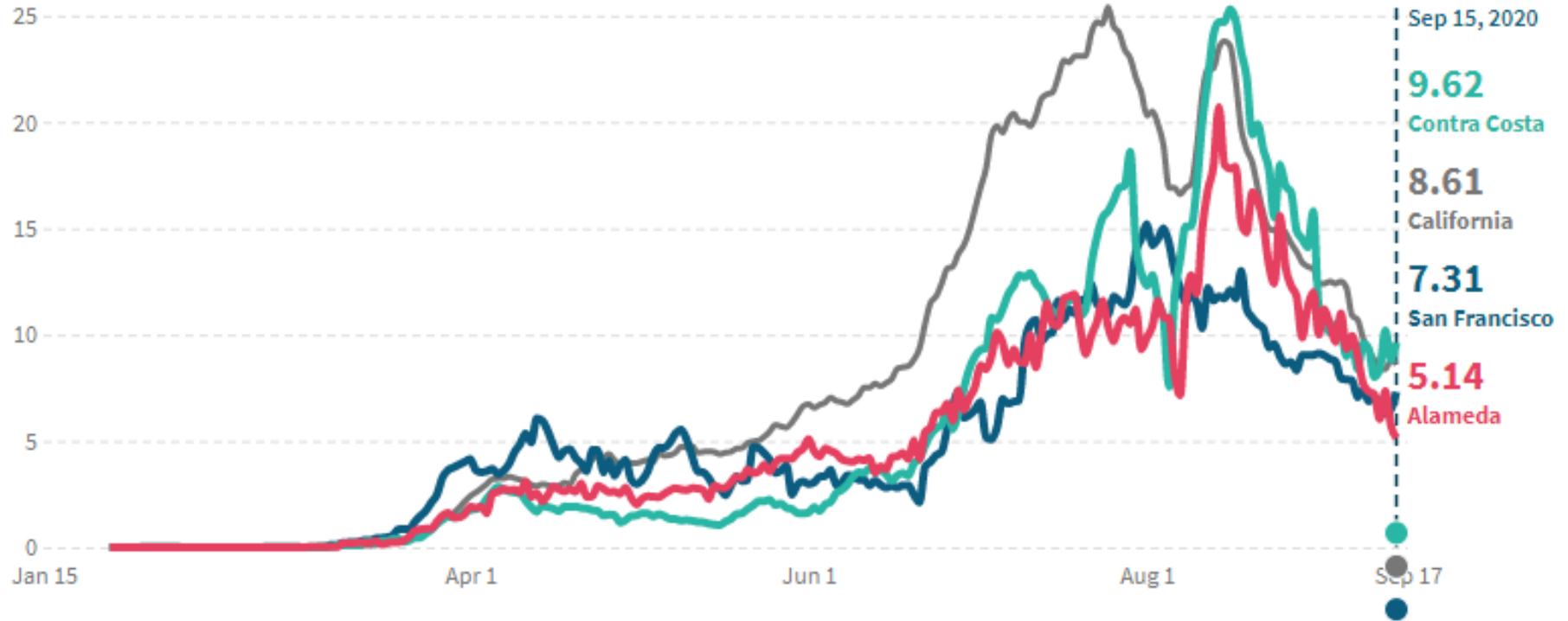
→ **Directors asked for follow up information about Bay Area + CA operator ridership and service levels**



# Key Indicators Staff Are Monitoring

Revenue Category	Outcome	Impact
<b>Estimated FY20 Year-end Result</b>	FY20 close action item on agenda	
<b>COVID Containment</b>	Containment still distant, but situation improving. Emerging indications that containment in other places not significantly impacting ridership	
<b>Fare Revenue</b>	Ridership levelled off at 12% of pre-COVID baseline	
<b>FY21 Sales Tax</b>	BART sales tax receipts were \$3.6M (10%) above budget through August, but approximately \$2.3M (6%) below budget after excluding late payments received from taxable sales activity that occurred in prior periods	
<b>FEMA reimbursement</b>	First claim (\$1.9M) submitted in August, second claim being prepared by staff	
<b>Federal Emergency Assistance</b>	No update; federal assistance not included in FY21 or FY22 revenue projections	

# COVID Containment: New Cases Dropping



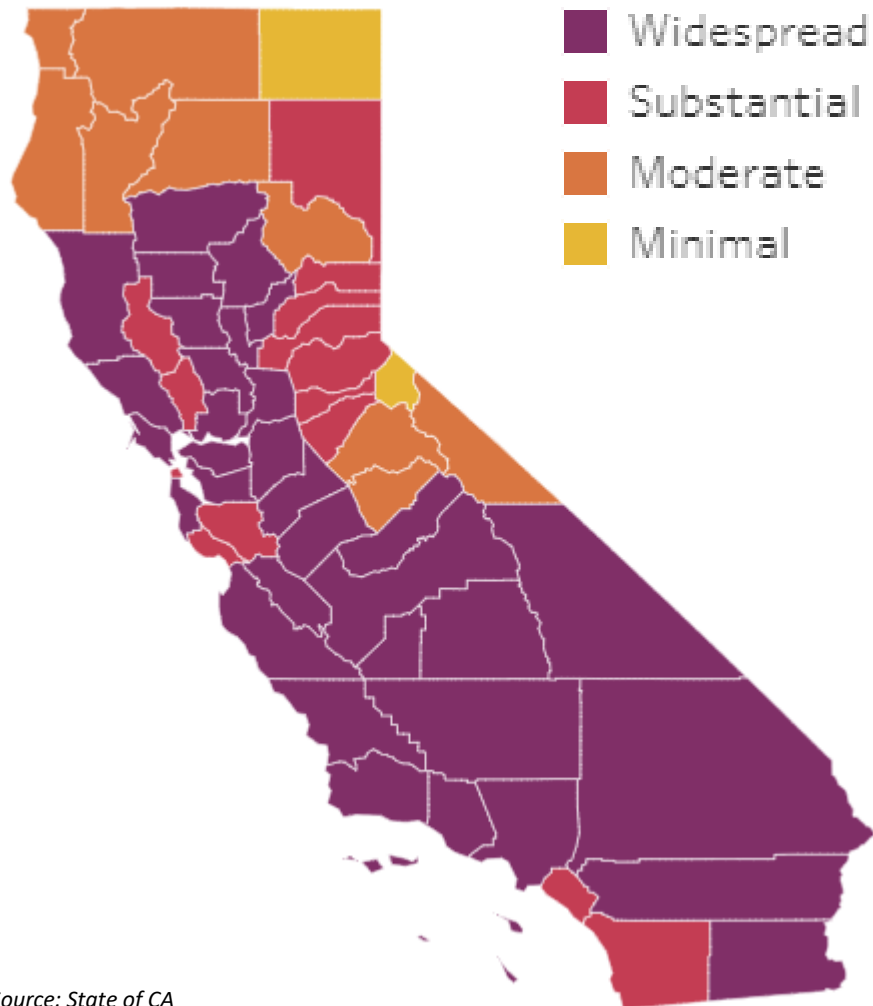
Source: [www.TrackTheRecovery.org](http://www.TrackTheRecovery.org)  
 Accessed 9/17/20

# California has adopted a new re-opening framework

County risk level	New cases	Positive tests
<p><b>WIDESPREAD</b></p> <p>Many non-essential indoor business operations are closed</p>	<p><b>More than 7</b></p> <p>daily new cases (per 100k)</p>	<p><b>More than 8%</b></p> <p>Positive tests</p>
<p><b>SUBSTANTIAL</b></p> <p>Some non-essential indoor business operations are closed</p>	<p><b>4 - 7</b></p> <p>daily new cases (per 100k)</p>	<p><b>5 - 8%</b></p> <p>Positive tests</p>
<p><b>MODERATE</b></p> <p>Some indoor business operations are open with modifications</p>	<p><b>1 - 3.9</b></p> <p>daily new cases (per 100k)</p>	<p><b>2 - 4.9%</b></p> <p>Positive tests</p>
<p><b>MINIMAL</b></p> <p>Most indoor business operations are open with modifications</p>	<p><b>Less than 1</b></p> <p>daily new cases (per 100k)</p>	<p><b>Less than 2%</b></p> <p>Positive tests</p>

Source: State of CA  
 Accessed 9/11/20

# BART counties showing mixed progress



## BART Counties by Status:

San Francisco

Alameda

Contra Costa

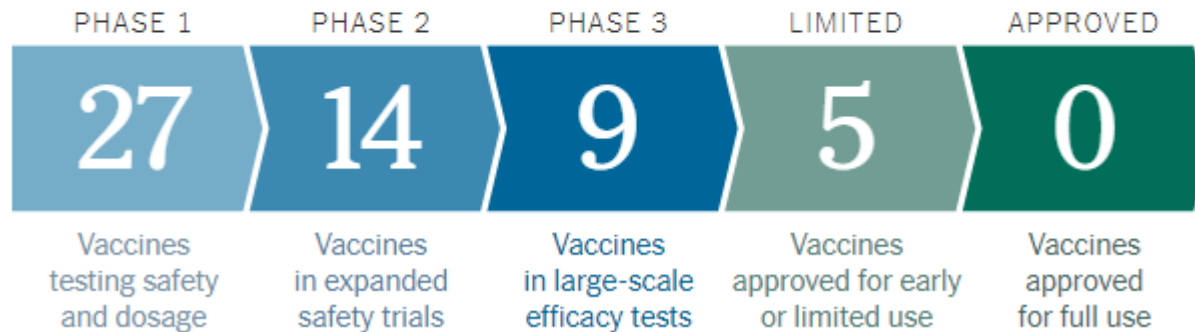
San Mateo

Santa Clara

# Ridership recovery largely dependent on vaccine development progress

## Coronavirus Vaccine Tracker

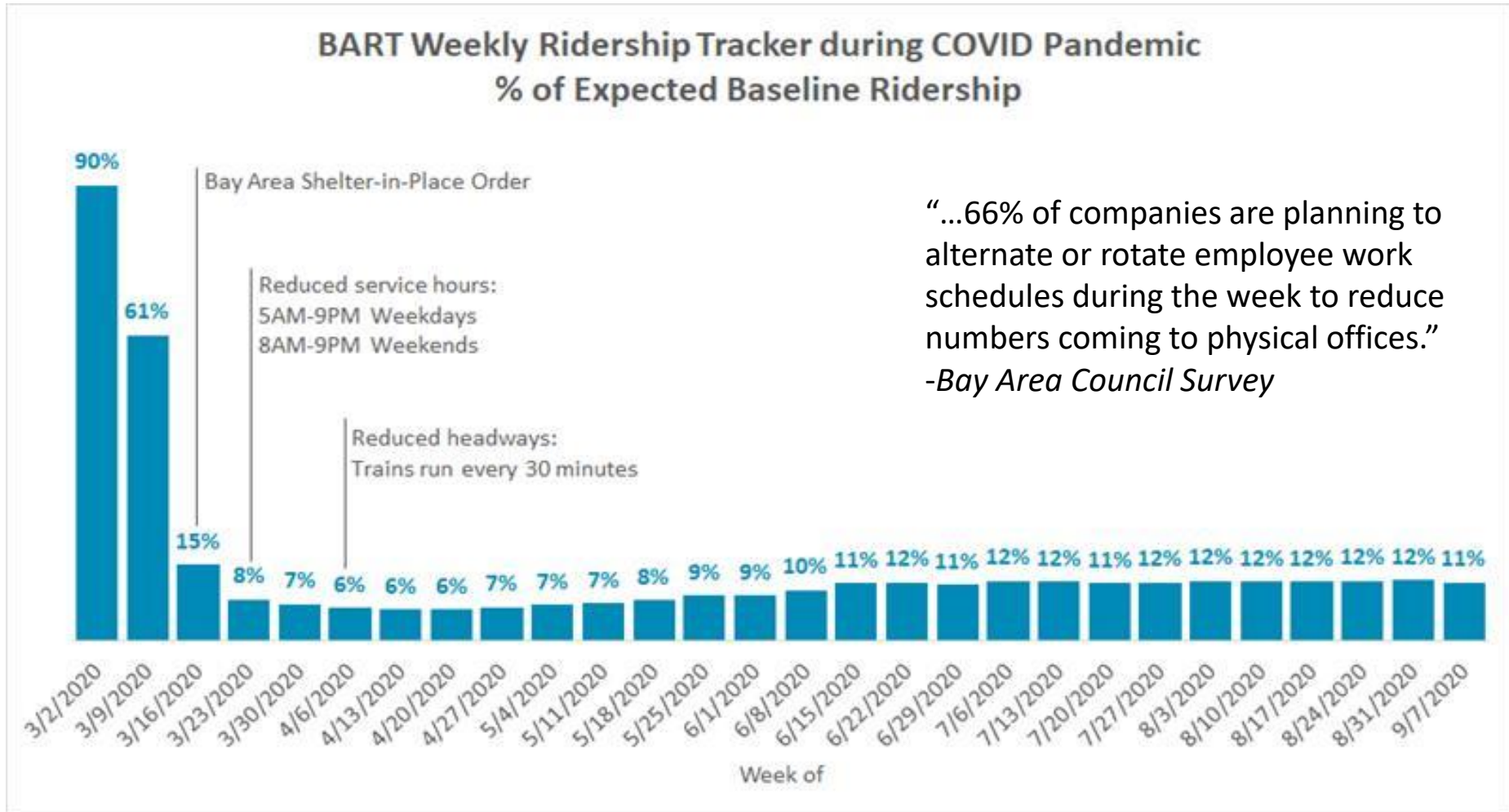
By Jonathan Corum, Sui-Lee Wee and Carl Zimmer Updated September 17, 2020



Source: NYTimes.com  
Accessed 9/17/20

- **Vaccine research is proceeding**
- **Major uncertainty:** How soon can a vaccine be approved? How effective will it be? How quickly can it be made widely available? How much and how quickly will it result in behavior change?
- **Other active research** with potential to influence travel behavior before a vaccine: monoclonal antibody treatments; rapid testing

# Ridership flat at around 12% of pre-COVID baseline

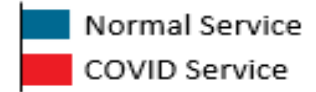


“...66% of companies are planning to alternate or rotate employee work schedules during the week to reduce numbers coming to physical offices.”  
 -Bay Area Council Survey



Source: Survey completed May 13-14, 2020 by 123 Bay Area Council member companies.  
<https://www.bayareacouncil.org/press-releases/new-ceo-survey-finds-dramatic-workplace-changes-in-response-to-covid-19/>

# Peer rail systems have not seen major increases in ridership as service frequency has returned to normal levels



System	Changes	Daily service Hours	Service frequency Min/line	Additional notes	Ridership YTD %, July '20
<b>BART</b>	<ul style="list-style-type: none"> <li>Hours</li> <li>Frequency</li> </ul>			Had reduced service frequency to 30 minute headways; returned to 15 minute peak hour service on Sep 14 <sup>th</sup>	<b>12%</b>
<b>WMATA</b>	<ul style="list-style-type: none"> <li>Hours</li> <li>Frequency</li> <li>Closures (stations)</li> </ul>			Reopened 19 closed stations on Jun 28 <sup>th</sup> , reached 20 minute headways	<b>10%</b>
<b>MARTA</b>	<ul style="list-style-type: none"> <li>Schedule (Sunday)</li> </ul>			Modified weekend schedules	<b>28%</b>
<b>LA Metro</b>	<ul style="list-style-type: none"> <li>Schedule (hybrid)</li> </ul>			Plans increase service in areas where and when they see demand growing.	<b>52%</b>
<b>SF Muni Metro</b>	<ul style="list-style-type: none"> <li>Closures (service)</li> </ul>			Will remain shut for further updated service arrangements	<b>0%</b>
<b>Caltrain</b>	<ul style="list-style-type: none"> <li>Hours</li> <li>Frequency</li> <li>Closure (stations)</li> </ul>			Initially reduced to 42 of the 92 train schedule, using skip-stop service, but returned to 70 trains per day in June	<b>7%</b>
<b>MBTA</b>	<ul style="list-style-type: none"> <li>Schedule (Saturday and ad-hoc)</li> </ul>			Ramped up weekday service from 13 to 9 min/line frequency, to prevent over crowding	<b>20%</b>
<b>AC Transit (bus only)</b>	<ul style="list-style-type: none"> <li>Schedule (Sunday)</li> <li>Closures (service)</li> </ul>			Operates with minor times changes from Sunday schedule. Shuttle service not operating	<b>44%</b>
<b>NJ Transit</b>	<ul style="list-style-type: none"> <li>Schedule (holiday and ad-hoc)</li> </ul>			Had been reduced to 20 minute headways, but resumed full weekday service July 6th	<b>17%</b>
<b>NY MTA</b>	<ul style="list-style-type: none"> <li>Hours</li> </ul>			Subway service from 1 AM to 4 AM not running until further notice, time used for cleaning	<b>26%</b>



1: Number of trains operated by Caltrain  
Source: Press Search, NTD

# Summary

**Indicators:** Slow improvement on containment since June, ridership flat but some city and county re-openings are planned/in progress

## Looking Forward

- **Cost cutting options for consideration and potential budget revision to the Board in October**
- **Budget revision will incorporate expense and revenue projections in line with what has previously been presented to the Board**, including current revenue projections and load shedding/other service-related savings
- **Budget revision will include additional savings from current reduced service levels**; if Board-approved service plan expenses are in excess of projected revenues, budget revision may assume additional revenues (likely reserves) to balance; this may be revisited through a subsequent budget revision



# Board Calendar 2020

## Planned Dates

## Topic

September 24

FY20 Year End Close Resolution  
FY21 Budget Update

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October 8

FY21 Budget Revision discussion (sources and uses),  
potential service plans

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October 22

FY21 Budget Revision

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November 19

FY21 Budget Update

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December 3

FY21 Budget Update

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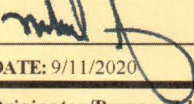
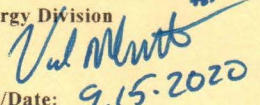
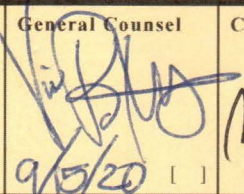
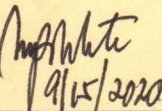



# Discussion





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  9/16/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/11/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Bostrom Dept: Energy Division  Signature/Date: 9.15.2020	General Counsel  9/15/20 [ ]	Controller/Treasurer  9/15/2020 [ ]	District Secretary [ ]	BARC  9/15/2020 [ ]

### Approval of Second Amendment to Sky River Wind Power Purchase Agreement

#### PURPOSE:

To obtain Board authorization for the General Manager to execute the Second Amendment to the Sky River Wind Power Purchase Agreement with Sky River Wind, LLC developed by NextEra Energy Resources.

#### DISCUSSION:

The District relies on a portfolio of long-term fixed-price power purchase agreements (“PPAs” or “contracts”) to serve its electrical load requirements. Since 2015, the District’s authority includes the ability to purchase electricity directly from eligible renewable energy resources as defined under the state’s Renewable Portfolio Standard in a manner consistent with District policies, applicable requirements, and state and federal laws.

On December 15, 2017, the District entered into a 20-year PPA for the offtake of electricity and other wholesale products from the Sky River Wind project. Under the original PPA, the project was designed to be approximately 60 megawatts (MW) and was expected to generate approximately 257,000 megawatt-hours (MWhs) annually pending commercial operation by year-end of calendar year 2020. The PPA was amended in August 2019 to accelerate the project delivery schedule by four months to the fall of 2020 and to revise the turbine equipment specification to accommodate the use of 2.8 MW wind turbine generators.

In January 2020, BART staff was notified by NextEra Energy Resources that the project was then facing a one-year project delivery delay citing difficulties securing certification of site suitability from the project's preferred turbine supplier. Following verification with the turbine supplier, BART staff notified the Board of the situation on February 20, 2020.

Since then, BART has worked with the project developer to identify an alternate turbine supplier, update the project configuration to accommodate an alternate turbine specification, and evaluate necessary revisions to the District's Sky River Wind PPA to maintain project viability. The Second Amendment as outlined below would allow the project to initiate construction with an updated project design, while remaining responsive to the District's changing needs in light of the COVID-19 pandemic, which has directly impacted the District's operations since commercial discussions on this project began. Notably, the proposed amendment also allows the District to limit its exposure to incremental project costs, while maintaining a contract price approximately 25% below current market pricing for equivalent fixed-price products.

Under the Second Amendment, the following amendment terms would be adopted, subject to the approval of the Office of General Counsel as to form:

- Revision of the project delivery schedule reflecting a 1-year project delivery delay from fall 2020 to fall 2021.
- Revision of the turbine specification to accommodate an alternate turbine supplier, 2.9 MW and/or 3.0 MW turbines, and a resultant reconfiguration of the project layout.
- Fifteen percent (15%) increase to PPA price per unit of electricity delivered.
- Revision of installed capacity under the District's PPA to 29.5 MW.
- Introduction of a guarantee of 2021 electricity deliveries, subject to shortfall damages.
- Revision of the Outside Commercial Operation Date to December 31, 2021, granting the District the option to terminate the PPA if the project does not achieve commercial operation in 2021.

	<b>Original PPA</b>	<b>Amendment #1</b>	<b>Amendment #2</b>
<b>Developer:</b>	NextEra Energy	NextEra Energy	NextEra Energy
<b>Project Name:</b>	Sky River Wind	Sky River Wind	Sky River Wind
<b>Technology:</b>	Wind	Wind	Wind
<b>Location:</b>	Kern County	Kern County	Kern County
<b>Delivery Term:</b>	20 years	20 years	20 years
<b>Commercial</b>	Year-end 2020	Fall 2020	Fall 2021

<b>Operation:</b>			
<b>Project Size:</b>	61.7 MW	61.7 MW	29.5 MW
<b>Annual Expected Output:</b>	257,000 MWh	257,000 MWh	106,000 MWh
<b>Annual Expected Cost Obligation:</b>	\$8.5M	\$8.5M	\$4.0M

**FISCAL IMPACT:**

Under the proposed terms of the Second Amendment, the per unit price increase in conjunction with the reduction in annual expected output would result in a net \$4.4M reduction to the District's annual cost obligation under the Sky River Wind PPA.

It is conceivable that the District could incur additional costs to replace some or all of the electricity conceded the terms of the Second Amendment; however, the quantity replaced will be directly informed by the District's needs as determined by its ridership and service plan(s) in FY22 and beyond. Similarly, the final cost of any replacement electricity procured will be determined by market pricing at the time replacement products are secured. This approach is recommended to maintain a low-cost of electric supply, while also providing the District additional flexibility to prudently manage its electric supply position in response to a thirty-five percent (35%) unplanned reduction in electrical load attributed to the COVID-19 global pandemic.

This action will have no impact on the District in FY21, as the project will not become operational until FY22. Additionally, this action is not anticipated to have any fiscal impact on unprogrammed District Reserves.

**ALTERNATIVES:**

The District could reject the execution of the Second Amendment. Failure to execute an amendment to address the required project design modifications and associated project costs would result in contract termination as the project is no longer able to fulfill its obligations under the existing PPA. In the event of contract termination, the District would need to identify one or more alternative source(s) of electric supply and would need to execute a replacement power purchase agreement(s) at prevailing market pricing, currently estimated at 25% greater than the pricing proposed under the Second Amendment.

**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

The General Manager is authorized to execute the Second Amendment to the Power Purchase Agreement between Sky River Wind, LLC and San Francisco Bay Area Rapid Transit District.

# Second Amendment to BART's Sky River Wind Power Purchase Agreement (PPA)

September 24, 2020



# Sky River Wind: Background & Current Status

**Request:** District staff is requesting Board approval of an amendment to the Sky River Wind power purchase agreement (PPA) allowing the project to initiate construction with an updated project design.

## Background

- BART's Sky River Wind power purchase agreement (PPA) was originally executed in December 2017 with Board approval.
- Project (61.7 MW) sized to serve ~50% of BART's pre-COVID annual electric load over a 20-year term.
- Under existing PPA, project is scheduled for delivery in fall 2020.\*

## Current Status

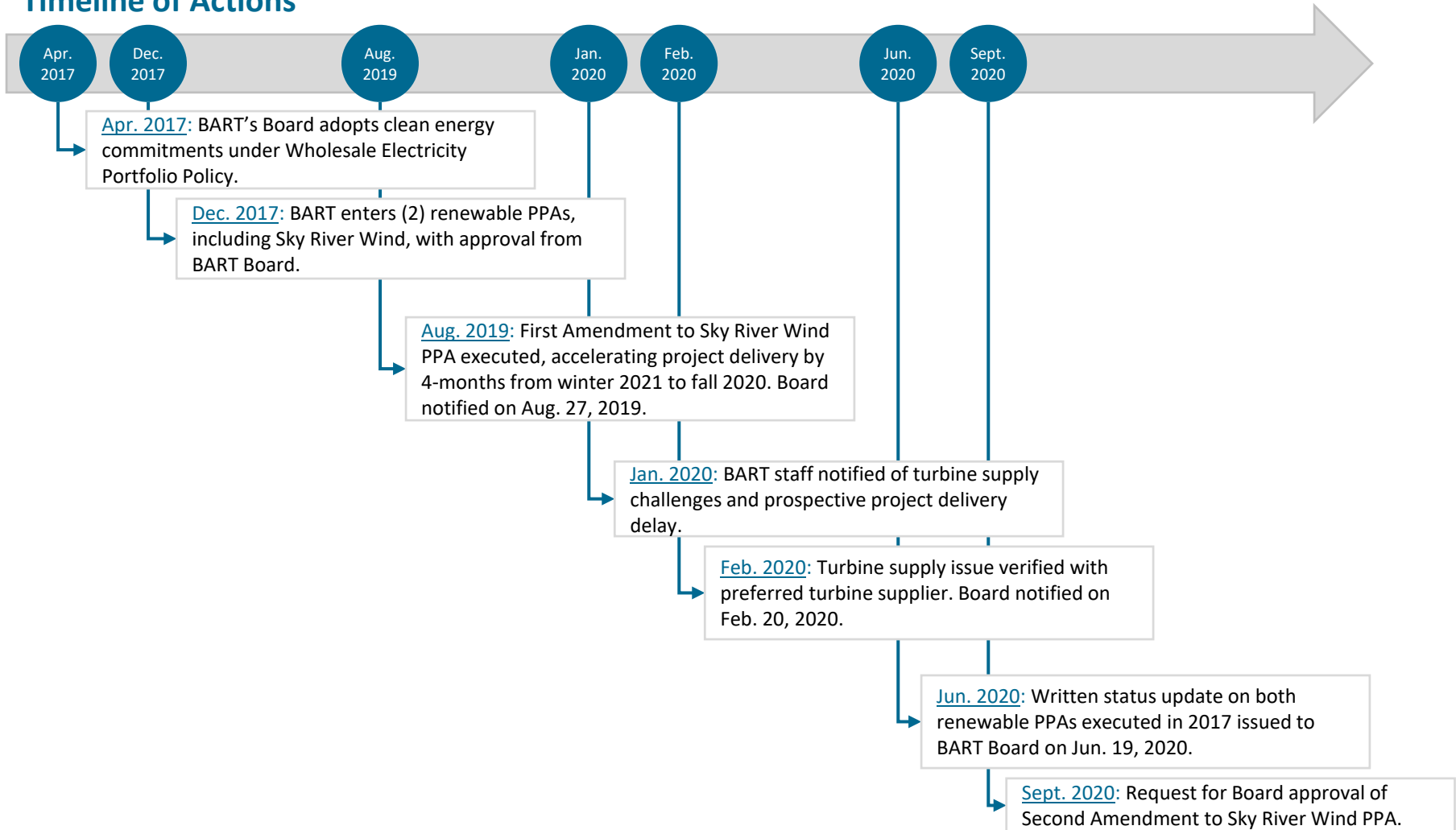
- The Sky River Wind project is facing site reconfiguration and a consequent project delivery delay due to challenges securing certification of the wind turbines originally specified for the project.
- BART staff has verified turbine supply challenges with the preferred turbine supplier directly.
- To resolve the situation, the project developer has identified an alternate turbine supplier and has provided an updated site configuration to maintain viability of the project.

\* The project delivery of Sky River Wind was accelerated from 2021 to fall 2020 under the First Amendment, executed in August 2019, prior to knowledge of the construction delay. Amendment #1 was approved as to form by the Office of General Counsel and the Board was subsequently notified on August 27, 2019.



# Timeline of BART Actions on Sky River Wind PPA

## Timeline of Actions



# BART Alternatives & Additional Considerations

## Alternatives

### 1. Second Amendment:

- Execute mutually agreeable PPA amendment to address site reconfiguration and project delivery delay.

### 2. Termination:

- Terminate PPA, either with mutual consent from project developer or pending formal event of default.
- Project developer forfeits \$3.7M of Development Security to BART.
  - Short-term Implications: BART required to secure short-term GHG-free replacement supply at current market pricing.
  - Long-term Implications: BART to secure replacement PPA with alternate renewable project.
    - New projects unlikely to come online before 2024
    - New projects no longer eligible for federal Production Tax Credit
    - In-state wind no longer available at comparable pricing

## BART Priorities under Second Amendment

### Project Priorities

- Limit exposure to incremental project costs
- Maintain “below market” contract price
- Require 2021 project delivery
- Maintain desirable project location
- Maintain benefits of “repower” project

### Portfolio Priorities

- Remain on-track to meet or exceed BART’s clean energy commitments
- Reduce surplus supply position due to unplanned operating conditions
- Reduce annual cost obligations over near- to mid-term
- Pursue opportunities to enhance diversity of electric supply portfolio
- Reduce exposure to project development risk

# Staff Recommendation

**Recommendation:** District staff recommends Board approval of a second amendment to the Sky River Wind PPA allowing the project to initiate construction with an updated project design.

## Terms of Second Amendment

- **Schedule:** Amend project delivery schedule to reflect a 1-year project delivery delay (Fall 2020 to Fall 2021).
- **Turbine Specifications:** Amend turbine specs to accommodate an alternate turbine supplier and updated project layout.
- **Project Size:** Reduce installed capacity under the BART's PPA to approximately 30 MW. (*Balance of project to serve a second Buyer under a separate PPA.*)
- **Price:** Increase contract price by percent (15%) per unit of electricity delivered.
- **Additional Protections to the District:**
  - Guarantee of 2021 energy deliveries, subject to shortfall damages.
  - Maintains full \$3.7M of Development Security in the event of contract default.
  - Amend Outside Commercial Operation Date to December 31, 2021, granting the BART the option to terminate the PPA if the project does not achieve commercial operation in 2021.

# Sky River Wind: Summary of Second Amendment

As proposed, the Second Amendment to the Sky River Wind PPA achieves the following:

- ✓ Keeps BART on track to meet and exceed its ambitious clean energy commitments.
- ✓ Maintains the project's full GHG-reduction benefit, serving (2) Buyers under (2) separate PPAs.
- ✓ Represents BART's lowest cost alternative to serve its electric supply needs in FY22 and beyond, maintaining contract price approximately 25% below current market pricing.
- ✓ Responsive to load uncertainty due to COVID-19 global pandemic over the near- to mid-term.
- ✓ Sheds \$4.4M in annual cost obligations beginning in FY22 and offers increased flexibility to integrate new sources of GHG-free supply as electric load recovers with increased ridership.
- ✓ Effective in "right sizing" project within BART's supply portfolio to enhance portfolio diversity and mitigate market risks.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

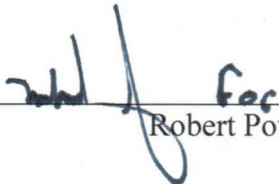
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## MEMORANDUM

**TO:** Board of Directors **DATE:** September 18, 2020  
**FROM:** General Manager  
**SUBJECT:** PPAAL Agenda Item: Update on BART New Headquarters - For Information

At the Board of Directors meeting on September 24, 2020, the BART New Headquarters located at 2150 Webster Street, Oakland, CA, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.

  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# BART Headquarters (BHQ) Update

BART Board Meeting

9/24/2020

# AGENDA



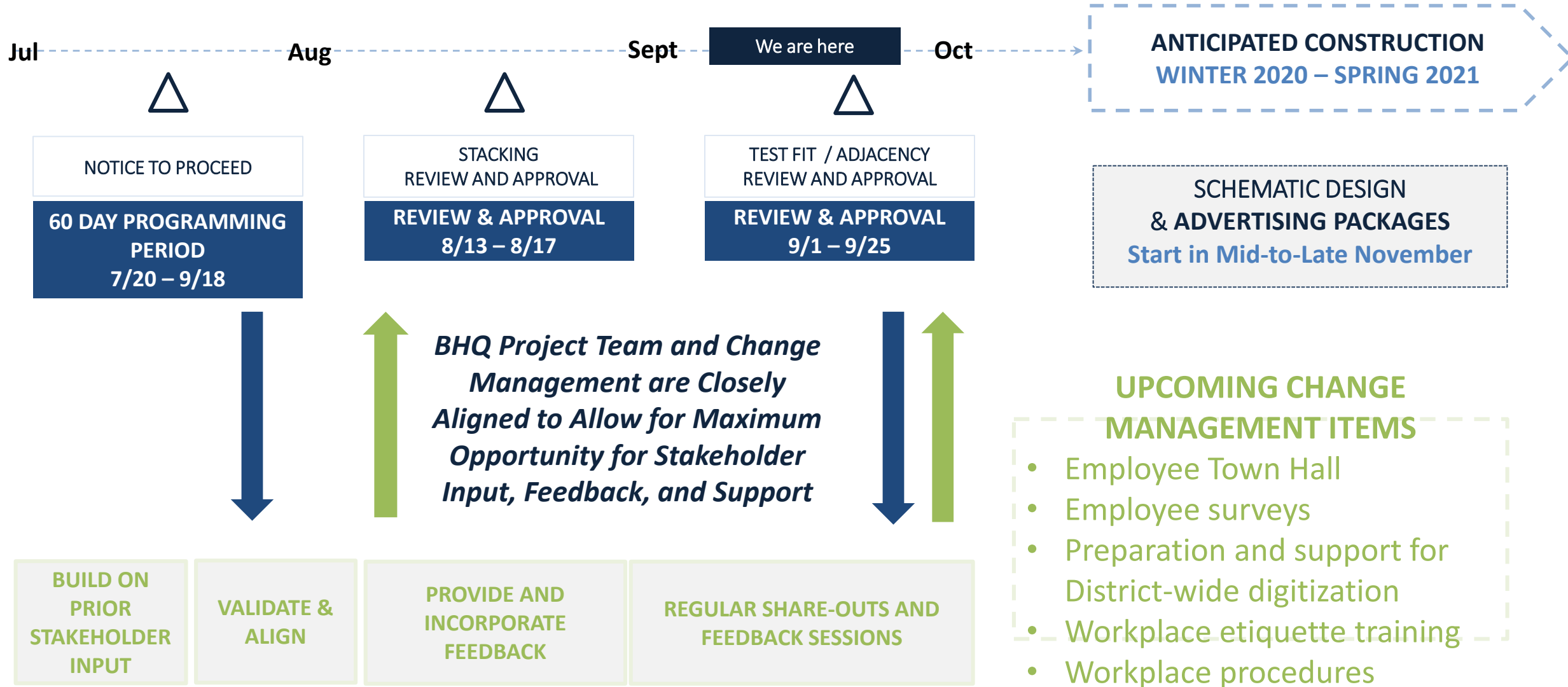
- **Schedule Overview**
- **Stakeholder Engagement**
- **Outreach Overview**

# BHQ Programmatic Timeline





# BHQ Stakeholder Input + Programmatic Timeline



# SMALL BUSINESS SUPPORT SERVICES BART HQ - TECHNICAL ASSISTANCE

## Available SBSS Services

ONE-ON-ONE TECHNICAL  
ASSISTANCE

WORKSHOP DEVELOPMENT

OUTREACH / MATCHMAKING  
SERVICES

CERTIFICATION / PRE-QUAL  
ASSISTANCE

ACCESS TO CAPITAL  
ASSISTANCE

CHANGE ORDERS / RFIs

BART POLICIES AND  
PROCEDURES

Total Participants:  
**107 Firms\*\***

\*\* Data shown pertains to July, August, &  
September 2020

# BART/TURNER OUTREACH EVENTS

## Four (4) OUTREACH EVENTS

**7/28/2020**  
**OUTREACH**  
**162 PARTICIPANTS**

**8/11/2020**  
**OUTREACH**  
**47 PARTICIPANTS**

**8/25/2020**  
**OUTREACH**  
**49 PARTICIPANTS**

**9/08/2020**  
**OUTREACH**  
**51 PARTICIPANTS**

Total Participants :  
**309 Firms**

# BART/TURNER MATCHMAKING EVENTS

## September Schedule

- 9/2-9/3: Millwork/Glazing
- 9/8: General Requirements/ Steel, Misc. Iron
- 9/10-9/11: Acoustical Ceiling/Doors, Frames and Hardware
- 9/16-9/17: Painting/Flooring/Ceramic Tiles/Signage/Others

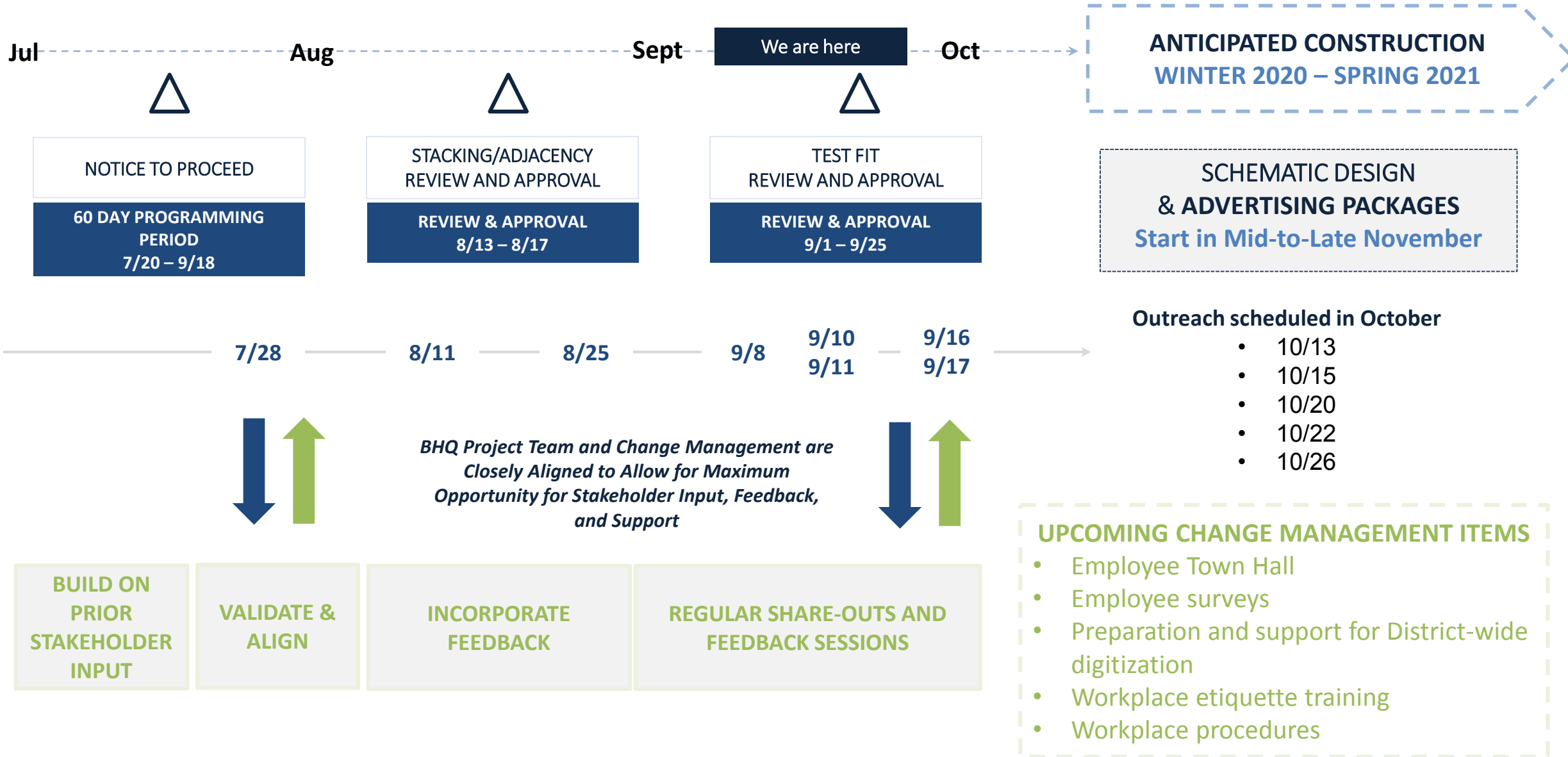
## October Schedule

Five (5) events scheduled in October

- 10/13
- 10/15
- 10/20
- 10/22
- 10/26

September Participants:  
**33 Firms**

# BHQ Stakeholder + Outreach + Programmatic Timeline



Questions?

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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MEMORANDUM

**TO:** Board of Directors

**DATE:** September 18, 2020

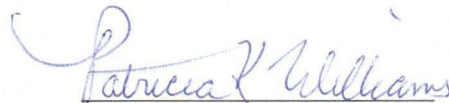
**FROM:** District Secretary

**SUBJECT:** Resolution in Support of Clean Air Day

At the request of Director Foley, attached is a proposed resolution supporting Clean Air Day. BART is committed to the health of our riders, workforce, visitors, and community. October 7, 2020, is the proposed "Clean Air Day" at BART.

If you have any questions or concerns, please contact Director Foley or me.

Thank you.

  
Patricia K. Williams

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

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

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

In the matter of Support for and Declaration of  
California Clean Air Day \_\_\_\_\_

WHEREAS, air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health; and

WHEREAS, California has some of the most polluted regions in the United States; and

WHEREAS, it is vital that we protect the health and well-being of our residents, visitors, and workforce; and

WHEREAS, emissions from vehicles, industry, and even household sources significantly affect the natural environment, air quality and well-being of residents, employees, and commuters of the San Francisco Bay Area; and

WHEREAS, individual actions such as not idling vehicles, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region; and

WHEREAS, everyone can play a role; and

WHEREAS, education about air quality can raise community awareness, encourage our community to develop better habits, and improve our community health; and

WHEREAS, Californians will be joining together across the state to clear the air on October 7, 2020; and

WHEREAS, BART is committed to the health of our riders, workforce, visitors, and community at large;

NOW, THEREFORE BE IT RESOLVED, that October 7, 2020 be declared "Clean Air Day" at BART, and

BE IT FURTHER RESOLVED that we ask all BART department heads to determine how their employees can participate in Clean Air Day, as appropriate, and report back on those actions; and

BE IT FURTHER RESOLVED that we encourage all residents, businesses, employees, and community members to participate in Clean Air Day and help clear the air for all Californians.

Adopted \_\_\_\_\_