

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

October 9, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, October 9, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors 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 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/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.
- D. Public Hearing: Consideration of an Energy Service Contract under the Association of Bay Area Government (ABAG) Energy Watch Direct Install Program to Upgrade Light Fixtures at District Stations.\*

## 2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 25, 2008.\* Board requested to authorize.
- B. Award of Contract No. 79HP-110, BART Communication Center Reconfiguration, Joseph P. Bort MetroCenter Building.\* Board requested to authorize.
- C. Award of Invitation for Bid No. 8835, Purchase of Bag Liners.\* 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

Director Franklin, Chairperson

NO REPORT.

#### ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Board Meeting recess

Director Fang, Chairperson

- B-1. Award of Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures - North Oakland.\* Board requested to authorize.
- B-2. Potential Changes to the District’s “No Drinking” Policy.\* 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 Ward Allen, Chairperson

- C-1. Proposed EZ Rider Program Card and Parking Hangtag Fees and Charges. Board requested to authorize.\* (TWO-THIRDS VOTE REQUIRED.)
- C-2. Transportation 2035 – Regional Transportation Plan Investment Plan – Impacts on BART Capital Program.\* For information.
- C-3. 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  
NO REPORT.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Award of Contract No. 15SU-120, Earthquake Safety Program – Aerial Structures - North Oakland.\* Board requested to authorize.

B-2. Potential Changes to the District’s “No Drinking” Policy.\* For information.

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

C-1. Proposed EZ Rider Program Card and Parking Hangtag Fees and Charges. Board requested to authorize.\* (TWO-THIRDS VOTE REQUIRED.)

C-2. Transportation 2035 – Regional Transportation Plan Investment Plan – Impacts on BART Capital Program.\* For information.

5. GENERAL MANAGER’S REPORT

NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: General Manager  
Gov’t. Code Section: 54957

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** October 3, 2008

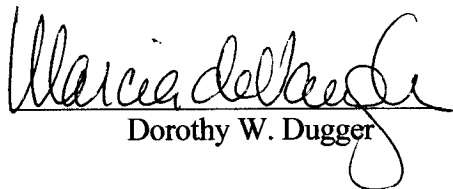
**FROM:** General Manager

**SUBJECT:** Public Hearing: Consideration of an Energy Service Contract under the ABAG Energy Watch Direct Install Program to Upgrade Light Fixtures at District Stations

At the Board meeting on Thursday, October 9<sup>th</sup>, the Board of Directors is scheduled to conduct a public hearing on a proposed energy conservation project. The energy conservation project would update the station lighting at the 16<sup>th</sup> Street and 24<sup>th</sup> Street BART Stations. These are the last two District stations to have their lighting updated to more energy efficient fixtures. This project qualifies under the Association of Bay Area Governments (ABAG) Energy Watch Direct Install Program. The program provides for rebates that are four (4) times the normal amount for lighting retrofit projects. With the program rebate and the energy savings, this project will pay for itself in approximately one year. Qualifying projects must be installed by the end of December 2008.

To help ensure that this deadline can be met, this procurement is proposed to be made under Section 4217.10 et seq. of the Government Code. This section provides public agencies an exception from statutory competitive bidding requirements for public works for energy service contracts related to energy conservation. Under these provisions of law, the District must provide a two-week public notice and conduct a public hearing before authorizing the procurement. The public hearing on October 9<sup>th</sup> will fulfill this requirement.

Board action on this item is scheduled to be calendared for the October 23<sup>rd</sup> Board of Directors Meeting.

  
Dorothy W. Dugger

cc: Board-Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Malcolm D. Dangle</i>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Forward to the Board of Directors		
<b>DATE:</b> 10/1/08		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Kevin Copley Dept: M&E <i>KGC</i> 9/30/08	<b>General Counsel:</b> <i>Andrew Kanaw</i> 10/1/08	<b>Controller/Treasurer:</b> <i>[Signature]</i> 10/1/08	<b>District Secretary:</b> [ ]	<b>BARC:</b> <i>Paul Gerson</i> 9/30/08
<b>Signature/Date:</b>				
<b>Status:</b> Routed		<b>Date Created:</b> 09/15/2008		

**TITLE:**  
**Award of Contract No. 79HP-110, BART Communications Center Reconfiguration, Joseph P. Bort MetroCenter Building**

### NARRATIVE:

#### PURPOSE:

To authorize the General Manager to Award Contract No. 79HP-110, BART Communications Center Reconfiguration, Joseph P. Bort MetroCenter Building, to Kudsk Construction, Inc. of Berkeley, California.

#### DISCUSSION:

The work to be performed under Contract No. 79HP-110 consists of selective demolition, construction services, and seismic retrofit of approximately 2,200 square feet of existing office space in the Joseph P. Bort MetroCenter Building, 101 8th Street, Oakland, CA, to be used for the Communications Center, also known as the Integrated Security Response Center (ISRC). Upon completion of the work, BART Police staff will relocate to the ISRC. The total Contract duration is 135 days from Notice to Proceed.

The Advance Notice to Bidders was mailed on July 22, 2008 to 102 prospective bidders. Contract documents were sent to 17 plan rooms. The contract was advertised on July 25, 2008. A total of eight (8) firms purchased copies of the contract documents. A pre-bid meeting and site visit were conducted on August 6, 2008 with 14 prospective bidders attending. Bids were publicly opened on August 26, 2008.

Three (3) sealed Bids were received on August 26, 2008. A tabulation of the Bids, including the Engineer's Estimate, is as follows:

Bidder	Location	Total Bid Price
Kudsk Construction, Inc.	Berkeley, CA	\$769,085.00
BCI General Contractors, Inc.	Tracy, CA	\$789,644.00
Albay Construction Co.	Martinez, CA	\$1,023,000.00
Engineer's Estimate		\$1,111,000.00

After review by the District staff, the apparent low bid submitted by Kudsk Construction, Inc. has been deemed to be responsive to the solicitation. Examination of this Bidder's

business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of \$769,085.00 is fair and reasonable.

**FISCAL IMPACT:**

Funding for \$769,085.00 for Award of Contract No. 79HP-110 is included in the total project budget for FMS #79HP, new Integrated Security Response Center. The Office of the Controller/Treasurer certifies that the funds are currently available to meet this obligation.

**F/G 52Y - FY06 FTA CA-90-Y421**

**\$769,085**

As of the month ending August 24, 2008, \$2,031,661 is available for commitment from this fund source for this project and BART has committed \$262,558 to date. There are pending commitments of \$2,173 in BART's financial management system. This action will commit \$769,085.00 leaving an uncommitted balance of \$997,845 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The alternative is to not authorize award of the Contract. If the Contract is not awarded, BART Police staff will not be able to relocate to the ISRC.

**RECOMMENDATION:**

Approve the following motion:

**MOTION:**

- The Board authorizes the General Manager to Award Contract No. 79HP-110, BART Communications Center Reconfiguration, Joseph P. Bort MetroCenter Building, to Kudsk Construction, Inc. for the total Bid price of \$769,085.00, subject to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/1/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anita C Sanchez Dept: Transportation & System Service  Signature/Date:	General Counsel  9/29/08	Controller/Treasurer  9/29/08	District Secretary [ ]	BARC [ ]
Status: Approved		Date Created: 09/08/2008		
TITLE:				

### IFB 8835 for the Purchase of Bag Liners

**NARRATIVE:**

**PURPOSE:**

To request Board authorization to award Invitation for Bid # 8835 to E Poly Star, Inc., San Leandro, CA in the amount of \$256,650.00 for the purchase of Bag Liners.

**DISCUSSION:** These bag liners are placed into the trash receptacles in the District to preserve containers from corrosion and to provide a safe and sanitary method for trash collection. Approximately 600,000 bag liners are used annually for scheduled and non-scheduled maintenance of District facilities, grounds and revenue vehicles.

This is a two (2) year estimated-quantity contract. Pursuant to the terms of the District's standard estimated-quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price, subject to availability of funding. A notice requesting bids was published on June 11, 2008 and bid requests were mailed to (6) six prospective bidders. Bids were opened on July 1, 2008 and four (4) bids were received.

Item #1 is the larger 40" wide x 48" deep plastic bag, and Item # 2 is the smaller 24" wide by 33" deep bag. Staff estimated that during the course of the two year period the District will need approximately 4,000 cases of the larger bag, and 1,000 cases of the smaller one.

Bidder	Item #1 Unit Price & Quantity	Item #2 Unit Price & Quantity	Grand Total Including 8.75% Sales Tax
E Poly Star, Inc. San Leandro, CA	\$49.50/case 4000 cases	\$38.00/case 1000 cases	\$256,650.00
Metro W. Plastics San Francisco, CA	\$50.75/case 4000 cases	\$39.96/case 1000 cases	\$264,219.00
Mercury Plastics, Inc. City of Industry, CA	\$52.00/case 4000 cases	\$42.90/case 1000 cases	\$272,853.75

Unipak, Corp.	\$66.56/case	4000 cases	
Brooklyn, NY	\$45.00/case	1000 cases	\$338,473.50

Independent cost estimate by BART staff: \$250,000.00.

Staff has determined that the apparent low bidder, E Poly Star, Inc. submitted a responsive bid that is fair and reasonable. BART's previous experience in the purchase of the larger bags includes an acquisition in October 2006 at a unit cost of \$40.77; and the smaller bags were last acquired in March 2004 at a unit price of \$16.95.

**FISCAL IMPACT:**

For Inventory: Funding will be provided from the General Fund, Materials & Supplies Inventory build-up account (140-010). The Office of the Controller-Treasurer certifies that funds are currently available.

**ALTERNATIVE:** The alternative is to reject all bids and re-advertise after removing the highly recognized BART logo requirement to obtain a lower price. However, the logo requirement is a theft-deterrent measure, as unauthorized usage would be readily apparent.

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

**MOTION:**

The General Manager is authorized to award IFB #8835, an estimated quantity contract for Bag Liners, to E Poly Star, Inc. for the bid price of \$256,650.00 including all applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> 		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to the Board of Directors		
<b>DATE:</b> 10/1/08		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Thomas Horton Dept: TSD  <b>Signature/Date:</b> 9/21/08	<b>General Counsel:</b>  9/29/08	<b>Controller/Treasurer:</b>  9/18/08	<b>District Secretary:</b> [ ]	<b>BARC:</b> [ ]
<b>Status:</b> Routed		<b>Date Created:</b> 09/18/2008		

TITLE:

### Award of Contract 15SU-120, Aerial Structures - North Oakland

NARRATIVE:

#### **PURPOSE:**

To authorize the General Manager to award Contract No. 15SU-120, Earthquake Safety Program Aerial Structures - North Oakland to California Engineering Contractors, Inc.

#### **DISCUSSION:**

The BART Earthquake Safety Program determined that the aerial structures in North Oakland (between the downtown Oakland tunnel and the Berkeley Hills Tunnel) require seismic strengthening and produced contract documents for the work. The work consists of additional reinforced concrete for pier foundations and pier caps; fiber or steel encasement of pier columns; and associated utilities and structural work. Advance Notice to Bidders was mailed on July 15, 2008 to 117 firms. The Contract was advertised on July 14, 2008 and Contract Books were sent to 28 plan rooms. A total of 77 firms purchased copies of the Bid Documents. A Pre-Bid Meeting and Site Tour were held on August 1, 2008 with 31 potential Bidders attending. Twelve Bids were received. Bids were opened publicly on September 16, 2008.

After review by the District staff, several of the Bids, including the apparent low Bid submitted by California Engineering Contractors, Inc., were determined to have arithmetical errors in Bid Item totals and in the Total Bid Price. Article 15.B, Evaluation, of the Instructions to Bidders in the Contract clearly states that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations govern. Tabulation of the Bids, with the arithmetical corrections and including the Engineer's Estimate, are as follows:

1. California Engineering Contractors, Inc., Pleasanton, CA	\$33,395,185.00
2. Condon Johnson & Associates, Inc., Oakland, CA	\$34,119,836.00
3. R & L Brosamer, Inc., Walnut Creek, CA	\$34,205,340.00
4. S.J. Amoroso Construction Co., Inc., Redwood Shores, CA	\$35,627,000.00
5. American Civil Constructors West Coast Inc. Benicia, CA	\$39,291,837.00
6. Shimmick Construction Co, Inc., Oakland, CA	\$39,768,980.00

7. Disney Construction, Inc., Pacifica, CA	\$40,859,810.00
8. Granite Construction Company, Watsonville, CA	\$42,314,300.00
9. C.C. Myers, Inc., Rancho Cordova, CA	\$44,444,444.00
10. FCI Constructors, Inc., Benicia, CA	\$46,287,045.00
11. Traylor Brothers Inc. dba Traylor Pacific, Irvine, CA	\$54,354,890.00
12. RGW Construction, Inc. Livermore, CA	\$64,784,490.00
Engineer's Estimate	\$50,600,000.00

The apparent low Bid submitted by California Engineering Contractors, Inc. (also the low Bidder before the arithmetical corrections) has been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

### **FISCAL IMPACT:**

Funding for \$33,395,185 for award of Contract No. 15SU-120 is included in the total project budget for the FMS #15SU, Aerial Structures Segment 1 North. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$33,395,185 will be funded as follows:

<u>F/G 49S – Seismic LSSRP</u>	<u>\$28,385,907</u>
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As of month ending 8/24/08, \$69,210,085 is available for commitment from this fund source for Project 15SU and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$28,385,907 leaving an uncommitted balance of \$40,824,178 in this fund source.

<u>F/G 55S – State Prop 1B</u>	<u>\$5,009,278</u>
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As of month ending 8/24/08, \$24,000,000 is available for commitment from this fund source for ESP projects and BART has committed \$0 to date. There is \$3,600,306 pending commitment in BART's financial management system. This action will commit an additional \$5,009,278 leaving an uncommitted balance of \$15,390,416 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

### **ALTERNATIVE:**

The alternative is to decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the North Oakland aerial structures.

### **RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15SU-120, Earthquake Safety Program, Aerial Structures - North Oakland to California Engineering Contractors, Inc. for the Bid amount of \$33,395,185.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures.

## FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 8/26/08	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$186,000,000	
Other GEC	\$81,478,000	\$0	
<b>Subtotal GEC</b>	\$186,478,000	\$186,000,000	
CM	\$61,498,000	\$64,258,626	
Environmental	\$1,042,796	\$2,061,892	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$252,320,518</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,095,800	
Marine Vibro Demo	\$101,285,000	\$137,852,879	
Stitching	\$82,962,000	\$0	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$119,515,327	
Fremont	\$178,224,000	\$149,362,000	
Concord	\$36,500,000	\$22,452,000	
Richmond	\$80,155,000	\$66,441,000	
San Francisco/Daly City	\$36,590,000	\$42,740,000	
<b>Stations (18)</b>	\$126,961,000	\$104,427,000	
<b>Other Structures</b>			
LMA	\$5,529,000	\$5,110,448	
Yds & Shops	\$12,436,000	\$22,318,000	
Parking Structures	\$14,437,000	\$8,985,158	
At Grade Trackway	\$22,361,000	\$0	
<b>Systems</b>	\$7,066,000	\$11,587,118	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$707,739,259</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$227,223,244	
Contingency	\$32,104,000	\$163,202,979	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$390,426,223</b>	
<b>TOTAL FUNDING</b>	<b>\$1,350,486,000</b>	<b>\$1,350,486,000</b>	

(Funding includes \$43.3m of Prior Program Funding)

# **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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## **MEMORANDUM**

TO: Board of Directors


DATE: October 3, 2008

FROM: General Manager

SUBJECT: Potential Changes to District's "No Drinking" Policy

At the October 9, 2008 meeting of the Board of Directors, staff will make a presentation on potential changes to the District's "No Drinking" Policy in to a Director request. The presentation will also include a discussion of the District's enforcement of quality of life rules.


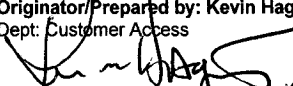
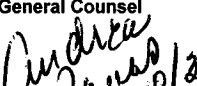


Additional information will be forwarded to Board members on Monday, October 6, which will include detailed information on the costs associated with changing the "No Drinking" policy, potential revenues and, results from a new passenger survey.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve the EDD and forward to the PPAAL Committee		
DATE: c 10/3/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Haggerty Dept: Customer Access  Signature/Date: 10/2/08	General Counsel  10/2/08	Controller/Treasurer  10/3/08	District Secretary [ ]	BARC  10/3/08

### APPROVAL OF EZ RIDER PROGRAM CARD AND PARKING HANG-TAG FEES

NARRATIVE:

#### PURPOSE:

That the Board of Directors adopt fees for any new EZ Rider Program card and parking hang-tag.

#### DISCUSSION

In October 2006, BART began its EZ Rider card pilot program introducing a transit payment function. The pilot is designed to serve an interim need until the regional TransLink system is available for use on BART. The goal of the EZ Rider Program is to 1) provide BART customers with a safe, convenient and reliable alternative method to pay for their train fares and 2) to help respond to the growing ticket demagnetization problems experienced by our customers. The EZ Rider transit smart card allows the BART customers to store monetary value on the card that is then deducted upon each trip use. The pilot has proven an effective tool to build a market for TransLink and to gain early customer experience and feedback that has been regularly shared with TransLink Program developers.

When the customer registers for the card, he/she provides BART with a credit card number which the District uses to add value to the card. Initially, the customer credit card is charged \$45.00 for \$48.00 worth of transit fares. Each time the card user takes a trip on BART, the cost of that trip is deducted from the value balance on the card. When the card's value balance goes below \$10.00 the user's credit card is charged another \$45.00 and \$48.00 is loaded onto the card. To date, 33,000 cards have been issued to BART patrons as part of the pilot program. EZ Rider Pilot Program users were not assessed card registration fees for promotional purposes.

In response to the Board's desire to have a more customer friendly system enabling the customer to pay parking fees, BART expanded the EZ Rider card to include parking payment function. Registration for the new daily parking payment program is scheduled to begin in late October. Implementation of the EZ Rider Parking Program will be phased in at stations on a schedule beginning in early November with a completion date of early December 2008. The new parking payment will be ongoing and is not intended to be a temporary or pilot program. Under the new parking payment program, a BART customer who registers for the EZ Rider Program parking application will receive a vehicle parking ID hang-tag that is to be displayed on the back of

## APPROVAL OF EZ RIDER PROGRAM CARD AND PARKING HANG-TAG FEES

his/her vehicle's rear view mirror. The BART customer parks the vehicle in the unreserved Fee parking space, enters the fare gate area of the station and proceeds to an EZ parking validation machine reader and touches the EZ Rider card to the reader. That touch will activate the number on the parking hang-tag for that day. BART police staff will print out a list of all hang-tag numbers that have been validated for that date before starting their enforcement activity.

When the EZ Rider cardholder registers for the parking application, BART will charge the user's credit card for an amount that is then uploaded to the user's EZ Rider cardholder's parking account. As is the case with transit fare use, the amount in the cardholders parking account is reduced upon each use. Once the parking balance reaches a threshold, the user's credit card is then charged and that amount uploaded to the EZ Rider cardholders parking account.

BART is committed to transition the EZ Rider card transit payment function to the TransLink Program once that program is ready to be implemented at BART. After TransLink is fully operable at BART, the EZ Rider card will only be used for payment of BART parking fees.

BART incurs a cost associated with the manufacturing of the EZ Rider smart card and the parking hang-tag and staff proposes to charge a \$5.00 registration fee for the card and a \$2.00 fee for the parking hang-tag for new cards and hang-tags. Replacement of lost cards or parking hang-tags will charged at \$5.00 and \$2.00 respectively. In order to promote the use of the EZ Rider Program card and parking hang-tag, staff requests that the Board authorize the General Manager to suspend the approved fees from the start of registration in late October through January 31, 2009.

BART has 20,000 EZ Rider Program cards and 15,000 parking hang-tags available that were purchased as part of EZ Rider Program Capital Project budget. Initially, staff considered immediately implementing the new fees upon the start of program registration in late October. However, several Directors suggested that staff consider a grace period that would allow BART customers the opportunity to take advantage of the new parking application without paying the EZ Rider Program fees. Staff believes that the new parking program could be effectively promoted by suspending the fees during the first several months of program. Thereafter, the established fees will be in effect.

## **FISCAL IMPACT**

Implementation of the EZ Rider Program card fee of \$5.00 and parking hang-tag fee of \$2.00 would allow the District to recover the costs of procuring the cards and the hang-tags. During the FY09 promotional period staff anticipates that up to 20,000 cards and 15,000 parking hang-tags could be issued. The cost of 20,000 cards and 15,000 hang-tags is approximately \$130,000 and has been paid for with EZ Rider Program capital funds. The cost of purchasing additional cards and hang-tags, if needed, would be paid from operating funds and reimbursed from user fees as they are sold.

## APPROVAL OF EZ RIDER PROGRAM CARD AND PARKING HANG-TAG FEES

### **ALTERNATIVES**

Do not implement EZ Rider Program fees at all. This would create an on-going operating budget expense to cover the costs of the smart cards and hang-tags at \$5.00 and \$2.00, respectively. Total fiscal impact would be dependent on the number of cards/hang-tags issued.

Do not suspend fees during the promotional period. The cost of cards and hang-tags would be fully covered by customer fees.

### **RECOMMENDATION**

Adopt the following motion.

### **MOTION**

1. Adoption of Attached Resolution.

**(2/3 VOTE REQUIRED)**



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

EZ Rider Program Card and Parking Hang-tag Fees and Charges

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

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

WHEREAS, the District wants to recover costs associated with the manufacture of EZ Rider cards and parking hang-tags; and

WHEREAS, the recommended proposal is set forth in the attached Exhibit A entitled, "EZ Rider Program Fees and Charges"; and

WHEREAS, a public hearing has been held at a special meeting of the Board to consider EZ Rider Program fees and charges; and

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

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service set forth in Exhibit A hereto are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
  - (a) Pay for the operating expenses of the District;
  - (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
  - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
  - (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 20240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Decision 10 of the Public Utilities Code.
- (2) The fees and charges set forth in Exhibit A hereto are for the purposes of:
  - (a) Meeting operating expenses such as employee wage rates and fringe benefits;
  - (b) Purchasing of leasing supplies, equipment or materials;
  - (c) Meeting financial reserve needs and requirements; and

- (d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

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

- (1) The General Manager is authorized to implement parking fees and charges as set forth in Exhibit A.
- (2) The General Manager is authorized to suspend the approved fees from the start of registration in late October 2008 through January 31, 2009.
- (3) The fees and charges for service set forth in Exhibit A are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code §21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. § 15273 and that Notices of Exemption shall be filed in the affected counties.

# # #

## **Exhibit A - EZ RIDER PROGRAM FEES and CHARGES**

The following fees shall apply to the EZ Rider Program:

- A. \$5.00 Card (new and replacement)
- B. \$2.00 Parking Hang-tag (new and replacement)

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

TO: Board of Directors

DATE: October 3, 2008

FROM: General Manager

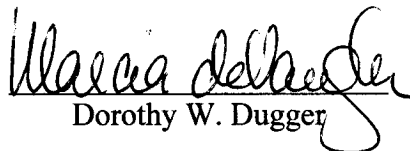
SUBJECT: Impact of MTC's T2035 Financially Constrained Investment Plan on  
BART's Capital Program

At the October 9, 2008 meeting of the Board of Directors, staff will make a presentation that highlights the financial policies of the MTC Regional Transportation Plan (T2035), and its impacts on BART's capital program.

In July, MTC approved the T2035 Financially Constrained Investment Plan, which allocates a total of \$223 billion for the region's transportation needs over the next 25 years. This includes \$191 billion in previously committed funds and \$32 billion in "new" discretionary funds, which were subject to a lengthy investment trade-offs dialogue within the region. BART Directors and staff participated in these discussions, from April through July, advocating for increased investment in our highest priority system rehabilitation needs in addition to providing funding for much needed core capacity needs.

These discussions concluded in July with the adoption by the MTC Commission of a "vehicle focused" investment strategy for transit. The strategy leaves BART with a sizable 25 year capital replacement/rehabilitation shortfall and provides no funding for core capacity needs. The actual allocation of RTP funds to our highest scoring capital needs will occur after MTC concludes the process of revising their Transit Capital Priorities policy, which is presently in-progress. Other remaining T2035 process steps involve development of the environmental review documents and air quality conformity analysis. The final RTP is expected to be approved by the MTC Commission in March 2009.

The staff presentation will provide a summary of the allocation between the various investment categories of the \$223 billion a discussion of what the impact means for BART's capital needs, and some potential next steps for addressing our remaining 25 year capital shortfall.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff