

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

**AGENDAS FOR BOARD AND COMMITTEE MEETINGS**

December 3, 2009

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, December 3, 2009, 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.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

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.

## 2. CONSENT CALENDAR

- A. eBART Project Regional Measure 2 Resolution of Project Compliance and Initial Project Report.\* Board requested to adopt.
- B. Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2009.\* Board requested to accept.

### **RECESS TO STANDING COMMITTEES**

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

### **ALL COMMITTEES ARE ADVISORY ONLY**

#### ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess  
Director Murray, Chairperson

- A-1. District Civil Rights Policies.\* Board requested to adopt.
- A-2. Disadvantaged Business Enterprise and Non-Discrimination in Subcontracting Programs Update.\* For information.
- A-3. General Discussion and Public Comment.

#### ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting  
Director Keller, Chairperson

- B-1. Award of Contract No. 20LN-219, Procurement of Wayside MUX Printed Circuit Boards.\* Board requested to authorize.
- B-2. (CONTINUED from November 19, 2009 Engineering and Operations Committee Meeting)  
Quarterly Performance Report, First Quarter Fiscal Year 2010 - Service Performance Review.\* For information
- B-3. General Discussion and Public Comment.

#### PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting  
Director Sweet, Chairperson

- C-1. (Continued from November 19, 2009 Planning, Public Affairs, Access, and Legislation Committee Meeting)  
BART to Livermore Program Draft Environmental Impact Report Release.\* For information.
- C-2. General Discussion and Public Comment.

## **RECONVENE BOARD MEETING**

### **3. CONSENT CALENDAR ADDENDA**

Board requested to authorize as recommended from committee meetings above.

### **4. REPORTS OF STANDING COMMITTEES**

#### **A. ADMINISTRATION COMMITTEE**

A-1. District Civil Rights Policies.\* Board requested to adopt.

A-2. Disadvantaged Business Enterprise and Non-Discrimination in Subcontracting Programs Update.\* For information.

#### **B. ENGINEERING AND OPERATIONS COMMITTEE**

B-1. Award of Contract No. 20LN-219, Procurement of Wayside MUX Printed Circuit Boards.\* Board requested to authorize.

B-2. (CONTINUED from November 19, 2009 Engineering and Operations Committee Meeting)  
Quarterly Performance Report, First Quarter Fiscal Year 2010 - Service Performance Review.\* For information

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

C-1. (Continued from November 19, 2009 Planning, Public Affairs, Access, and Legislation Committee Meeting)  
BART to Livermore Program Draft Environmental Impact Report Release.\* For information.

### **5. GENERAL MANAGER'S REPORT**

NO REPORT.

### **6. BOARD MATTERS**

A. Resolution Commending Robert K. Mc Cleary, Contra Costa Transportation Authority Executive Director.\* Board requested to adopt. (Director Murray's request.)

B. Report of the BART Police Department Review Committee.  
For information.

C. Roll Call for Introductions.

### **7. GENERAL DISCUSSION AND PUBLIC COMMENT**

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


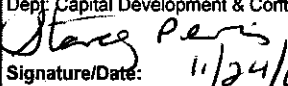
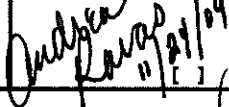
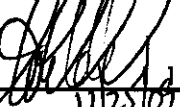
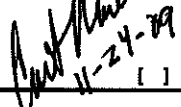
A. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC  
EMPLOYEE PERFORMANCE EVALUATION:

Agency Negotiators:	Directors Blalock, Fang, and Murray
Titles:	General Manager, General Counsel, Controller-Treasurer, and District Secretary
Gov't Code Sections:	54957 and 54957.6

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:  
Significant exposure to litigation pursuant to subdivision (b) of Government Code  
Section 54956.9: one potential case.



## 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> 11/25/09		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Stacey Perkins Dept: Capital Development & Control  <b>Signature/Date:</b> 11/24/09	<b>General Counsel</b>  11/24/09	<b>Controller/Treasurer</b>  11/25/09	<b>District Secretary</b> [ ]	<b>BARC</b>  11-24-09 [ ]
<b>Status:</b> Routed		<b>Date Created:</b> 11/17/2009		
<b>TITLE:</b>				

### Approval of Resolution of Project Compliance and Initial Project Report for Regional Measure 2 and AB1171 Funds for the eBART Project

#### NARRATIVE:

##### Purpose:

To obtain BART Board approval of an application for a total of \$43,040,000 in Regional Measure 2 ("RM2") and AB1171 funds for the eBART Project (the "Project"). The application includes a Resolution of Project Compliance ("Resolution") and an Initial Project Report ("IPR") for the RM2 and AB1171 funds, as described in the attached IPR Summary. This application is a request for reimbursement to provide funding for continuing final design, right of way acquisition, guideway preparation and construction of the transfer station for the Project.

##### Discussion:

Metropolitan Transportation Commission ("MTC") Resolution No. 3636, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2 requires that a project sponsor approve a Resolution of Project Compliance and IPR when the project sponsor requests an allocation of RM2 funds. Although MTC has not yet adopted a Resolution requiring the same documentation for AB1171 funds, MTC has advised BART that a Resolution of Project Compliance and IPR will be required. Staff has prepared the IPR Summary for this portion of the eBART Project and a Resolution of Project Compliance for adoption by the BART Board of Directors to meet MTC's requirement for allocation of a total of \$43,040,000 of RM2 and AB1171 funding for the eBART Project.

The eBART Project has received all necessary environmental clearances. On April 23, 2009, the Board of Directors adopted the eBART Project and authorized the General Manager to proceed with implementation actions. BART and the Contra Costa Transportation Authority (CCTA) are co-sponsors for the RM2 funds associated with the Project. Previous allocations of RM2 funds have been used for the planning and environmental phase, the design of median structures to accommodate future mass transit, and right of way acquisition to widen the SR4 median. This application for RM2 and AB1171 funds will provide funding for continuing final design, right of way acquisition at the Hillcrest Station site, guideway preparation, and construction of the transfer station at the Pittsburg Bay Point BART Station. This will be the first request for AB1171 funds for the eBART Project. Approval of the IPR and Resolution is a requirement for the application for RM2 and AB1171 funds. CCTA will be approving the IPR and Resolution on

December 3, 2009. It is expected that the MTC will approve this application in December 2009.

**Fiscal Impact:**

Approval of the IPR and Resolution is a requirement for the District to receive an allocation of RM2 and AB1171 funds from the MTC.

**Alternatives:**

Do not approve the Resolution and IPR. Failure to approve the Resolution and IPR would likely result in schedule delays and cost increases for the eBART Project.

**Motion:**

The Board of Directors approves the Resolution of Project Compliance and Initial Project Report dated November 19, 2009 for Regional Measure 2 and AB1171 Funds for the eBART Project, as described in the attached IPR Summary.

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

**In the Matter of the Approval of a  
Resolution of Project Compliance  
and Initial Project Report for  
Regional Measure 2 and AB1171  
Bridge Toll Funds for the East  
Contra Costa County Rail  
Extension/eBART Project**

**Resolution No.**

Whereas, the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 *et seq.*; and

Whereas, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority (“BATA”) which is a public instrumentality governed by the same board as that governing MTC; and

Whereas, pursuant to Streets & Highways Code (“SHC”) Section 31010 (b), funds (generally referred to as “AB1171 funds”) generated in excess of those needed to meet the toll commitments as specified in paragraph (4) or subdivision (b) of section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Code Sections 30913 and 30914; and

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (“RM2”) identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, “MTC” is responsible for funding projects eligible for RM2 funds pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM2 and AB1171 bridge toll funding; and

Whereas, allocation requests to MTC must be submitted consistent with such procedures and conditions; and

Whereas, BART and CCTA are sponsors of the East Contra Costa County Rail Extension /eBART project (PROJECT), which is eligible for consideration of RM2 Regional Traffic Relief Plan funds; and

Whereas, the PROJECT is also eligible for consideration of AB1171 funds, and;

Whereas, the RM2 and AB1171 allocation request, sponsored by BART and CCTA, in the Initial Project Report (“IPR”) dated November 19, 2009 and incorporated herein as though set forth at length, lists the purpose, schedule, budget, expenditure and cash flow plans for which BART is requesting that MTC allocate RM2 and AB1171 bridge toll funds for the PROJECT; and

Whereas, MTC intends to require as a condition of its allocation of AB1171 funds to the PROJECT that BART and MTC execute a funding agreement prior to award of the construction contract, and such agreement would specify the policies and procedures applicable for use of the AB1171 funds;

NOW, THEREFORE, BE IT RESOLVED that:

1. BART and its agents agree to comply with the provisions of the MTC’s RM2 Policy Guidance (MTC Resolution No. 3636);
2. BART certifies that the PROJECT is consistent with the Regional Transportation Plan (“RTP”).
3. BART certifies that all environmental clearances necessary for the PROJECT have been obtained and that the year of funding for the construction phase has taken into consideration the time necessary to obtain permitting approval for such construction.
4. BART certifies that the PROJECT phase or segment to be funded with RM2 and AB1171 funds is fully funded and result in an operable and useable segment.
5. BART approves the updated IPR dated November 19 2009, as described in the attached IPR Summary (“Summary”).
6. BART approves the cash flow plan described in the IPR dated November 19, 2009, as described in the attached Summary.
7. BART has reviewed the PROJECT’S needs and has adequate staffing resources to deliver and complete the PROJECT within the schedule set forth in the IPR dated November 19, 2009, as described in the attached Summary.
8. BART is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).
9. The PROJECT is eligible for receipt of AB1171 funds consistent with California Streets and Highway Code section 31010 (b).
10. BART is authorized to submit an application for RM2 and AB1171 funds for the PROJECT in accordance with the provisions of the California Streets and Highways Code sections 30913 and 30914 as applicable.
11. BART certifies that the PROJECT and purposes for which RM2 and AB1171 funds are being requested are in compliance with the requirements of the California Environmental

Quality Act (Public Resources Code Section 21000 et seq.), and with the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and, if relevant, the National Environmental Policy Act (NEPA), 42 USC Section 4321 et. seq. and the applicable regulations thereunder.

12. There is no legal impediment to BART making allocation requests for RM2 and AB1171 funds.

13. There is no pending or threatened litigation, which might in any way adversely affect the PROJECT, or the ability of BART, to deliver the PROJECT.

14. BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 and AB1171 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 and AB1171 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

15. BART agrees that, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the PROJECT was initially approved, either for capital improvements or maintenance and operational costs; otherwise, the MTC is entitled to a proportionate share equal to MTC's percentage participation in the PROJECT.

16. BART agrees that assets purchased with RM2 and AB1171 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that RM2 and AB1171 funds were originally used.

17. BART has authorized its General Manager or his/her designee, to execute and submit an allocation request for the design, right of way and construction phase for the PROJECT to MTC for RM2 and AB1171 bridge toll funds in the amount of \$43.04 million for the PROJECT, purposes and amounts included in the IPR dated November 19, 2009, as described in the attached Summary.

18. BART's General Manager or his/her designee has been delegated the authority to make non-substantive changes or minor amendments to the IPR as she deems appropriate.

19. A copy of this resolution shall be transmitted to MTC in conjunction with the filing of the IPR dated November 19, 2009 referenced herein.

###

**eBART Project**  
**Initial Project Report Summary- November 19, 2009**

**Project Description**

The purpose of the eBART Project and the State Route 4 widening project is to bring commute relief to the eastern portion of Contra Costa County in a reasonable period of time at a reasonable cost. Eastern Contra Costa County is the fastest growing part of the Bay Area, expecting population growth of 53% and job growth of 132% between 2000 and 2025. The area needs frequent, reliable, high quality transit service to connect the many and increasing homes in the area with the jobs in areas served by existing public transit, including BART. CCTA and BART have identified the SR-4 median as the preferred route for future transit expansion. This application is for the allocation of funds for continuing final design, right of way acquisition at the Hillcrest Station site, guideway preparation, and construction of the transfer station at the Pittsburg Bay Point BART station for the eBART Project.

**Current Allocation Request**

Amount Being Requested	Phase Requested
\$43,040,000	Final Design/ROW/Construction

**Project Schedule**

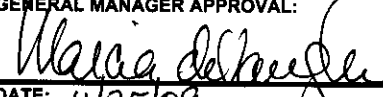
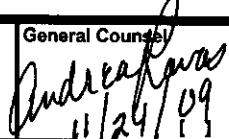
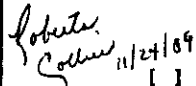

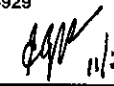

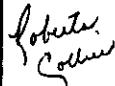

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Document	FY05	FY09
Preliminary Eng. ( PE / PA&ED)	FY05	FY09
Final Design - Plans, Specs. & Estimates (PS&E)	FY08	FY11
Right-of-Way Activities /Acquisition (R/W)	FY05	FY11
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	FY11	FY15

**Project Budget**

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$26,400
Design - Plans, Specifications and Estimates (PS&E)	\$32,300
Right-of-Way Activities /Acquisition (R/W)	\$119,400
Construction / Rolling Stock Acquisition (CON)	\$285,150
Total Project Budget (in thousands)	\$463,250



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> 		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to the Board on December 3, 2009.		
<b>DATE:</b> 11/25/09		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Ed Pangilinan Dept: Finance Ext 6929	<b>General Counsel:</b> 	<b>Controller/Treasurer:</b> 	<b>District Secretary:</b>	<b>BARC:</b> 
<b>Signature/Date:</b>  11/24	<b>Signature/Date:</b>  11/24/09	<b>Signature/Date:</b>  11/24/09	<b>Signature/Date:</b> [ ] [ ]	<b>Signature/Date:</b>  11/24/09
<b>Status:</b> Routed		<b>Date Created:</b> 11/16/2009		

TITLE:

### INDEPENDENT AUDITOR'S REPORTS ON BASIC FINANCIAL STATEMENTS AND INTERNAL CONTROL FOR THE FISCAL YEAR ENDED JUNE 30, 2009

#### NARRATIVE:

##### PURPOSE

To present the Independent Auditor's Reports on Basic Financial Statements and Internal Control for the fiscal year Ended June 30, 2009.

##### DISCUSSION

The San Francisco Bay Area Rapid Transit District Act provides that an annual audit be made of all books and accounts of the District by an independent certified public accountant (Public Utilities Code Section 28769). The independent certified public accounting firm of Macias, Gini and O'Connell conducted the audit for fiscal year 2009. The District's basic financial statements provide information on the District's Enterprise Fund and Fiduciary Fund. The Enterprise Fund includes all revenues, expenses, assets, liabilities and net assets related to the District's operations. The Fiduciary Fund shows all financial transactions of the Retiree Health Benefit Trust, which was created by the District to administer and account for assets which are restricted for the payment of retiree health premiums, as well as payments by the District for current medical premiums for retirees and surviving spouses (pay-as-you-go). Their audit concluded that the District's basic financial statements for the year ended June 30, 2009 present fairly, in all material respects, the financial position of the Enterprise Fund and the Fiduciary Fund, and are in conformity with accounting principles generally accepted in the United States of America.

As part of the examination, the auditors performed a review and evaluation of the District's internal accounting controls. The results of the evaluation are discussed in the Independent Auditor's Report on Internal Control. There are no findings in the Report. The Report however, included a reminder to the District of the unprecedented amount of oversight and reporting requirements that the Federal authorities require on the American Recovery and Reinvestment grants of which \$65,368,239 had been awarded to the District in fiscal year 2009. We believe that the District has sufficient control procedures and resources in place to be able to cope with the Recovery Act grant new and increased requirements.

##### FISCAL IMPACT

None.

##### ALTERNATIVE

None. The District is required by law to have its books and accounts audited every year by an independent certified public accountant.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> 		<b>GENERAL MANAGER ACTION REQ'D:</b> Board Approval and Authorization		
<b>DATE:</b> 11/25/09		<b>BOARD INITIATED ITEM:</b> No		
Originator/Prepared by: Sharon Moore Dept: Office of Civil Rights 11/24/09 <b>Signature/Date:</b>	General Counsel 11/24/09 <b>Signature/Date:</b>	Controller/Treasurer <div style="text-align: center;">[ ]</div>	District Secretary <div style="text-align: center;">[ ]</div>	BARC 11/24/09 <b>Signature/Date:</b>
<b>Status:</b> Approved		<b>Date Created:</b> 09/22/2009		

TITLE:

### Adoption of the District's Civil Rights Policies

NARRATIVE:

**Purpose:**

To request that the Board of Directors formally adopt the following Civil Rights policies for the District:

- **Equal Employment Opportunity (EEO)**
- **Prevention of Sexual Harassment in the Workplace**
- **Title VI Non Discrimination Policy**

**Equal Employment Opportunity (EEO)**

Recipients and sub-recipients of FTA financial assistance that employ 50 or more transit-related employees are required to adopt a formal EEO policy. The EEO Policy must include a statement issued by the "Chief Executive Officer (CEO)" which includes a statement of nondiscrimination in all employment practices, including recruitment, selection, promotion, termination, transfers, layoffs, compensation, training benefits and other terms and conditions of employment.

The Board of Directors initially adopted an Affirmative Action Program and District-wide goals for minorities and women in September, 1974 (prior to the interim FTA requirement of 1977). Subsequently the Board reiterated, reinforced and expanded the District's policy prohibiting discrimination through Resolution 3047, June 16, 1983; Resolution 4483, January 28, 1993; Resolution No. 4516 and Resolution 4554, March 9, 1995.

The proposed EEO policy incorporates the following revisions:

- Name change from Employment Opportunity (EO) Policy to Equal Employment Opportunity (EEO) Policy
- Adds Genetic Information as a basis of discrimination.
- Changes basis of discrimination from Vietnam era veteran status to veteran status.
- Designates Department Manager of the Office of Civil Rights as the designated EEO Officer and assigns responsibility to the General Manager for implementation of the EEO Policy and Equal Employment Opportunity Program
- States commitment to undertake an affirmative action program consistent with federal and state laws.

- Reinforces manager and supervisor responsibility for the implementation of District EEO policy and ties management performance on the success of the implementation of the EEO Policy.

### **Prevention of Sexual Harassment in the Workplace**

The District is also committed to maintaining a workplace that is free of sexual harassment, in keeping with our long-standing EEO policy. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA).

The Board adopted the District Policy Regarding Sexual Harassment in December 1980. The proposed policy will be part of the District's EEO policy, and reiterates, reinforces and expands the District's policy prohibiting sexual harassment in the workplace.

### **Title VI Non Discrimination Policy**

BART, as a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Title VI requires that no person in the United States, be excluded from, denied the benefits of or subjected to discrimination on the grounds of race, color or national origin under any program or activity receiving federal financial assistance.

To assure conformance, BART is required to notify beneficiaries of the protections under Title VI. This notification includes a Statement of Policy which enforces provisions of Title VI. The District's commitment includes vigorously enforcing all applicable laws and regulations that affect the District and those organizations, both public and private, which participate in and benefit from federal grants. Additionally, BART is required to conduct a triennial assessment and document those services and benefits are provided on a nondiscriminatory basis. While the District has complied with FTA requirements, the Board of Directors has not previously adopted a Title VI Non Discrimination Policy.

### **Fiscal Impact:**

There is no fiscal impact to this policy.

### **Alternatives:**

Adopt amended or modified Policy statement(s).

### **Recommendations:**

Adopt the following motion:

### **Motion:**

That the Board pass the attached resolution.

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

In the matter of District

Resolution No.

Equal Employment Opportunity Policy  
Prevention of Sexual Harassment in the Workplace  
Title VI Non Discrimination Policy

RESOLVED, that it is the continued policy and practice of the San Francisco Bay Area Rapid Transit District (1) to prohibit discrimination, harassment, and retaliation for filing a complaint and to assure equal employment opportunity in all personnel transactions including hiring, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment without regard to race, color, marital status, sexual orientation, religion, national origin, ancestry, age, sex, gender identity, disability, medical condition (cancer), genetic information, family and medical care leave, pregnancy disability leave or veteran status; (2) to prevent sexual harassment in the workplace; (3) to conform to the requirements of Title VI, as set forth in the policies attached hereto; and

BE IT FURTHER RESOLVED, that it is a part of the long range goals of the San Francisco Bay Area Rapid Transit District to implement its Equal Employment Opportunity (EEO) policy through its Equal Employment Opportunity Program (EEOP) and to include, consistent with applicable federal and state laws, goals and timetables, designed to overcome the effects of past discrimination of minorities and women; and

BE IT FURTHER RESOLVED, that the San Francisco Bay Area Rapid Transit District has assigned overall implementation of the EEOP to the Department Manager, Office of Civil Rights; and

Be it further resolved, that Resolution No. 4554, as adopted March 9, 1995, is hereby superseded.

# # #

Adopted \_\_\_\_\_, 2009



## **EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

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The San Francisco Bay Area Rapid Transit District (District) intends to maintain a diverse workforce based upon the principles of equal employment opportunity.

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### **Statement of Policy:**

The San Francisco Bay Area Rapid Transit District (District) is committed to providing a work place free of discrimination, harassment and retaliation for filing a complaint. It is also the District's policy and practice to assure equal employment opportunity in all personnel transactions including hiring, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment without regard to race, color, marital status, sexual orientation, religion, national origin, ancestry, age, sex, gender identity, disability, medical condition (cancer), genetic information, family and medical care leave, pregnancy disability leave or veteran status.

### **Implementation:**

The District is committed to implementing its Equal Employment Opportunity (EEO) policy through its Equal Employment Opportunity Program (EEOP). The Department Manager of the Office of Civil Rights is the designated EEO Officer responsible for daily management of the District's EEO Policy Statement and EEOP. The General Manager is responsible for the implementation of the EEO Policy Statement and EEOP.

Consistent with applicable federal and state laws, the District's EEOP is an affirmative action program that includes goals and timetables designed to overcome the effects of past discrimination of minorities and women. The successful achievement of EEO goals will benefit the District through fuller utilization and will enhance the District's efforts to achieve a workforce reflective of the labor market in the community it serves.

All managers and supervisors will be responsible for the implementation of the District's EEO policy and the EEOP. Their performance will be evaluated on the success of the implementation of the EEO policy and EEOP in the same way as their performance is evaluated on other District goals.

All BART employees are responsible for conducting themselves in accordance with the District's EEO Policy Statement. An employee or job applicant who believes that they have been a victim of discrimination, harassment or retaliation has the right to file a complaint with the Office of Civil Rights.

## **Retaliation**

Retaliation for filing a complaint is prohibited by law. Retaliation against employees alleging discrimination and harassment, or involved as witnesses in a discrimination or harassment investigation is prohibited. Employees who oppose and/or refuse to participate in illegal discrimination or harassment are also protected against retaliation.

## **Reporting**

Any employee who believes he/she has experienced EEO discrimination, harassment and/or retaliation is encouraged to file a complaint with the District's Office of Civil Rights. Complaints of discrimination, harassment or retaliation should be directed to:

**The Office of Civil Rights  
300 Lakeside Drive, Suite 1800  
Oakland, CA 94612  
(510)464-6107  
[officeofcivilrights@bart.gov](mailto:officeofcivilrights@bart.gov)**



## **PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE**

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### **Statement of Policy:**

The San Francisco Bay Area Rapid Transit District (District) is committed to maintaining a workplace that is free of sexual harassment. In keeping with the District's long-standing, Equal Employment Opportunity (EEO) policy, sexual harassment in the workplace will not be tolerated. The District is committed to enforcing this policy and to providing training to its managers, supervisors, and employees to assist them in dealing sensitively and effectively with this important issue.

All BART employees are responsible for conducting themselves in accordance with the District's rules of employee conduct, including but not limited to, the EEO policy.

Any employee who believes he/she has been the victim of harassment on the basis of sex has the right to file a complaint with the District's Office of Civil Rights. All complaints of sexual harassment will be investigated. Retaliation against an employee for filing a complaint is prohibited by law. All parties involved will be treated in a fair and impartial manner. Employee privacy and confidentiality will be protected to the extent permitted by law.

Employees who violate this policy will be subject to disciplinary action, up to and including discharge.

### **Definition**

Sexual harassment is a form of sex discrimination and is an unlawful employment practice. It is a personal affront to the affected employee and negatively impacts morale, motivation and job performance. This policy includes sexual harassment of District employees by non-employees. Unwelcome sexual advances, request for sexual favors, and verbal, physical, visual, or other conduct of a sexual nature, constitutes sexual harassment and are prohibited by this policy when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

## **Reporting**

Prompt and appropriate action should be taken to prevent or stop incidents of sexual harassment. Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome, offensive and must stop. An employee, however, is not required to communicate directly with the offending person, or if communication has been ineffective, the employee can complain directly to the Office of Civil Rights or any District supervisor. Failure to communicate with the perpetrator does not prevent an employee from filing a complaint, nor does it in any way exonerate the harasser.

Any manager or supervisor who witnesses or has knowledge of sexual harassment or other forms of harassment or conduct prohibited by District rules must promptly report such conduct to and consult with the Office of Civil Rights. Managers and supervisors have a legal responsibility to take action if they know or have reason to believe of a harassing situation. Managers/Supervisors must take action to address the situation regardless of the victim's stated desire to pursue or not to pursue the matter.

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## **Enforcement**

The Office of Civil Rights can provide both formal and informal consultation and provide information regarding harassment concerns. Complaints and cases of sexual harassment brought to the attention of the Office of Civil Rights or any District manager/supervisor will be handled promptly through a confidential procedure.

Retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation is prohibited.

Complaints of sexual harassment or inquires concerning the application of federal and state laws and regulations should be directed to:

**Office of Civil Rights  
300 Lakeside Drive, 18<sup>th</sup> Floor  
Oakland, CA 94612  
(510)464-6107**



## **TITLE VI NON DISCRIMINATION POLICY**

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The San Francisco Bay Area Rapid Transit District (BART) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services or programs on the basis of race, color or national origin.

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### **Statement of Policy:**

The San Francisco Bay Area Rapid Transit District, as a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color or national origin be excluded from, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

The District is committed to enforcing the provisions of Title VI and to vigorously enforce all applicable laws and regulations that affect the District and those organizations, both public and private, which participate in and benefit through our programs.

The District is committed to ensuring that all persons and/or firms wishing to participate in its programs are given an equal and equitable chance to participate.

The District's sub-recipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

The District's Office of Civil Rights is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act. Any person(s) who feels that they have been discriminated against is encouraged to report such violations to the District's Office of Civil Rights:

**Office of Civil Rights**  
**300 Lakeside Drive, Suite 1800**  
**Oakland, CA 94612**  
**(510) 874-7333**  
**(510) 464-7587 (fax)**

Presentation to Board

Office of Civil Rights

# ADOPTION OF THE DISTRICT'S CIVIL RIGHTS POLICIES



December 3, 2009

# Purpose

## Request Board adoption

- Equal Employment Opportunity (EEO) Policy
  - Prevention of Sexual Harassment in the Workplace Policy
- Title VI Non Discrimination Policy

# Equal Employment Opportunity (EEO) Policy

- Name Change
- Designates Office of Civil Rights as department to address EEO Complaints
- Retaliation Prohibition
- Increased Bases of Discrimination
- Triennial Review
  - Next report due December 31, 2010

# Prevention of Sexual Harassment in the Workplace

- Defines Sexual Harassment
- Reporting
- Outlines Program Enforcement
- Group or Individual EEO Training
  - Supervisory/Management Training
    - AB1825 Training
    - New Supervisor/Manager Training
  - Non-Supervisory Training

# Title VI Non Discrimination Policy

- OCR Coordination & Monitoring
  - Notice to Beneficiaries
  - Limited English Proficiency (LEP) Program
  - Environmental Justice
  - Title VI Complaint Procedures
- Triennial Review
  - Next report due December 31, 2010



# Board Resolution

- Articulate commitment to prohibit discrimination, harassment & retaliation in the workplace
- Articulate commitment to prohibit sexual harassment in the workplace
- Assure District's commitment to conform to all policies and provisions of Title VI of the Civil Rights Act

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

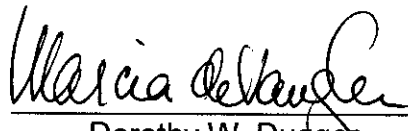
**DATE:** November 25, 2009

**FROM:** General Manager

**RE:** Administration Committee Agenda Item A-2: DBE and Non-Discrimination in Subcontracting Programs Update - For Information

At the December 3, 2009 Board Meeting, staff will present an update on the Disadvantaged Business Enterprise Program (DBE) and Non-Discrimination in Subcontracting Program at the Administration Committee meeting. The presentation will include an overview of the programs, DBE and M/WBE utilization, and procurement contract issues.


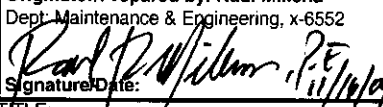
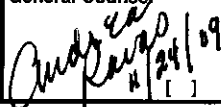
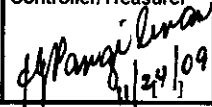

If you have any questions or require additional information, please feel free to contact Wayne Wong, Department Manager, Office of Civil Rights, at (510) 464-6134.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors	
DATE: c 11/25/09		BOARD INITIATED ITEM: No	
Originator/Prepared by: Raul Millena Dept: Maintenance & Engineering, x-6552  Signature Date: 11/16/09	General Counsel/  11/24/09	Controller/Treasurer  11/24/09	District Secretary  11/24/09

### Procurement of Wayside Multiplexer Printed Circuit Boards, Contract 20LN-219

#### NARRATIVE:

Award Contract No. 20LN-219, Procurement of Wayside Multiplexer Printed Circuit Boards.

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 20LN-219, for the Procurement of Wayside Multiplexer Printed Circuit Boards to LeeMah Electronics, Inc. of San Francisco, California.

#### DISCUSSION:

Located along the wayside are boxes or cradles which house seven (7) printed circuit boards critical to the proper detection of trains and the transmission and reception of speed codes. The speed encoding multiplexer serves the dual function of occupancy detection and speed code transmission. In order to carry out these functions, speed code bits are multiplexed along common data lines to each track block in a given zone. Appreciable train control room and wayside hardware is required to make this possible.

The existing wayside equipment has been in operation for more than 35 years. These units are highly reliable. However, components fail and require replacement. Throughout the equipment's life span, spare printed circuit boards have been used to replace failed printed circuit boards because many of the original components can no longer be repaired or replaced due to their obsolescence. This contract will procure two thousand (2000) units of each of the seven (7) printed circuit boards with modern electronic components that will provide operational reliability and ease of installation and maintenance.

The District provided advanced notice to potential Bidders on September 25, 2009 and advertised the Contract on September 30, 2009. A pre-Bid meeting was held on October 15, 2009 with nine (9) potential Bidders in attendance. A total of twelve (12) potential Bidders purchased the Contract book. An addendum was issued to extend the Bid opening by one (1) week. On November 10, 2009, the District publicly opened the Bids for this Contract. The two (2) Bids received are shown below along with the Engineer's Estimate.

<b><u>Bidder</u></b>	<b><u>Bid Price</u></b>
LeeMah Electronics, Inc., San Francisco, CA	\$3,359,460.00
OSI Electronics, Camarillo, CA	\$3,830,400.00
Engineer's Estimate	\$5,010,000.00

Based on the competitive Bid package evaluation, LeeMah Electronics, Inc. was determined to be the lowest responsive and responsible Bidder. Furthermore, examination of LeeMah Electronics, Inc. business experience and financial capabilities shows a satisfactory condition. In addition, staff has determined that the Bid price submitted by LeeMah Electronics, Inc. is fair and reasonable.

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

**FISCAL IMPACT:**

Funding of \$3,687,007 (\$3,359,460.00 bid plus \$327,547 estimated tax) for contract 20LN-219 is included in the total project budget for the FMS#20LN – Speed Encoding System/MUX Electronics Rehabilitation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

**CA-90-Y541 FY07 Capital Assistance Program** **52Z** **\$3,618,742**

As of 10/31/09, \$3,618,742 is available for commitment from this fund source for this project and BART to date has committed \$0. There is \$0 pending commitment in BART's financial management system. This action will commit \$3,618,742, leaving an uncommitted balance of \$0 in this fund.

**CA-05-0224 FY08 Capital Improvements** **53G** **\$68,265**

As of 10/31/09, \$3,750,785 is available for commitment from this fund source for this project and BART to date has committed \$1,430,000. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$68,265, leaving an uncommitted balance of \$2,252,520 in this fund.

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

**ALTERNATIVES:**

The alternative is to continue to maintain the existing Wayside multiplexer equipment and endure the inevitable failures resulting in delays to revenue service. These types of failures have resulted in severe operational delays. Maintenance costs will increase as the Wayside multiplexer equipment further ages and replacement parts become harder to find.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 20LN-219, Procurement of Wayside Multiplexer Printed Circuit Boards, to LeeMah Electronics, Inc., for the Bid price of \$3,359,460.00, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District protest procedures and FTA's requirements related to protest procedures.

# Quarterly Service Performance Review

## First Quarter, FY 2010

### July - September, 2009

#### Engineering & Operations Committee

#### December 3, 2009



## SUMMARY CHART 1st QUARTER FY 2010

PERFORMANCE INDICATORS	CURRENT QUARTER				PRIOR QTR ACTUALS		YEAR TO DATE			
	ACTUAL	STANDARD	STATUS		LAST QUARTER	THIS QTR LAST YEAR	ACTUAL	STANDARD	STATUS	
Average Ridership - Weekday	338,482	349,310	NOT MET		342,938	374,949	338,482	349,310	NOT MET	
Customers on Time										
Peak	95.85%	96.00%	NOT MET		94.87%	94.43%	95.85%	96.00%	NOT MET	
Daily	96.28%	96.00%	MET		95.59%	94.94%	96.28%	96.00%	MET	
Trains on Time										
Peak	92.46%	N/A	N/A		91.84%	90.32%	92.46%	N/A	N/A	
Daily	94.25%	94.00%	MET		93.76%	92.38%	94.25%	94.0%	MET	
Peak Period Transbay Car Throughput										
AM Peak	99.33%	97.50%	MET		99.16%	99.62%	99.33%	97.50%	MET	
PM Peak	99.25%	97.50%	MET		98.92%	98.32%	99.25%	97.50%	MET	
Car Availability at 4 AM (0400)	587	568	MET		572	577	587	568	MET	
Mean Time Between Failures	2,814	2,850	NOT MET		2,777	2,800	2,814	2,850	NOT MET	
Elevators in Service										
Station	98.50%	98.00%	MET		98.50%	99.63%	98.50%	98.00%	MET	
Garage	99.47%	98.00%	MET		99.70%	99.37%	99.47%	98.00%	MET	
Escalators in Service										
Street	98.27%	97.00%	MET		97.87%	98.57%	98.27%	97.00%	MET	
Platform	99.13%	97.00%	MET		98.93%	98.77%	99.13%	97.00%	MET	
Automatic Fare Collection										
Gates	99.40%	97.00%	MET		99.27%	99.00%	99.40%	97.00%	MET	
Vendors	95.90%	93.00%	MET		96.13%	95.67%	95.90%	93.00%	MET	
Wayside Train Control System	0.62	1.50	MET		1.09	1.32	0.62	1.50	MET	
Computer Control System	0.043	0.15	MET		0.017	0.010	0.043	0.15	MET	
Traction Power	0.64	0.35	NOT MET		0.41	0.39	0.64	0.35	NOT MET	
Transportation	0.43	0.60	MET		0.38	0.51	0.43	0.60	MET	
Environment Outside Stations	2.8	N/A	N/A		5.03	4.97	2.8	N/A	N/A	
Environment Inside Stations	2.8	N/A	N/A		6.06	5.92	2.8	N/A	N/A	
Station Vandalism	3.2	N/A	N/A		5.75	5.80	3.2	N/A	N/A	
Station Service Personnel	3.1	N/A	N/A		96.33%	96.00%	3.1	N/A	N/A	
Train P.A. Announcements	3.1	N/A	N/A		84.67%	80.00%	3.1	N/A	N/A	
Train Vandalism	3.1	N/A	N/A		7.00	7.00	3.1	N/A	N/A	
Train Cleanliness	2.8	N/A	N/A		6.20	6.10	2.8	N/A	N/A	
Train Temperature	3.1	N/A	N/A		99%	98%	3.1	N/A	N/A	
Customer Complaints										
Complaints per 100,000 Passenger Trips	5.26	5.07	NOT MET		3.51	4.17	5.26	5.07	NOT MET	
Current DBE Contract Performance	16.59%	18.55%	NOT MET		18.48%	25.00%	16.59%	18.55%	NOT MET	
Safety										
Station Incidents/Million Patrons	4.64	5.50	MET		4.25	4.04	4.64	5.50	MET	
Vehicle Incidents/Million Patrons	0.80	1.30	MET		1.03	0.87	0.80	1.30	MET	
Lost Time Injuries/Illnesses/Per OSHA	5.73	7.50	MET		4.71	7.48	5.73	7.50	MET	
OSHA Recordable Injuries/Per OSHA	13.01	13.30	MET		12.05	11.56	13.01	13.30	MET	
Unscheduled Door Openings/Million Car Miles	0.120	0.300	MET		0.120	0.060	0.120	0.300	MET	
Rule Violations Summary/Million Car Miles	0.180	0.500	MET		0.300	0.280	0.180	0.500	MET	
Police										
BART Police Presence	2.4	N/A	N/A		8.67%	7.33%	2.4	N/A	N/A	
Quality of Life per million riders	32.88	N/A	N/A		34.47	19.64	32.88	N/A	N/A	
Crimes Against Persons per million riders	1.34	2.00	MET		2.77	1.96	1.34	2.00	MET	
Auto Theft and Burglaries per 1,000 parking spaces	6.50	8.00	MET		6.69	6.05	6.50	8.00	MET	
Police Response Time per Emergency Incident (Minutes)	2.54	4.00	MET		3.43	3.74	2.54	4.00	MET	
Total Bike Thefts	177	N/A	N/A		159	240	177	N/A	N/A	

LEGEND: Appropriate Trend


Watch the Trend

Negative Trend

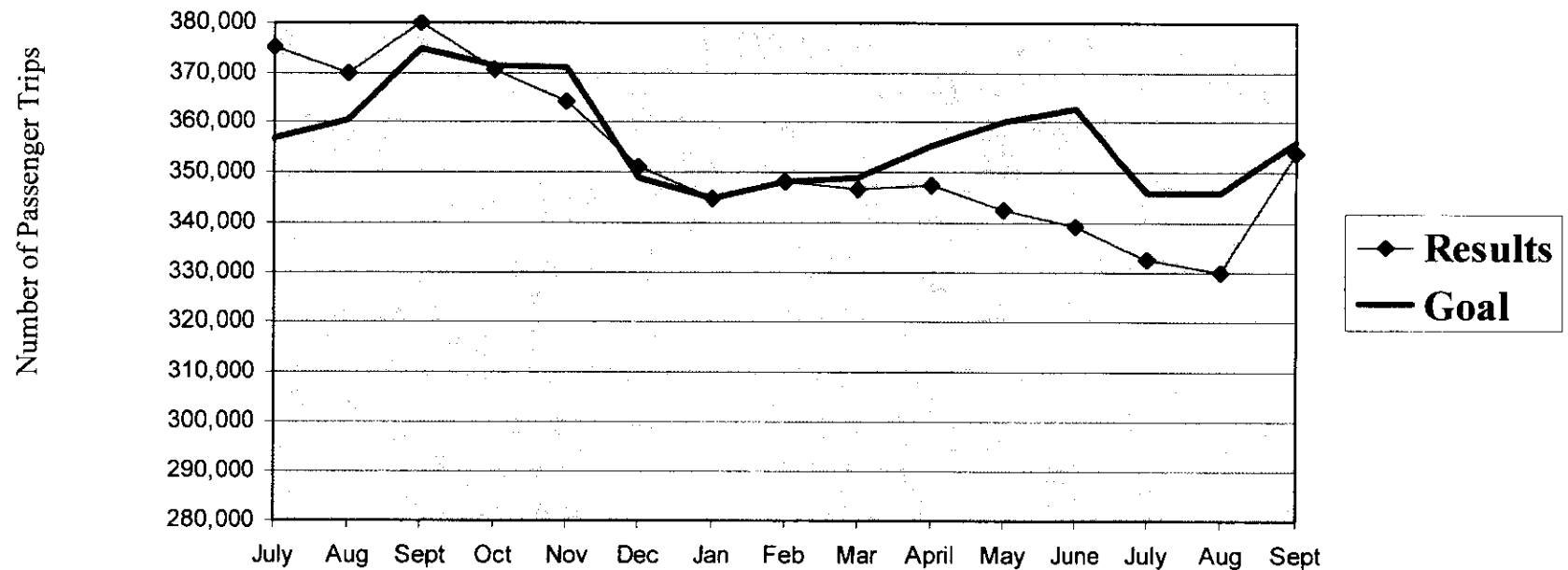
## FY10 First Quarter Overview...

- ✓ Substantial ridership drop / revenue loss compared to a year ago
- ✓ Customer and Train On-Time daily performance goals were both met, first time in at least 14 years
- ✓ Car reliability below goal, but improved over last quarter and same quarter last year
- ✓ New Passenger Environment Survey methodology implemented this quarter
- ✓ Customer complaints higher in reaction to labor negotiations and changing of train re-sizing times




SERVICE : How are we doing? 

## Customer Ridership

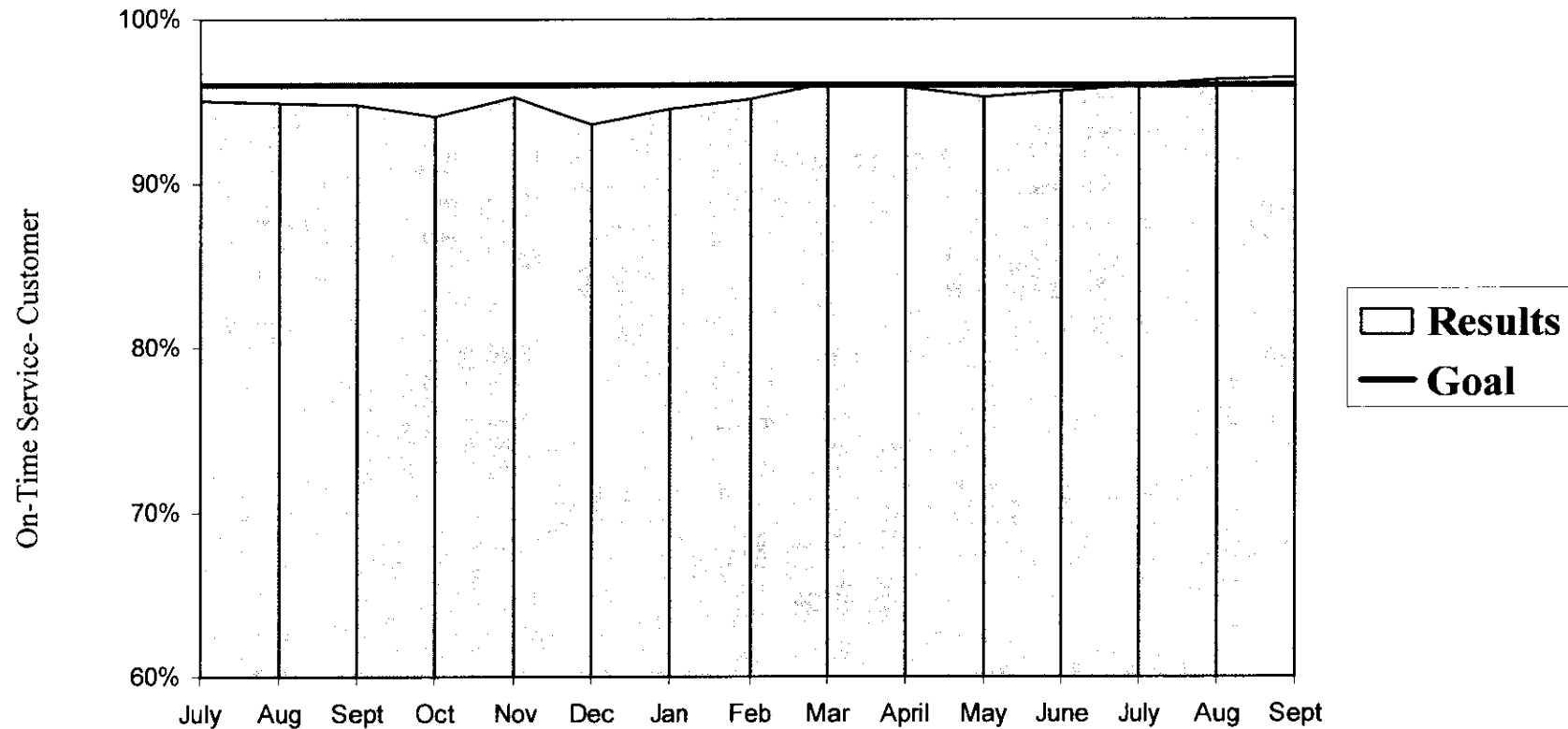


- ✓ Total ridership under budget by 1.7% and 8.9% below last year
- ✓ Average weekday ridership down 9.7% from same quarter last year; core weekday ridership down by 9.9% and SFO Extension weekday ridership down by 8.7%
- ✓ September ridership was close to budget due to the scheduled Bay Bridge closure



SERVICE : How are we doing? 

## On-Time Service - Customer

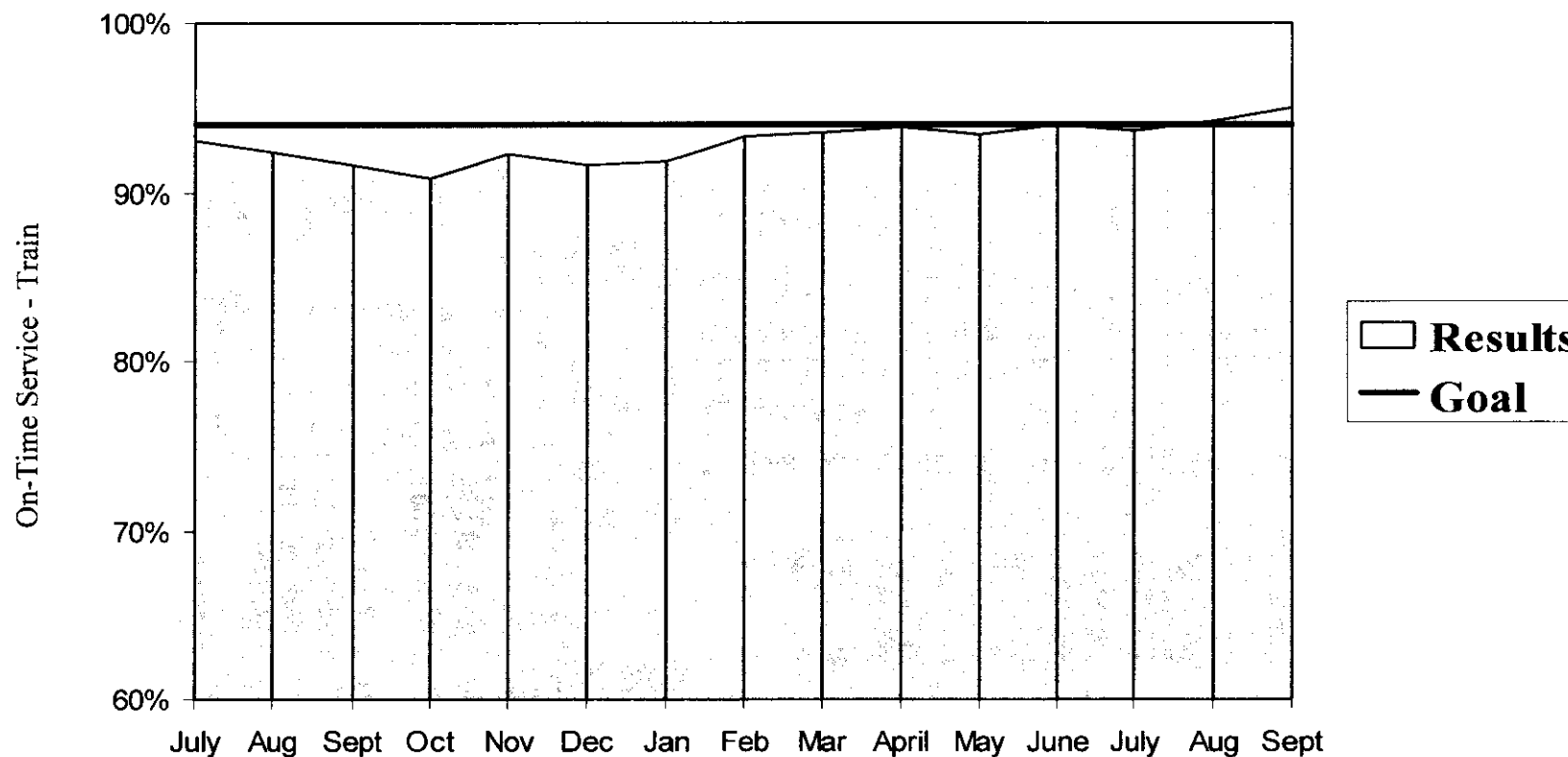


- ✓ On-Time above 96% goal
- ✓ Improved over last quarter, last year



SERVICE : How are we doing?

## On-Time Service - Train



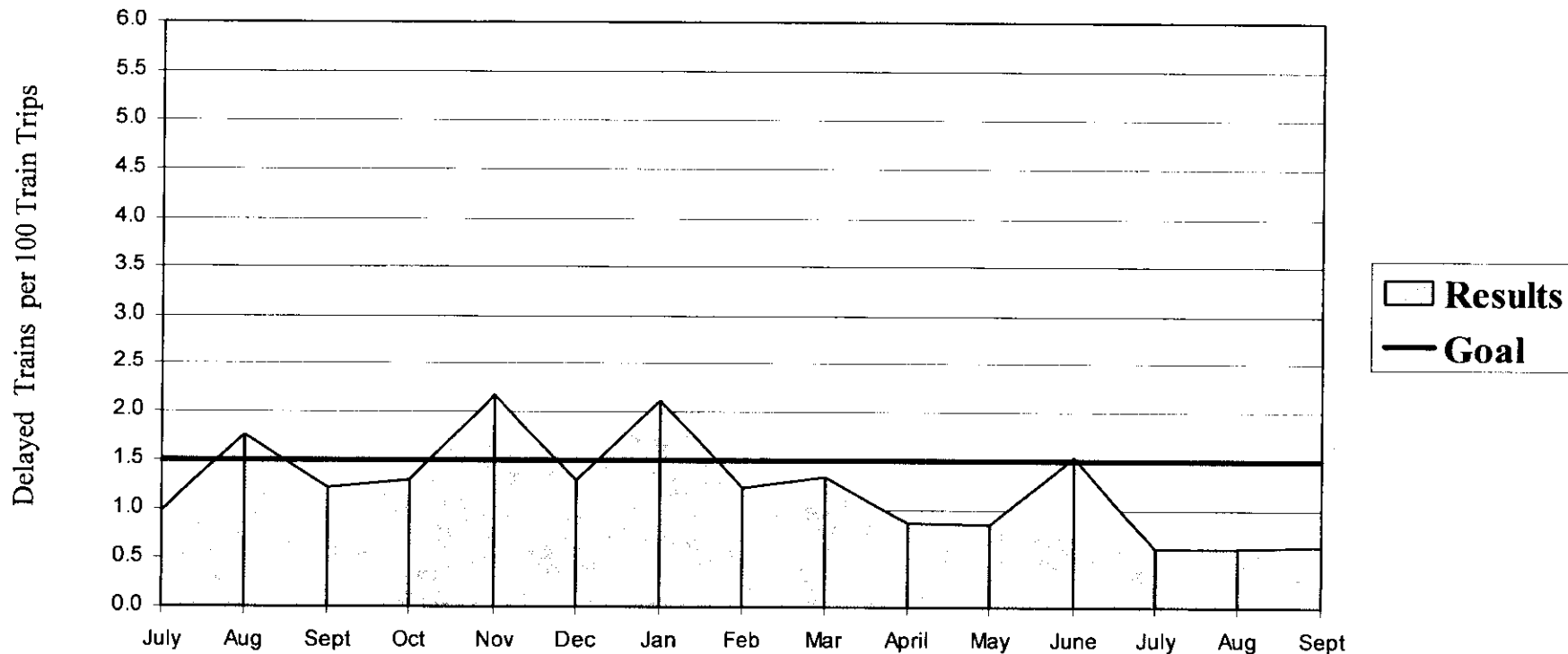
- ✓ Train on-time above 94% goal
- ✓ Improved over last quarter, last year



SERVICE : How are we doing? ☒

## Wayside Train Control System

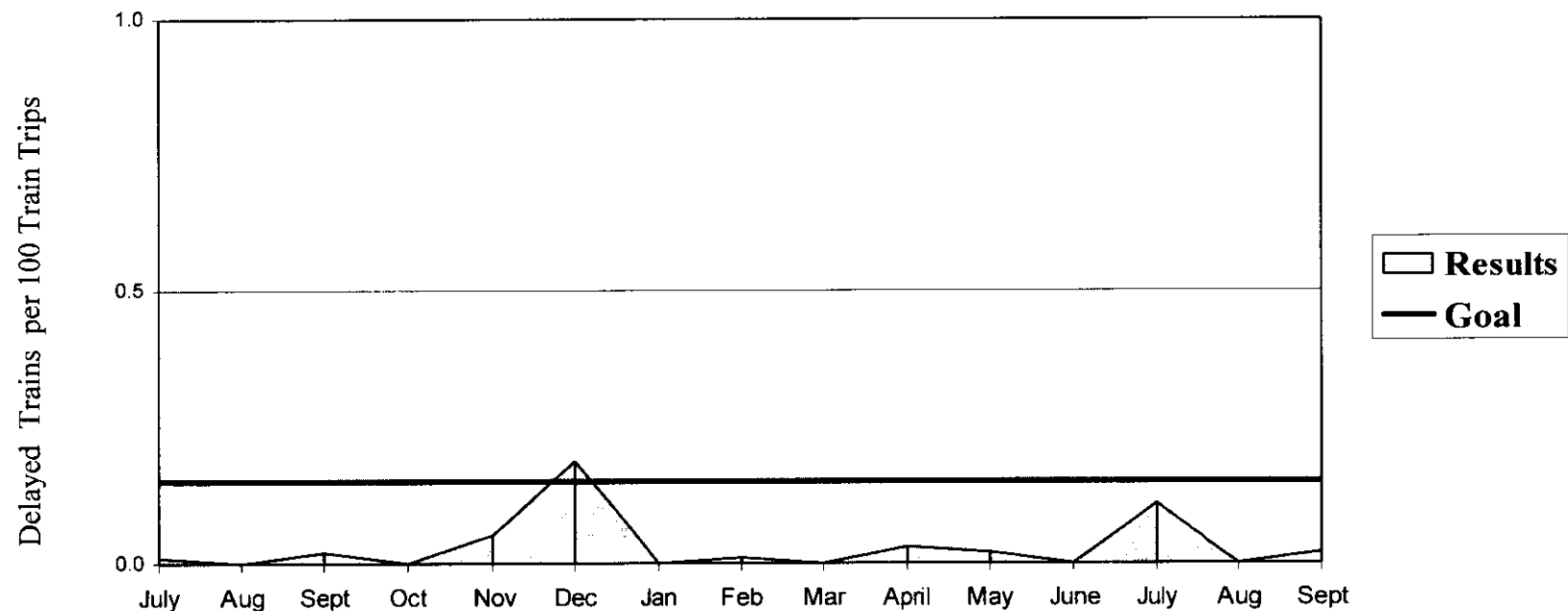
Includes False Occupancy & Routing, Delays Per 100 Train Runs



- ✓ Goal met
- ✓ Completed and in-progress wayside projects have contributed to improved performance this quarter

## Computer Control System

Includes ICS computer & SORS, Delays per 100 train runs



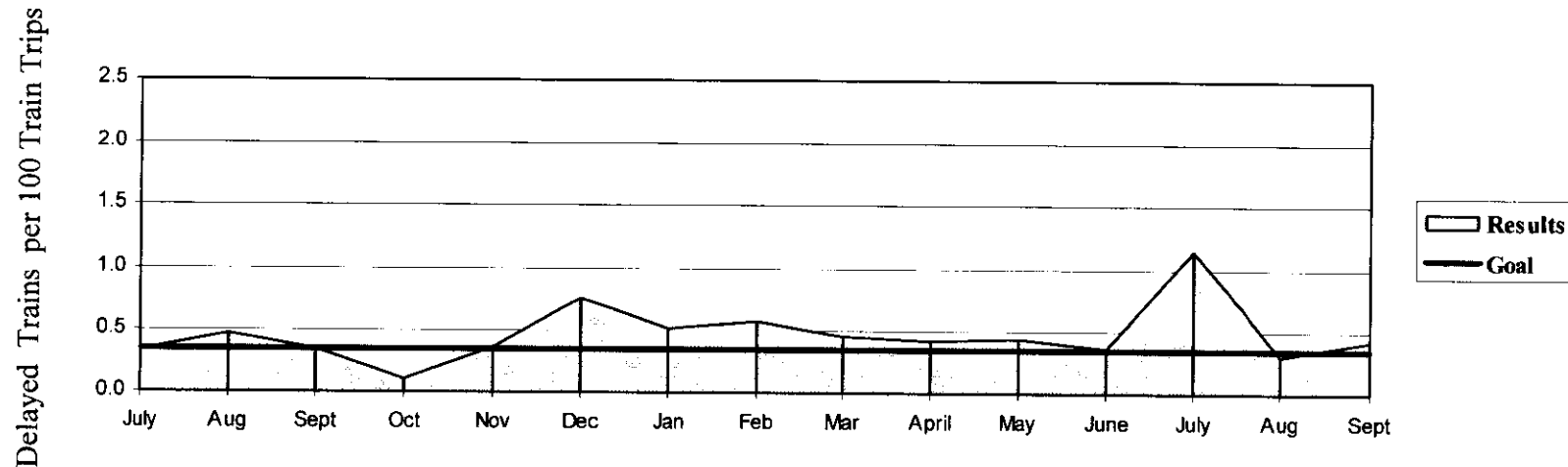
- ✓ Goal met
- ✓ SORS and ICS stable



SERVICE : How are we doing? ☒


## Traction Power

**Includes Coverboards, Insulators,  
Third Rail Trips, Substations,  
Delays Per 100 Train Runs**



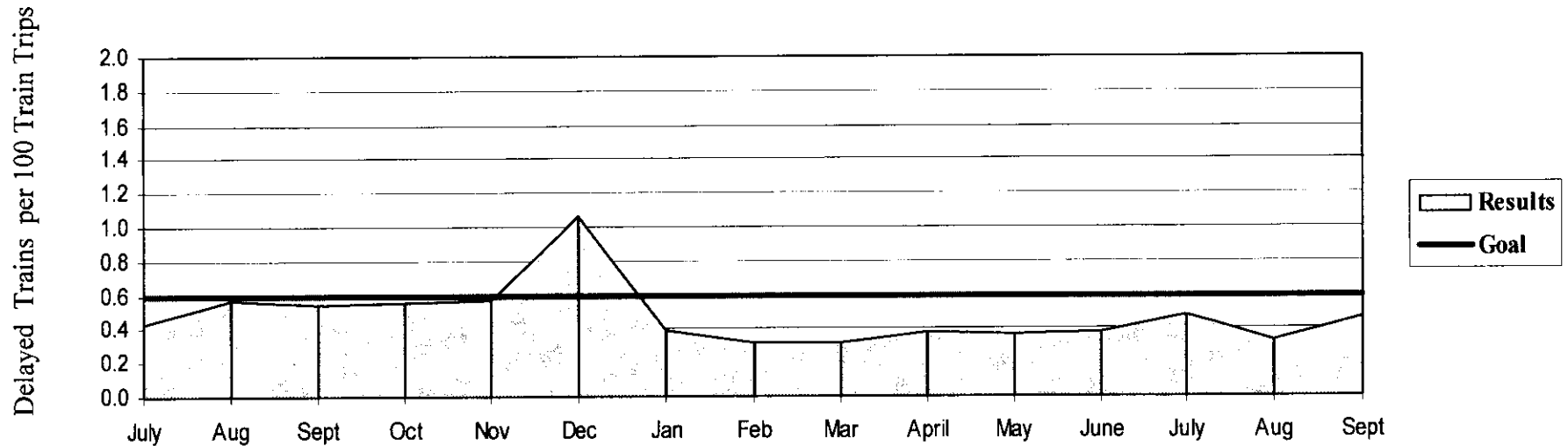
- ✓ Performance down, goal not met
- ✓ Third bracket coverboard installation progressing between South Hayward and Fremont
- ✓ Stimulus funded, multi-million dollar coverboard project will start in the spring



SERVICE : How are we doing? 

## Transportation

**Includes Late Dispatches, Controller-Train  
Operator-Tower Procedures and Other  
Operational Delays Per 100 Train Runs**

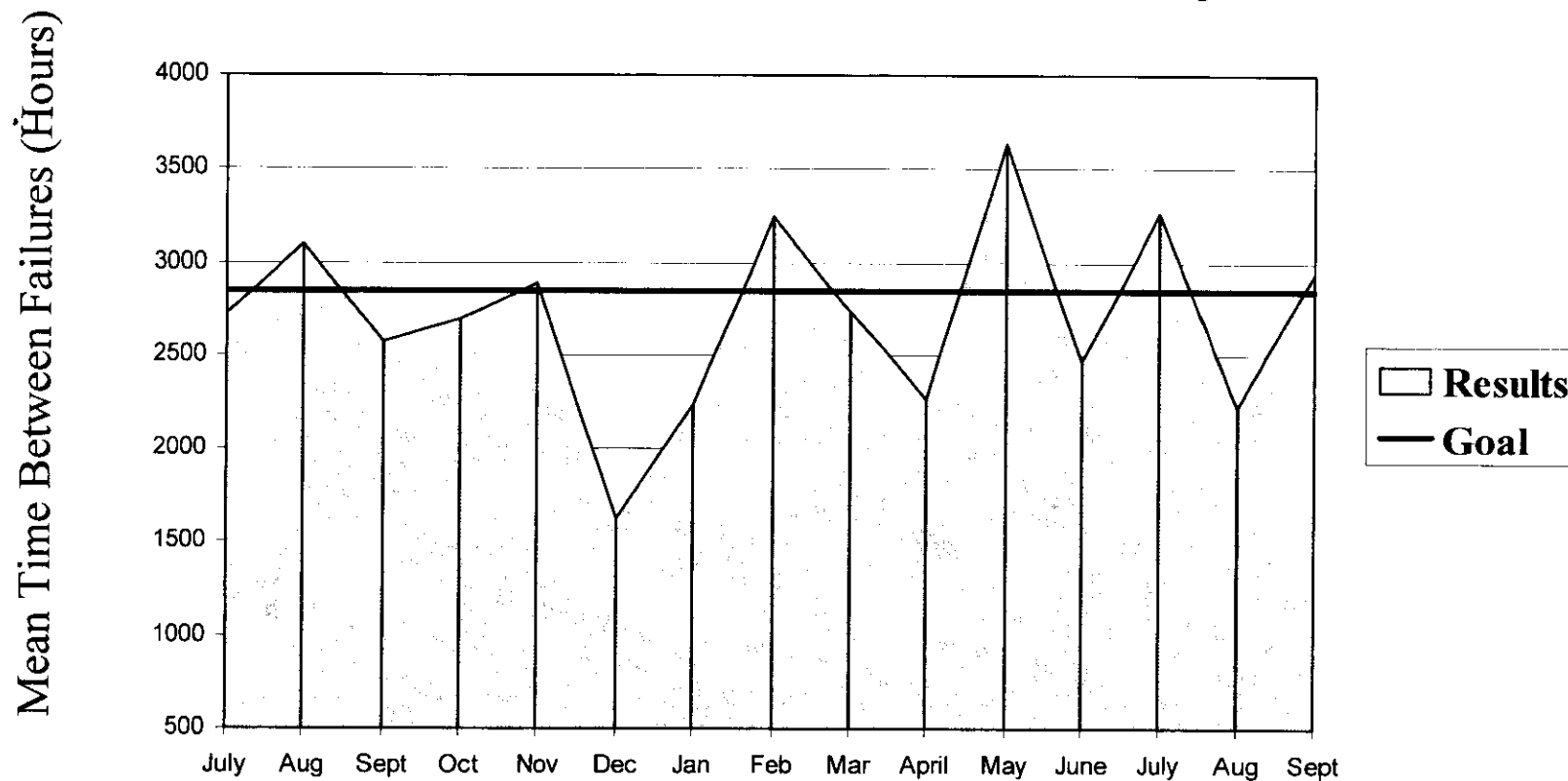


✓ Goal met




SERVICE : How are we doing? ☒

## Car Equipment - Reliability

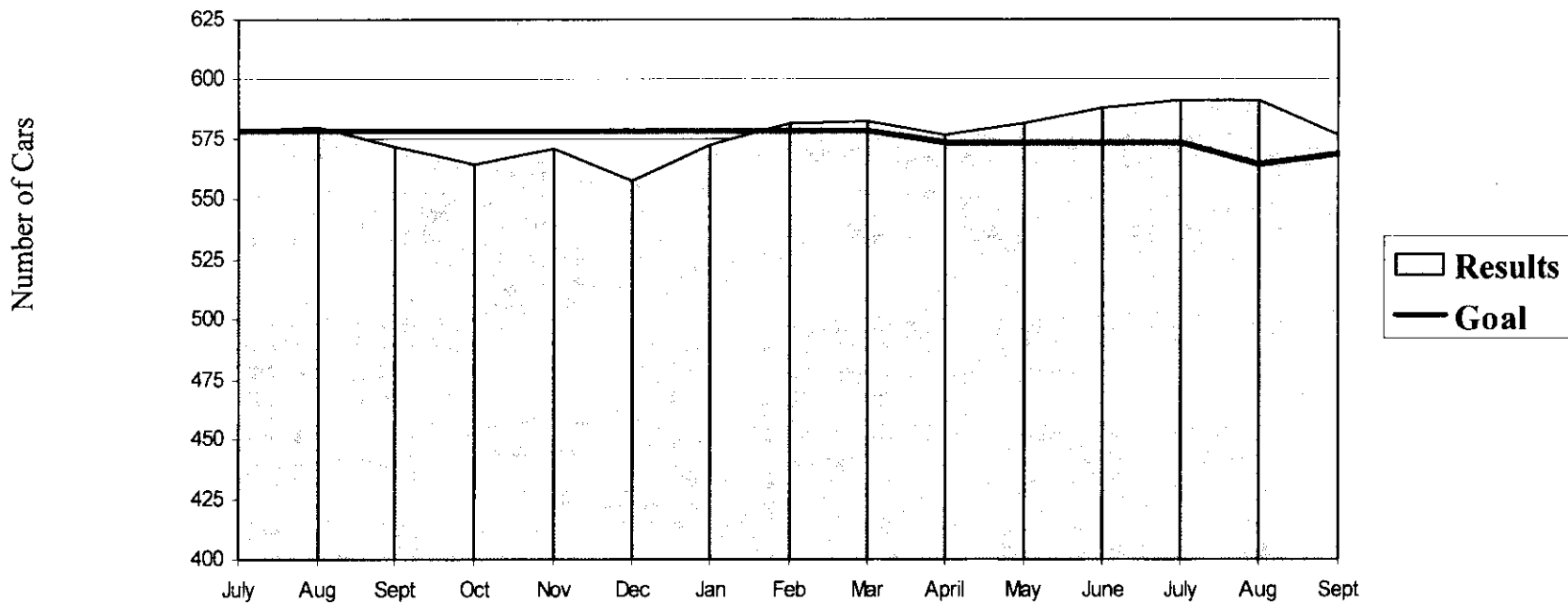


- ✓ MTBF 2,814, Goal 2,850
- ✓ Results better than last quarter and better than the same quarter from prior fiscal year

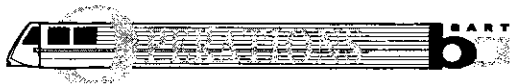


SERVICE : How are we doing? 

## Car Equipment - Availability @ 0400 hours

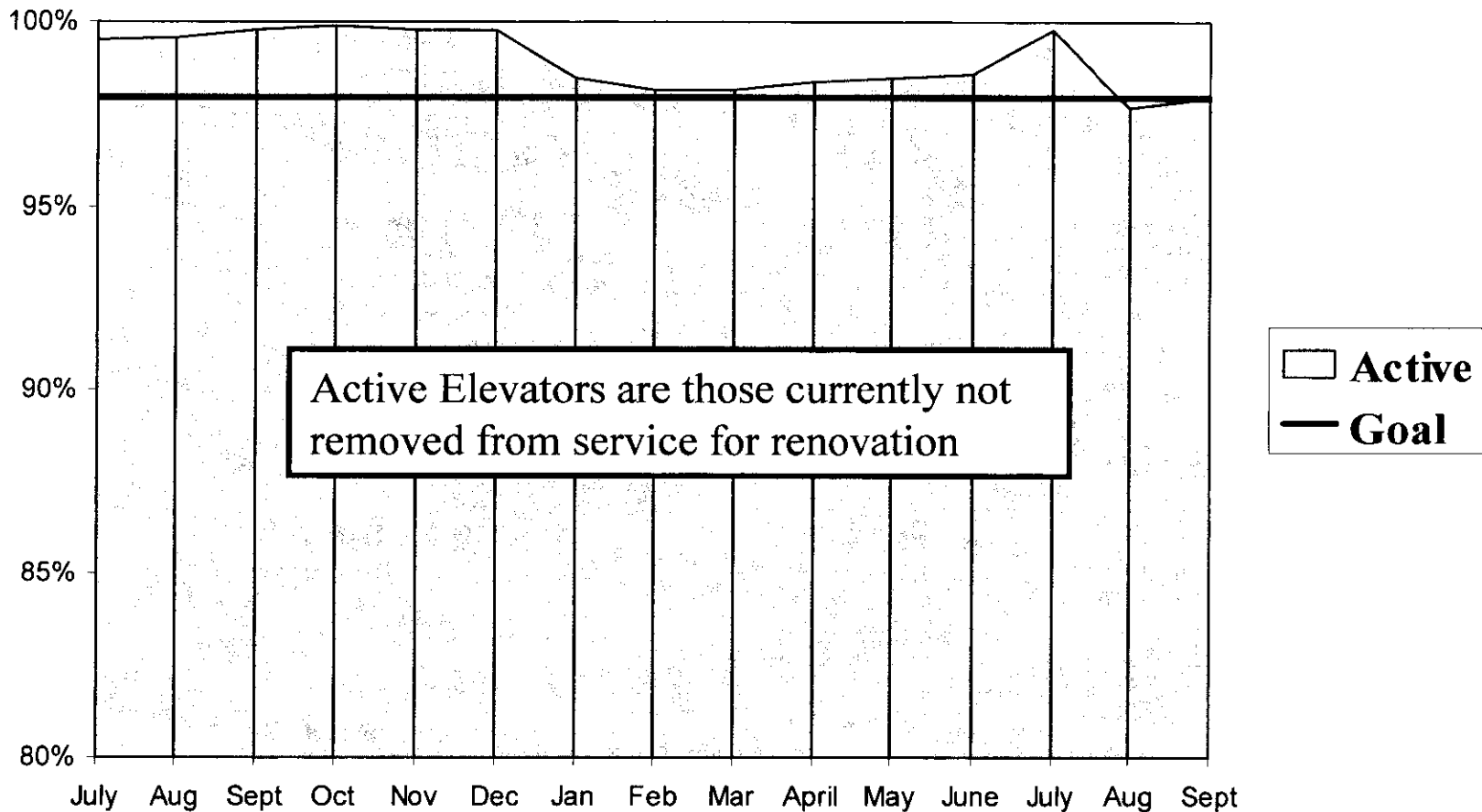


✓ Goal met




SERVICE : How are we doing? ☒

## Elevator Availability - Stations

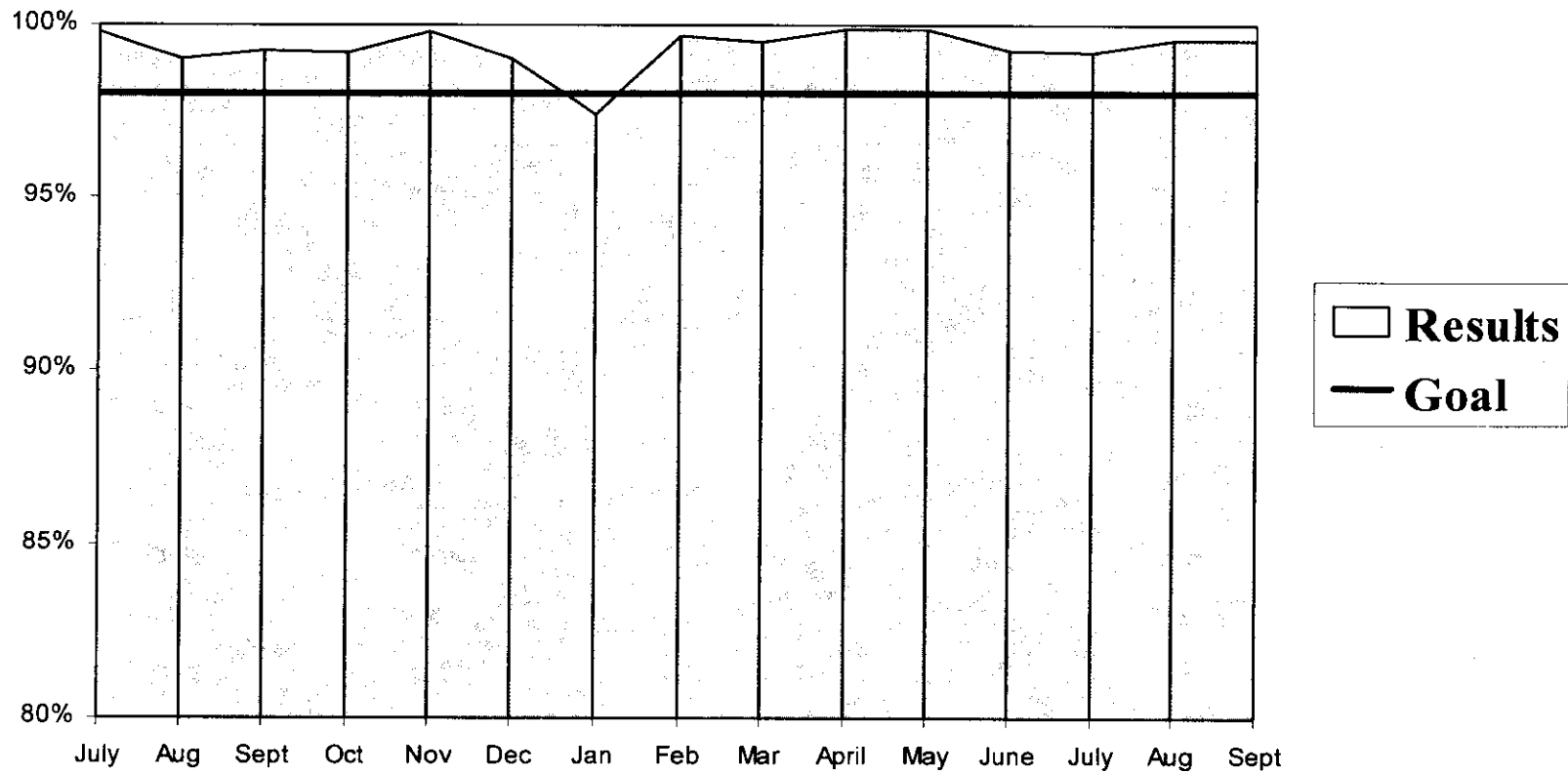


- ✓ Goal met
- ✓ Civic Center and Embarcadero head-houses complete, Montgomery in progress
- ✓ Potential for staffing levels to impact performance negatively



SERVICE : How are we doing? 

## Elevator Availability - Garage

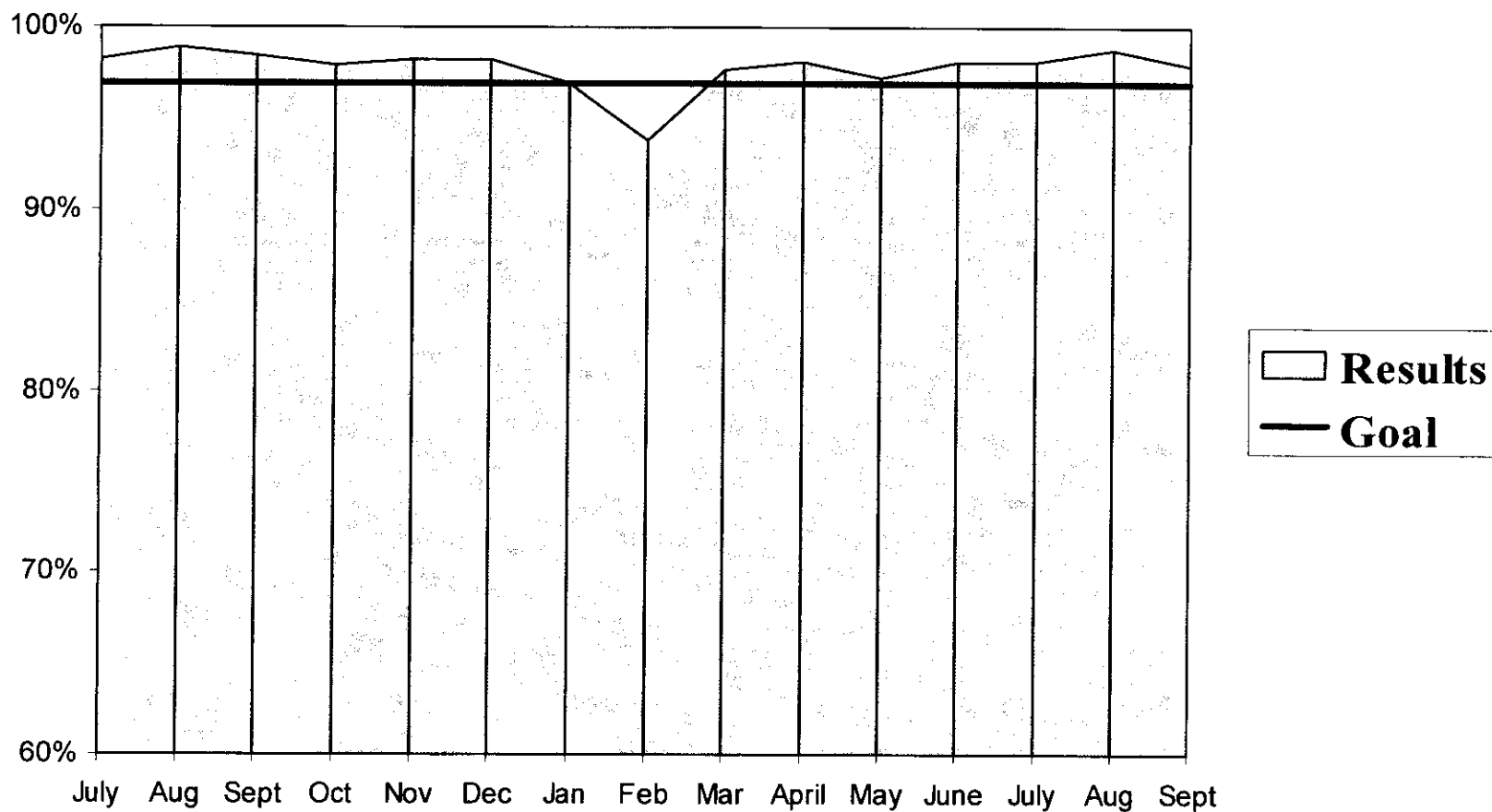


✓ Goal exceeded



SERVICE : How are we doing? ☒

## Escalator Availability - Street

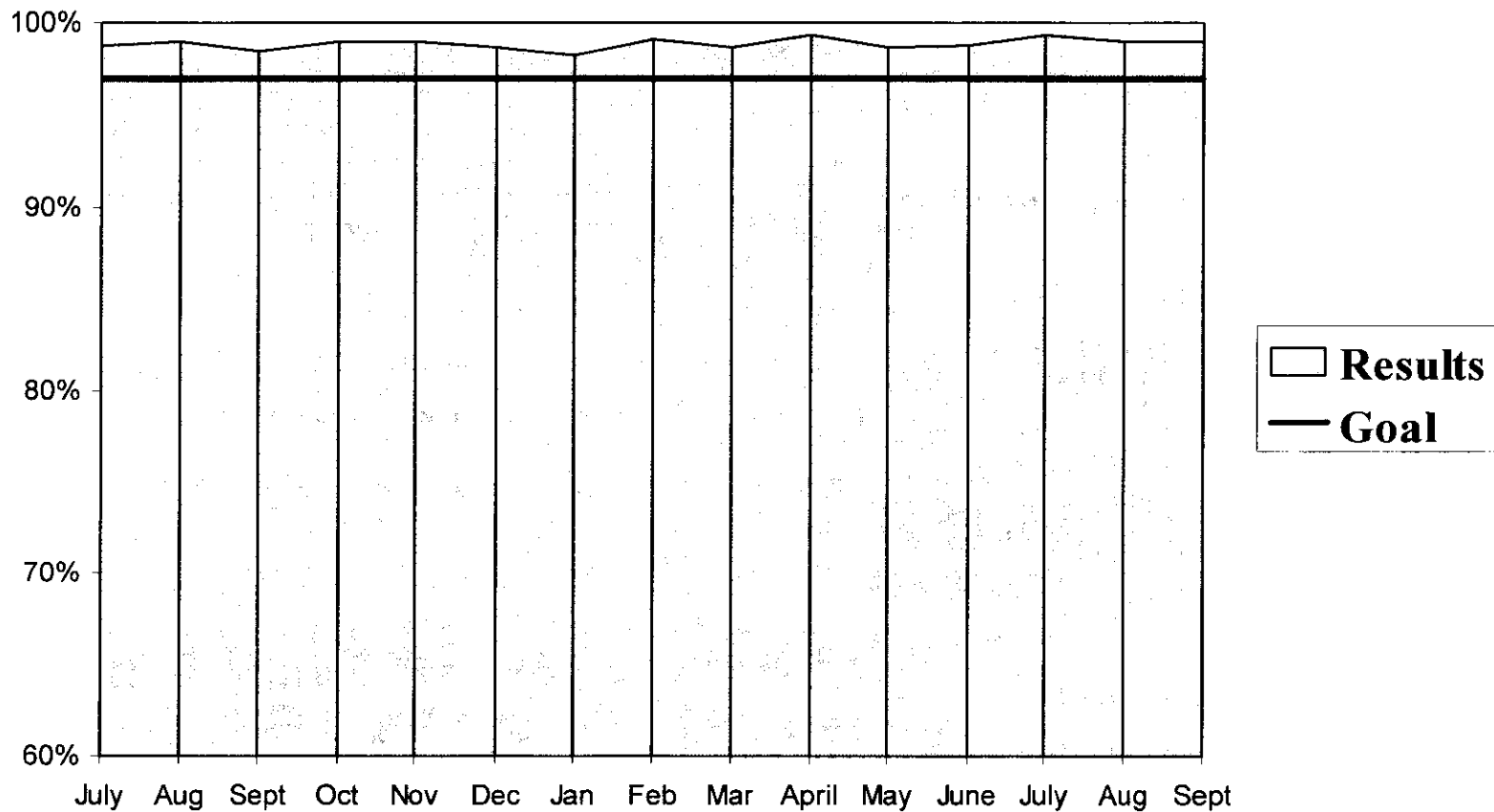


- ✓ Goal met
- ✓ Project work (communication and missing step detector upgrades) impacted by staffing levels



SERVICE : How are we doing? ☒

## Escalator Availability - Platform

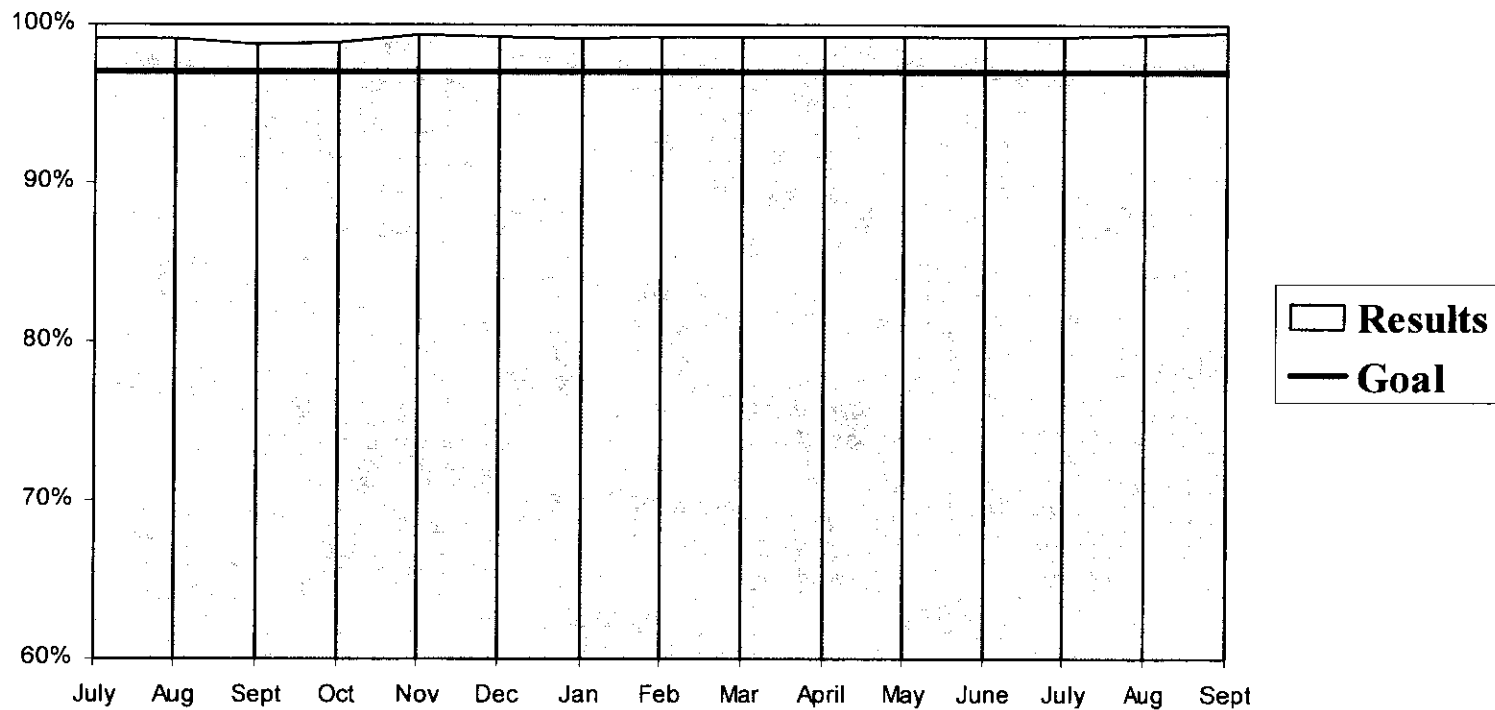


✓ Goal exceeded



SERVICE : How are we doing? ☒

## AFC Gate Availability



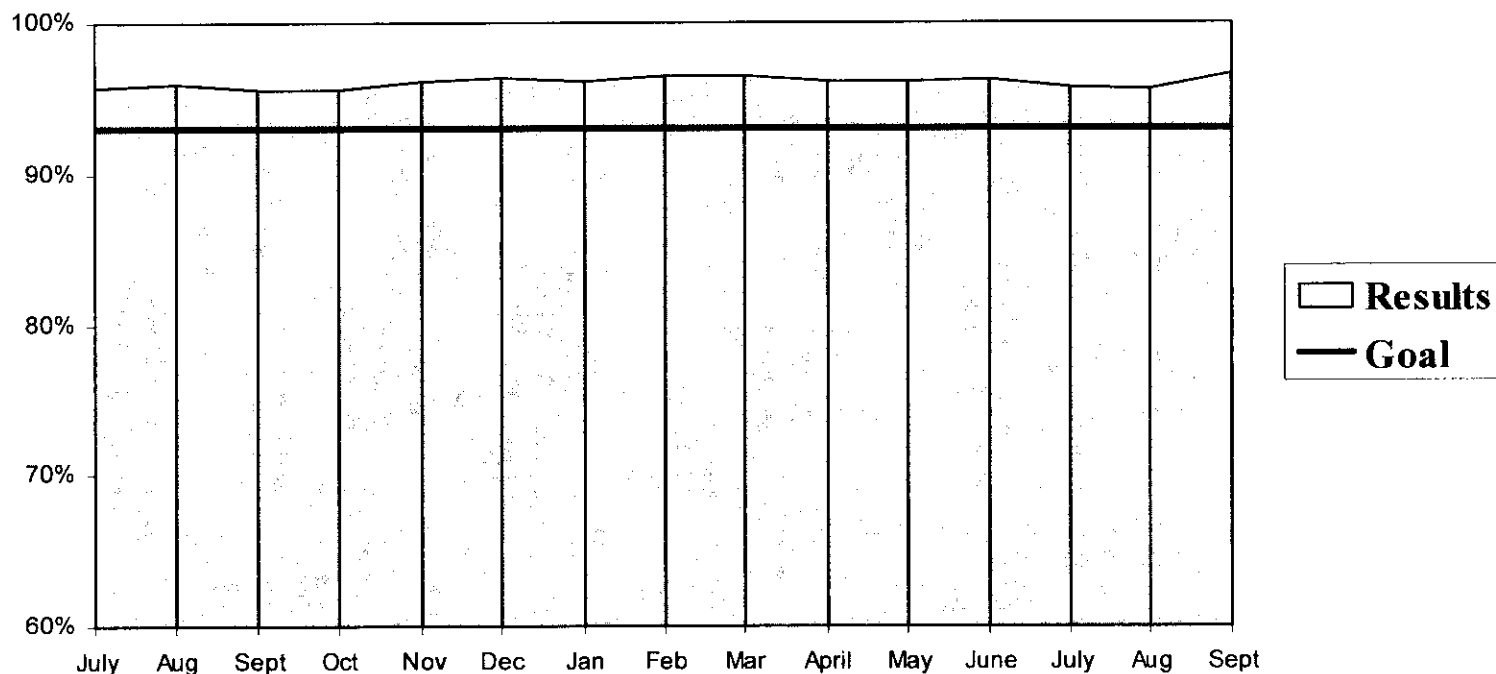
✓ Availability is above goal and high (99.40%)



SERVICE : How are we doing?



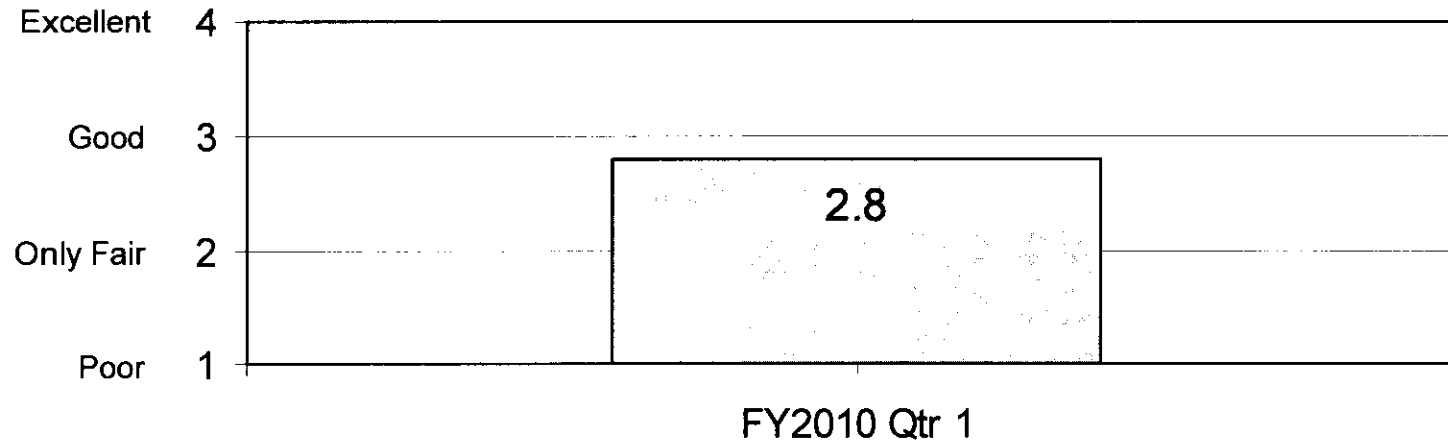
## AFC Vendor Availability



- ✓ Continued steady, above goal performance
- ✓ Availability of Add Fare/Parking machines above 98%
- ✓ “High Core” tickets now dispensed from all vendors – one of the major contributors to BART’s good performance during recent Bay Bridge closure

## Environment - Outside Station

□ New PES Results



Composite rating of:

Walkways & Entry Plaza Cleanliness (50%)

BART Parking Lot Cleanliness (25%)

Appearance of BART Landscaping (25%)

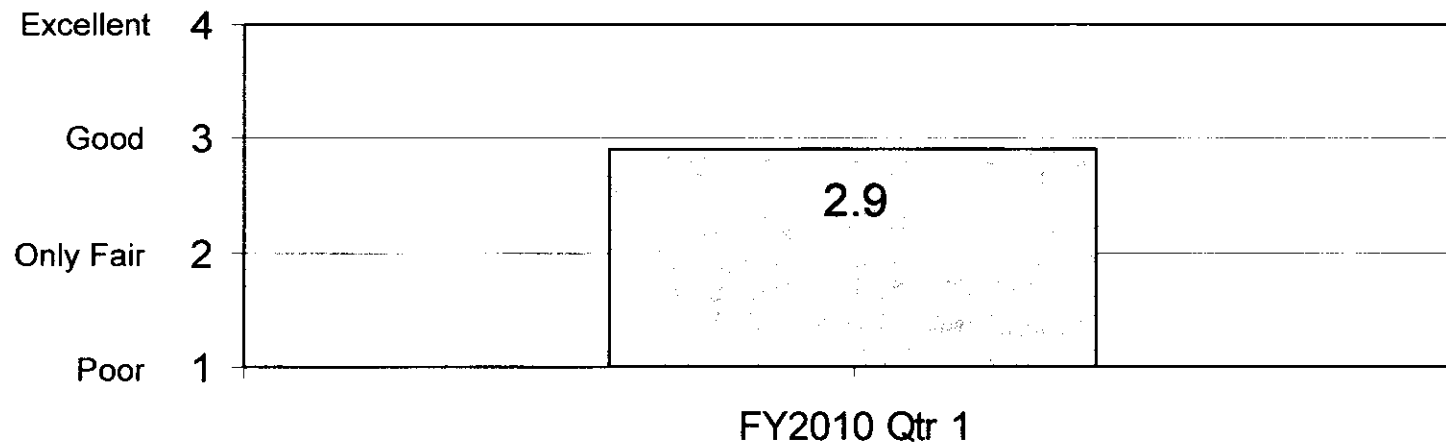
- ✓ Cleanliness ratings of either Excellent or Good:
  - Walkways/Entry Plazas: 68%      Parking Lots: 84%
  - Landscaping Appearance: 66%



SERVICE : How are we doing? ☒

## Environment - Inside Station

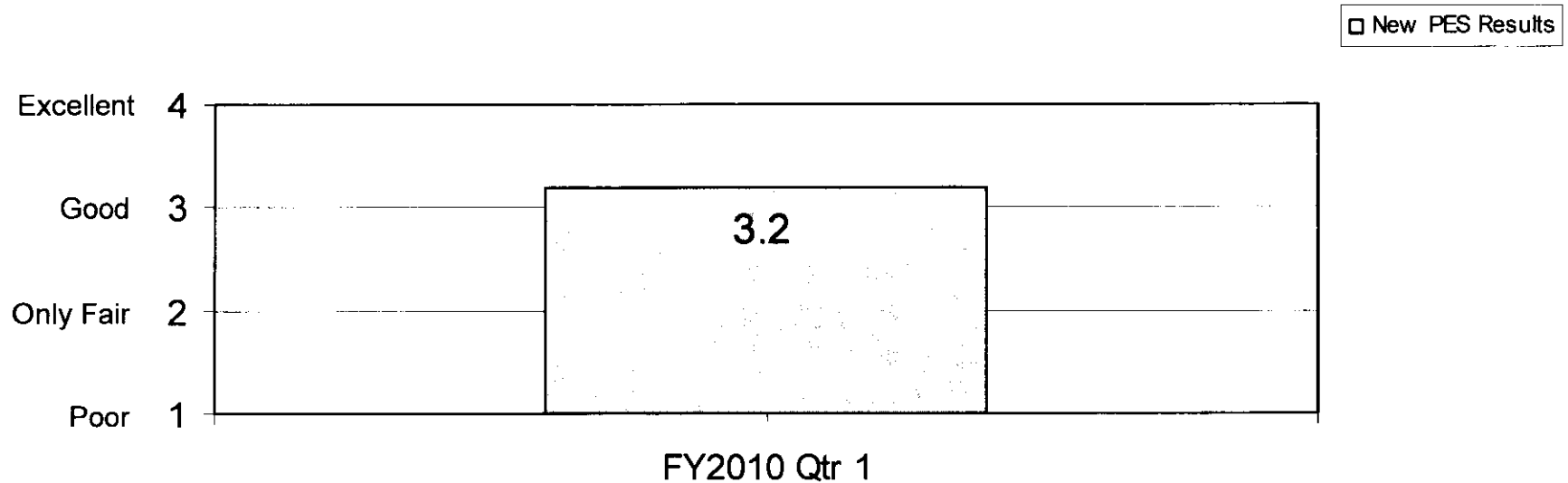
☐ New PES Results



Composite rating for Cleanliness of:  
Station Platform (60%)  
Other Station Areas (20%)  
Restrooms (10%)  
Elevator Cleanliness (10%)

- ✓ Cleanliness ratings of either Excellent or Good:
- |                       |                          |
|-----------------------|--------------------------|
| Station Platform: 83% | Other Station Areas: 75% |
| Restrooms: 40%        | Elevators: 63%           |

## Station Vandalism

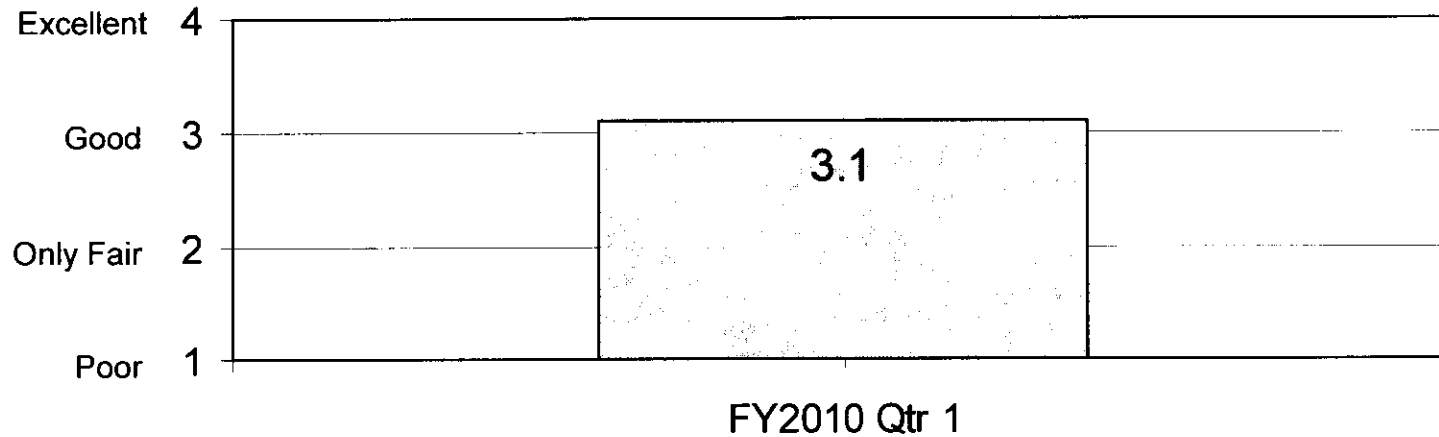


**Station Kept Free of Graffiti**

- ✓ 86% of those surveyed ranked this category as either Excellent or Good

## Station Services


☐ New PES Results



Composite rating of:  
 Station Agent Availability (65%)  
 Brochures Availability (35%)

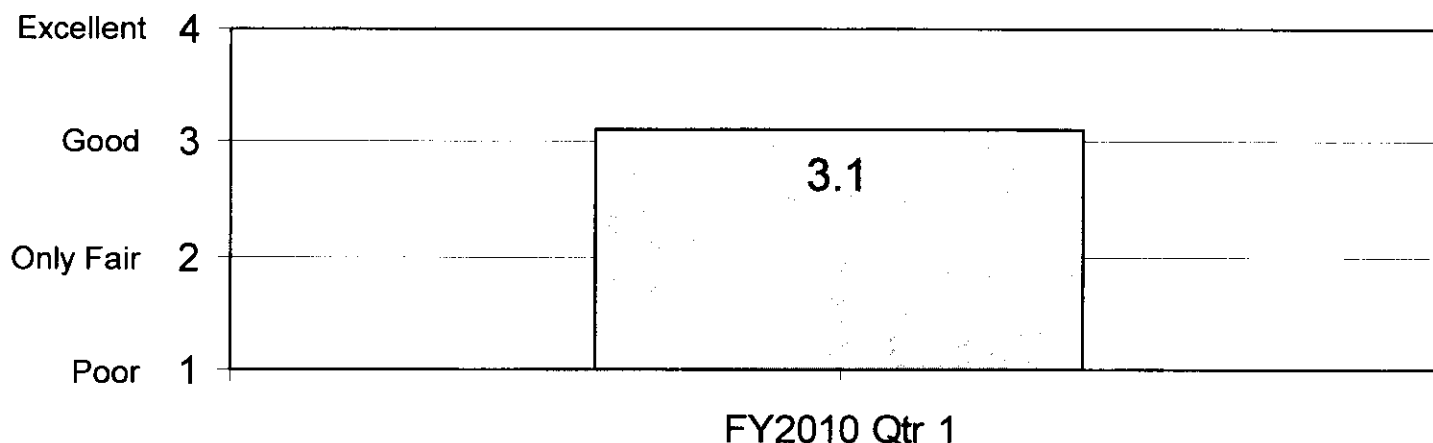
- ✓ Availability ratings of either Excellent or Good:  
 Station Agents: 80%      Brochures: 86%



SERVICE : How are we doing? 

## Train P.A. Announcements

☐ New PES Results



Composite rating of:

P.A. Arrival Announcements (33%)

P.A. Transfer Announcements (33%)


P.A. Destination Announcements (33%)

✓ Announcement ratings of either Excellent or Good:

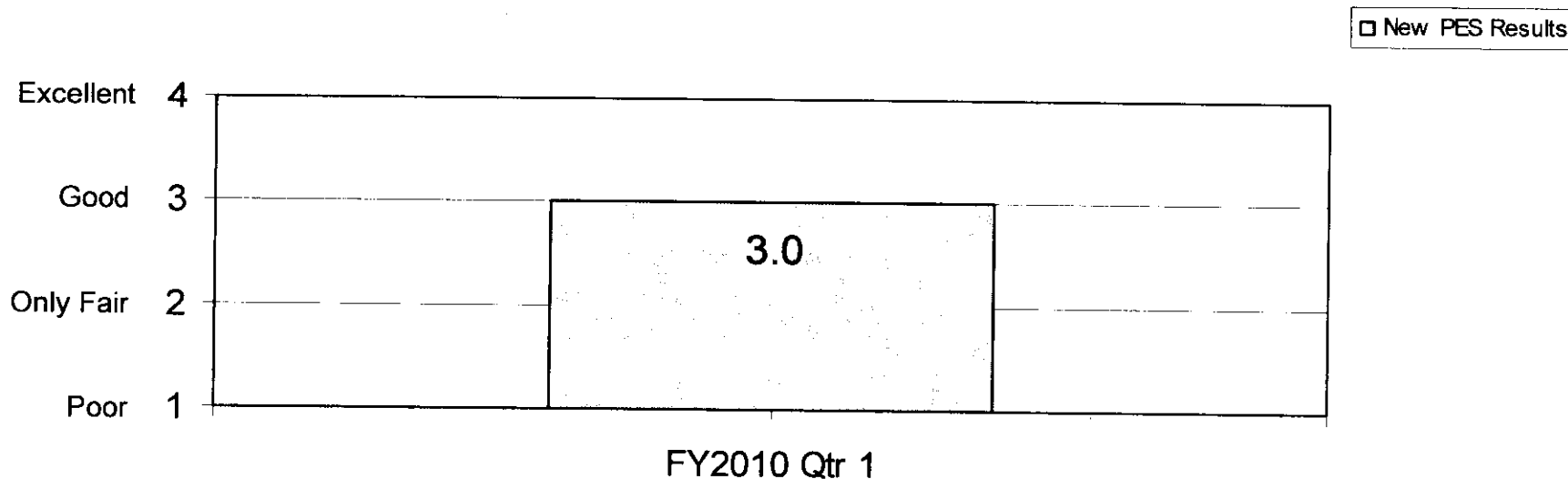
Arrivals: 78%      Transfers: 78%

Destinations: 85%



SERVICE : How are we doing? 

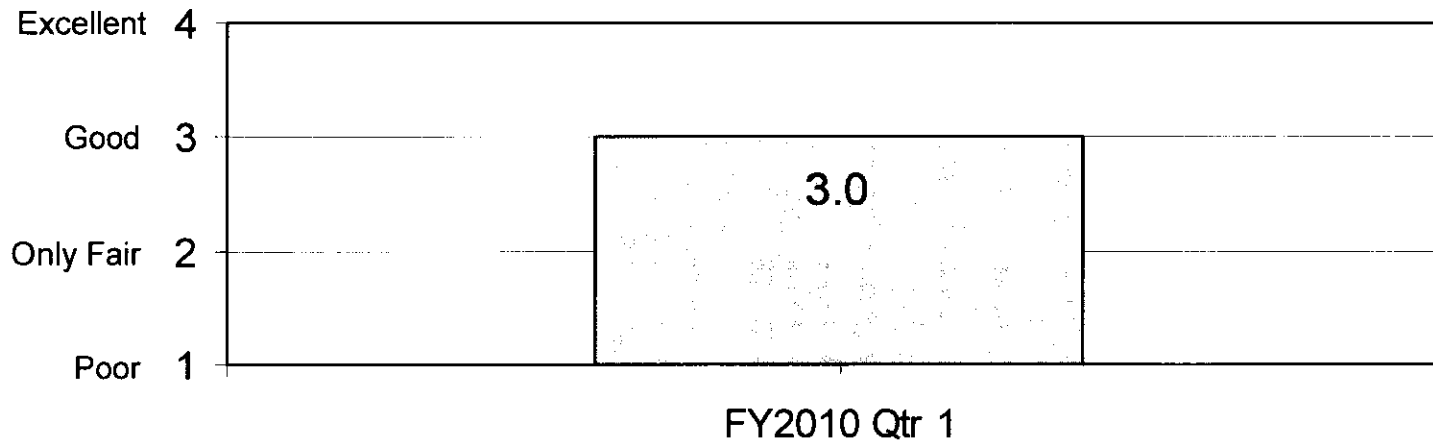
## Train Exterior Appearance



✓ 80% of those surveyed ranked this category as either Excellent or Good

## Train Interior Cleanliness

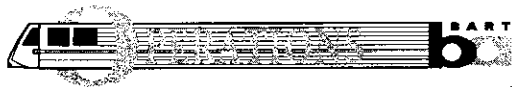
☐ New PES Results



Composite rating of:

- Train interior cleanliness (60%)
- Train interior kept free of graffiti (40%)

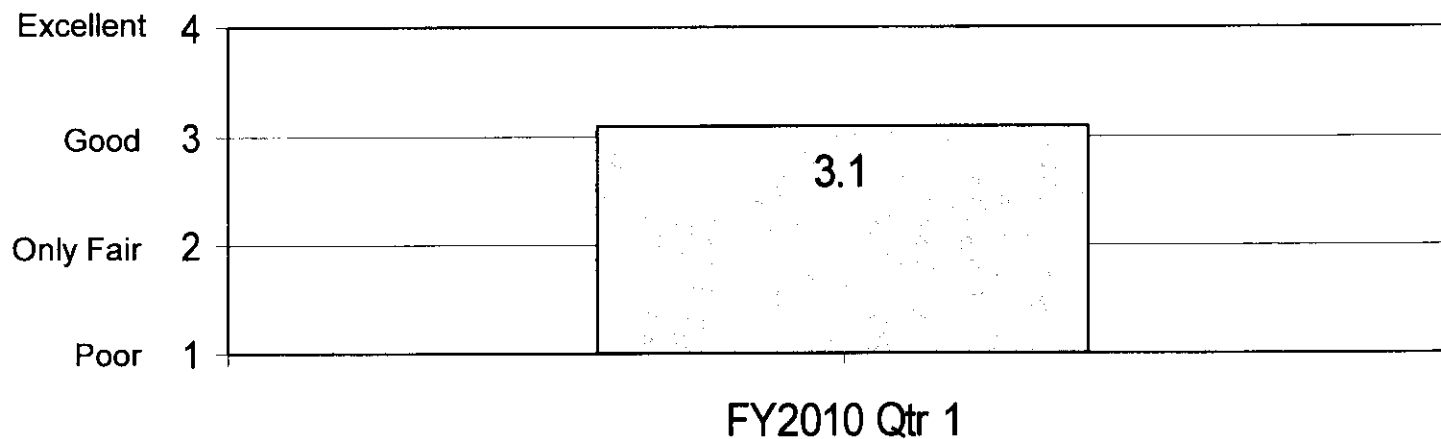
- ✓ Train Interior ratings of either Excellent or Good:  
Cleanliness: 69%    Graffiti-free: 90%



SERVICE : How are we doing? ☒

## Train Temperature

☐ New PES Results



Comfortable Temperature Onboard Train

- ✓ 83% of those surveyed ranked this category as either Excellent or Good

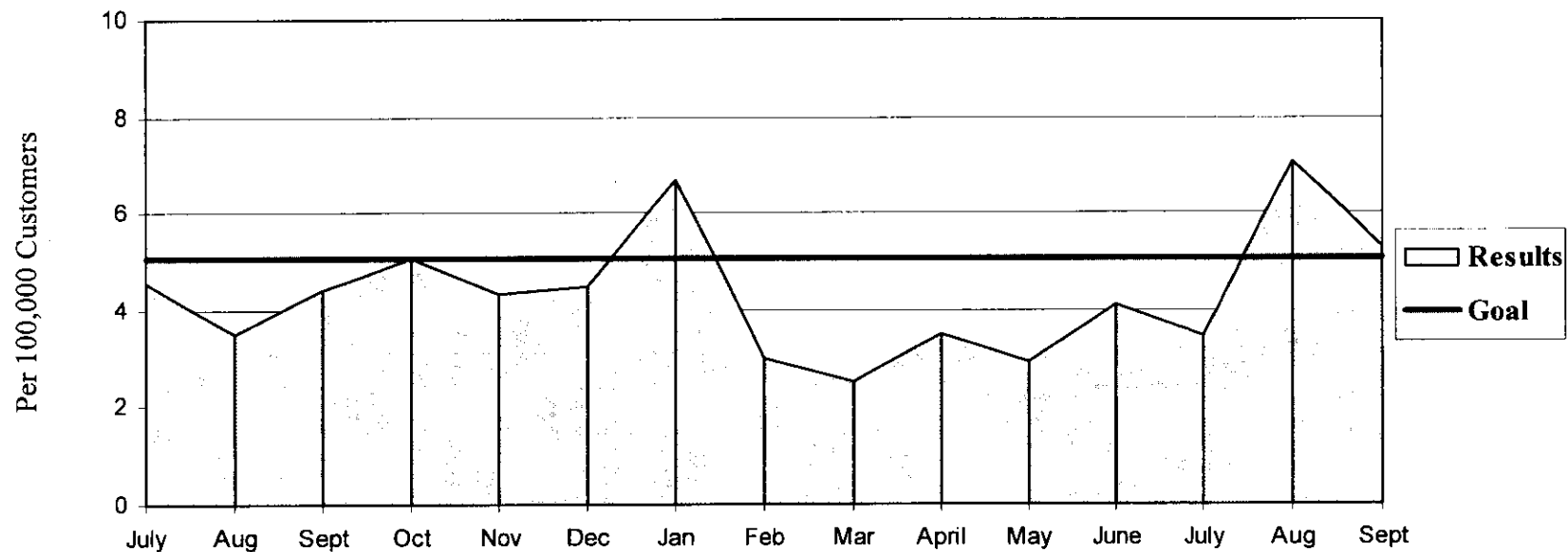


SERVICE : How are we doing?

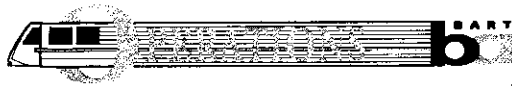



# Customer Complaints

## Complaints Per 100,000 Customers

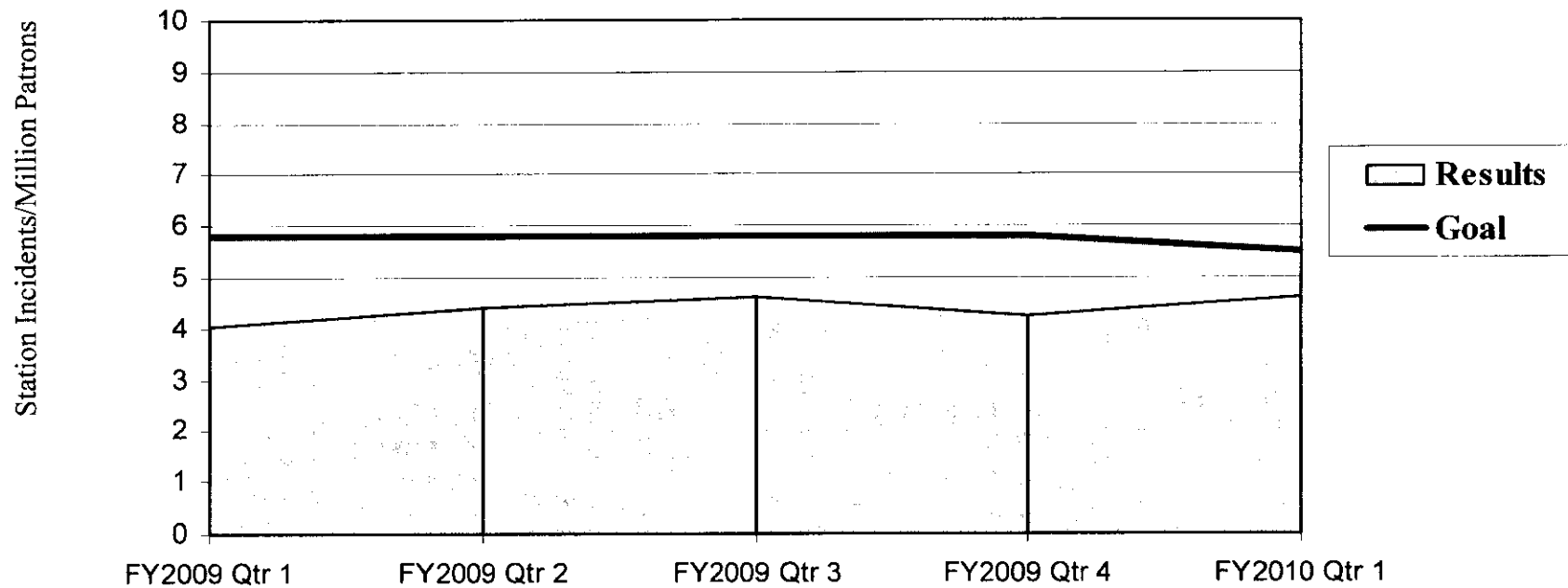


- ✓ Goal not met
- ✓ Complaints increased over both last quarter and same period last year
- ✓ Overall increase in complaints (+442) due to labor negotiations and strike threat (+410) and changes in the train lengths (+69)
- ✓ Generally complaints in other categories were down; for example, complaints about delays were down by 27% and 51% compared to last quarter and last year



SERVICE : How are we doing? 

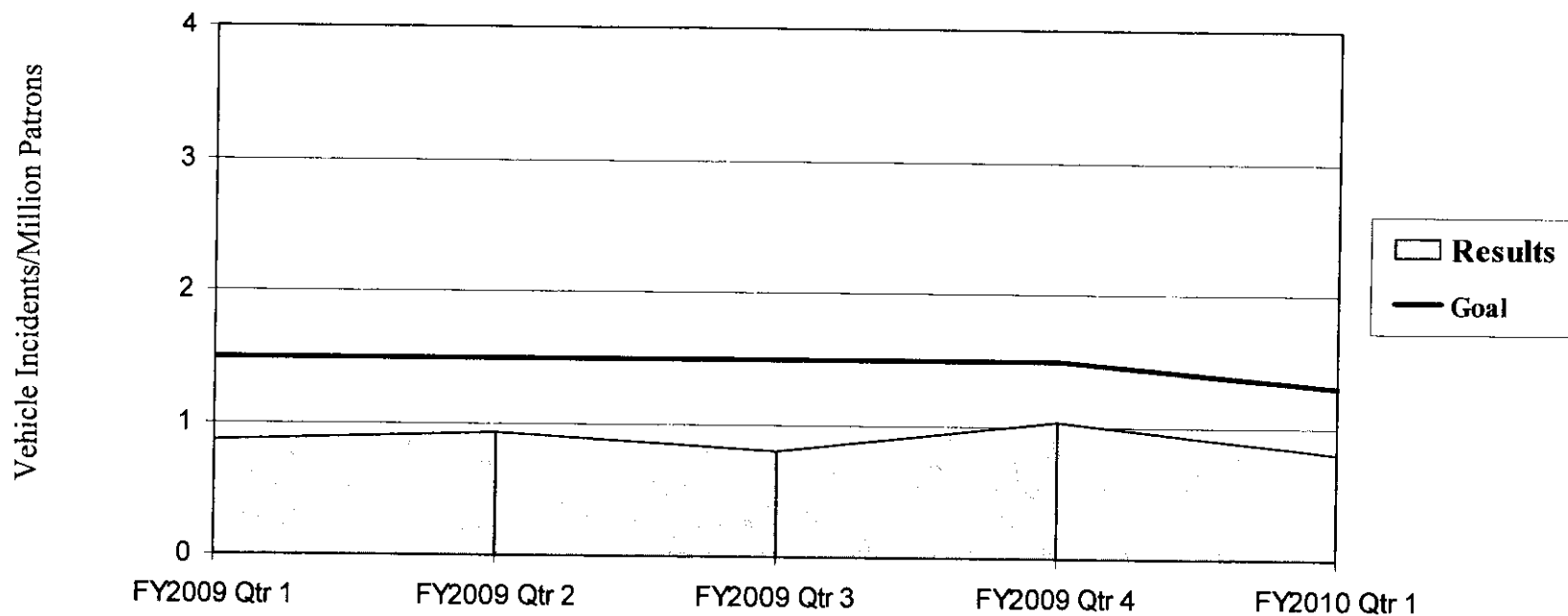
## Patron Safety: Station Incidents per Million Patrons



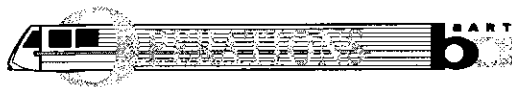
- ✓ FY10 Indicator Reduced from 5.80 to 5.50
- ✓ Up

# Patron Safety

## Vehicle Incidents per Million Patrons

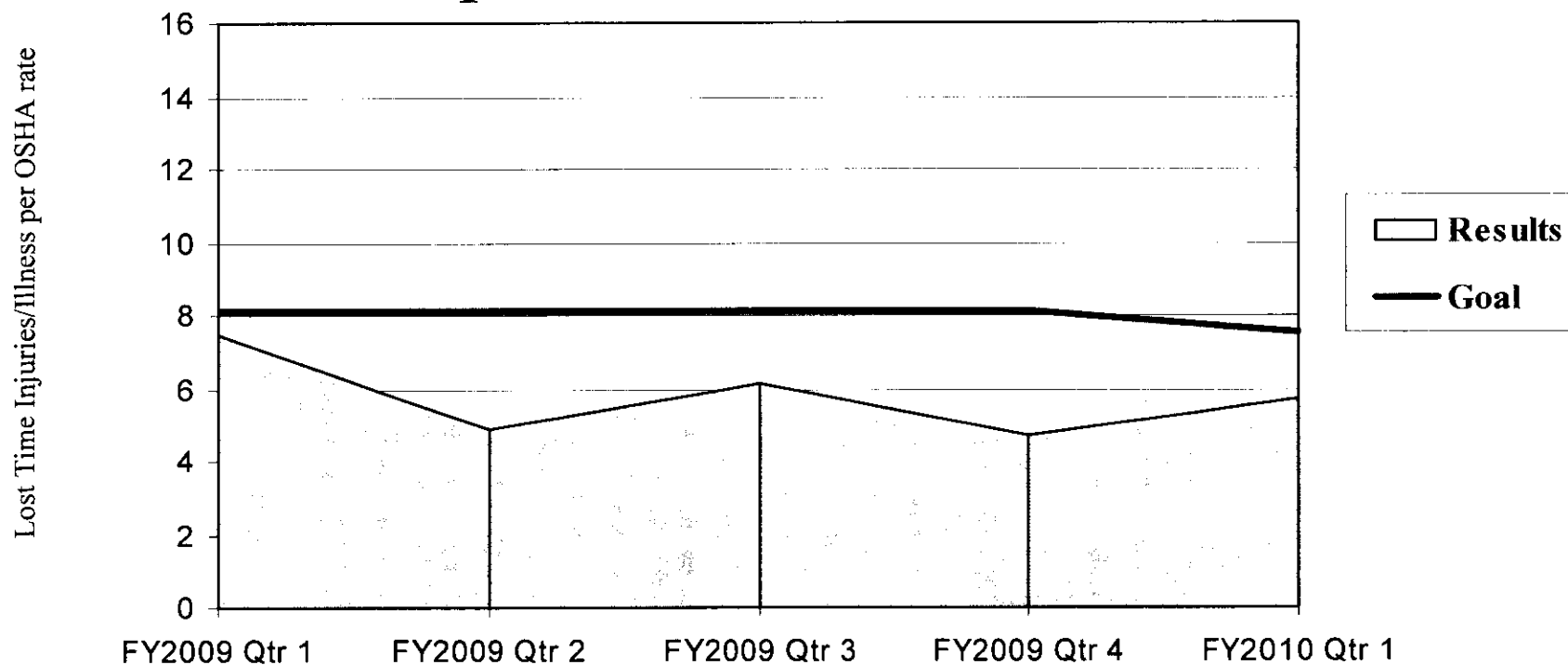


- ✓ FY10 Indicator Reduced from 1.50 to 1.30
- ✓ Down



SERVICE : How are we doing? ☒

## Employee Safety: Lost Time Injuries/Illnesses per OSHA Incidence Rate



- ✓ FY10 Indicator Reduced from 8.10 to 7.50
- ✓ Up

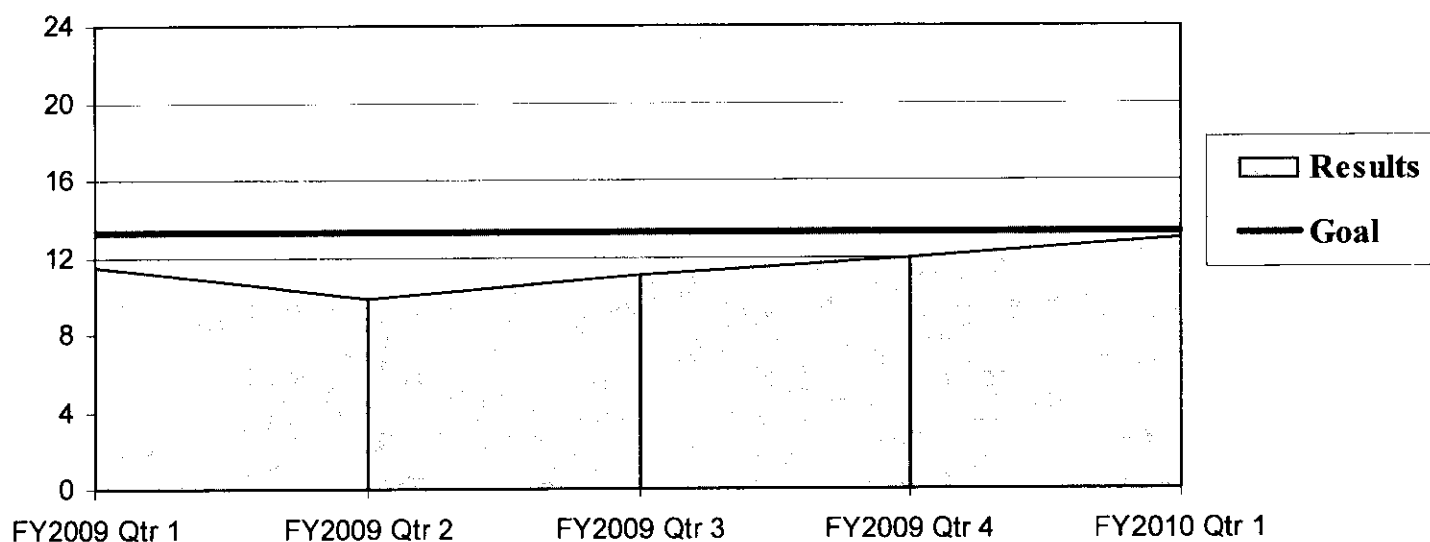


SERVICE : How are we doing?



## Employee Safety: OSHA-Recordable Injuries/Illnesses per OSHA Incidence Rate

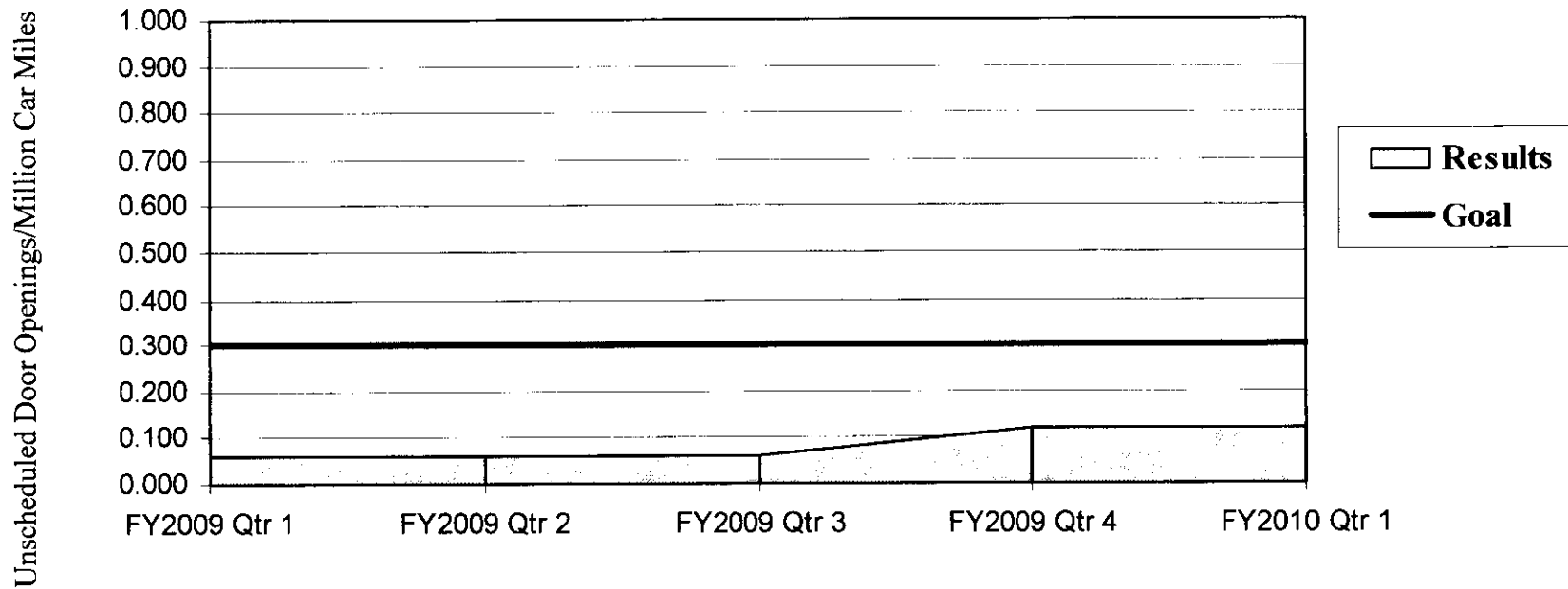
OSHA Recordable Injuries/Illnesses/OSHA rate



✓ Up

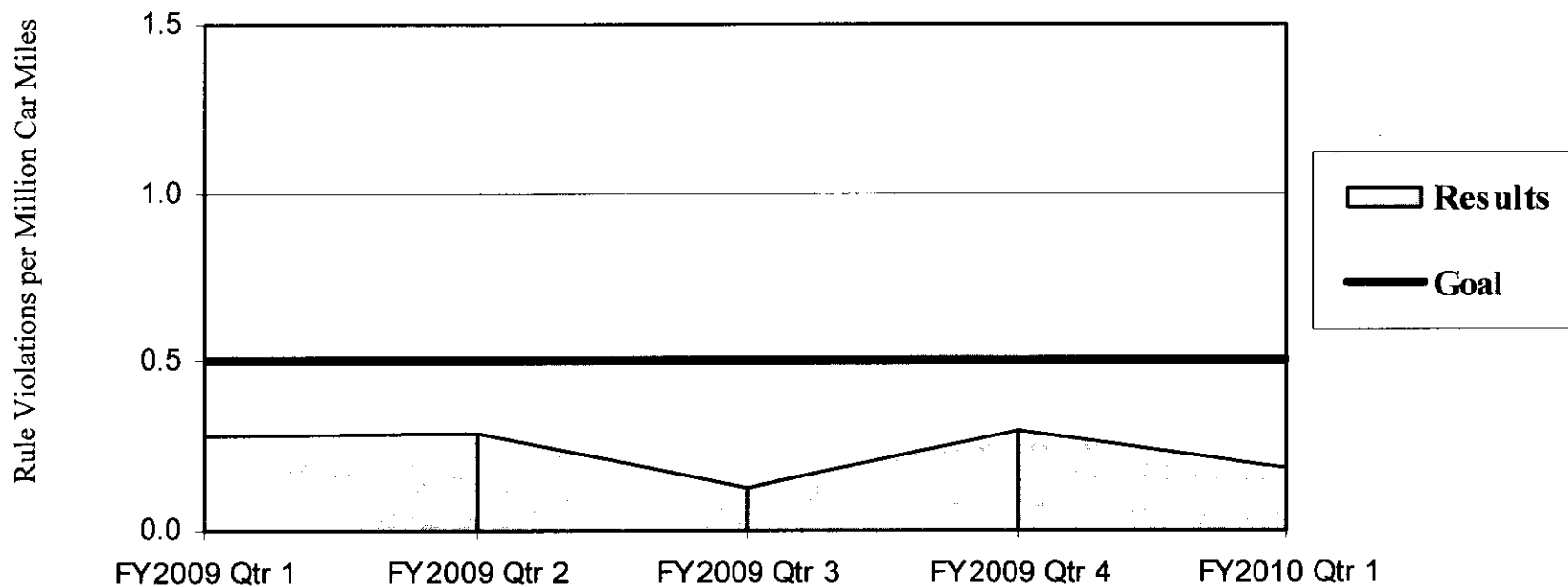
# Operating Safety:

## Unscheduled Door Openings per Million Car Miles

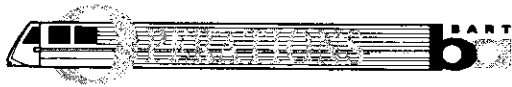



✓ No Change

## Operating Safety: Rule Violations per Million Car Miles



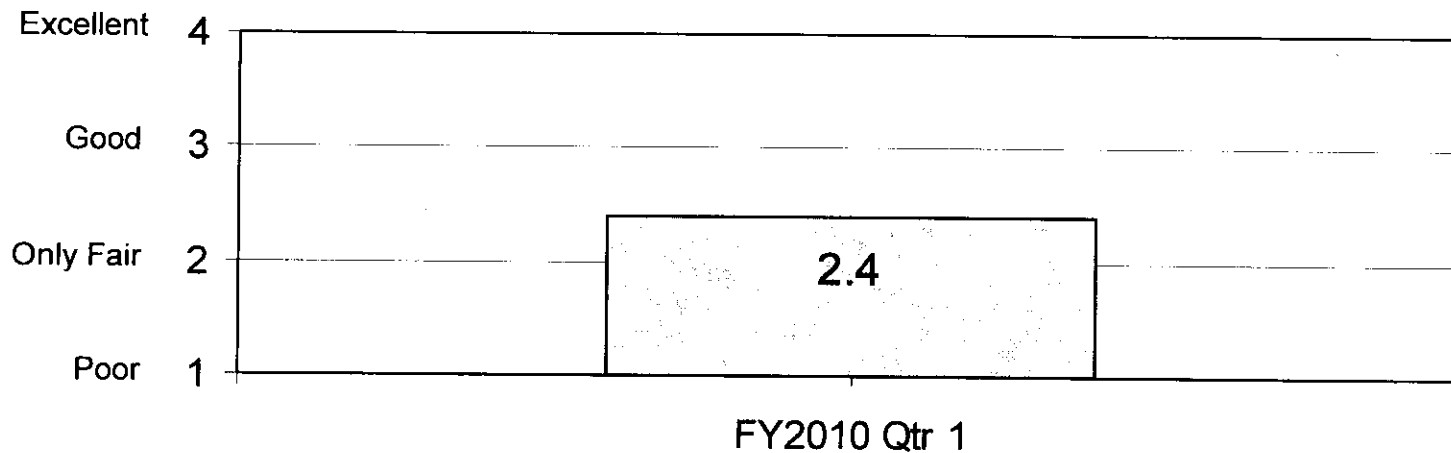
✓ Down



SERVICE : How are we doing? 

## BART Police Presence

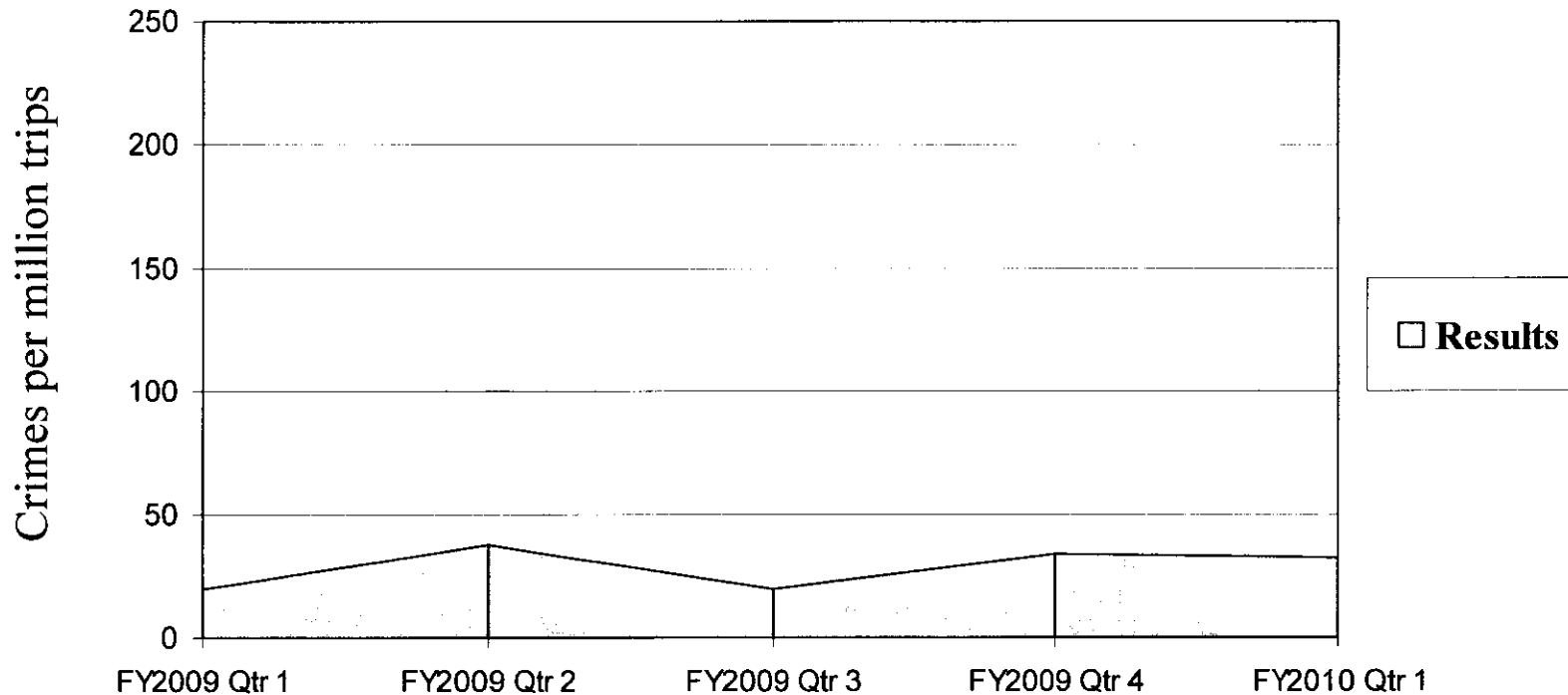
 New PES Results



Composite Rating of Adequate BART Police Presence in:  
Stations (33%)  
Parking Lots and Garages (33%)  
Trains (33%)

- ✓ Adequate Presence ratings of either Excellent or Good:  
Stations: 48%      Parking Lots/Garages: 53%  
Trains: 37%


## Quality of Life\*



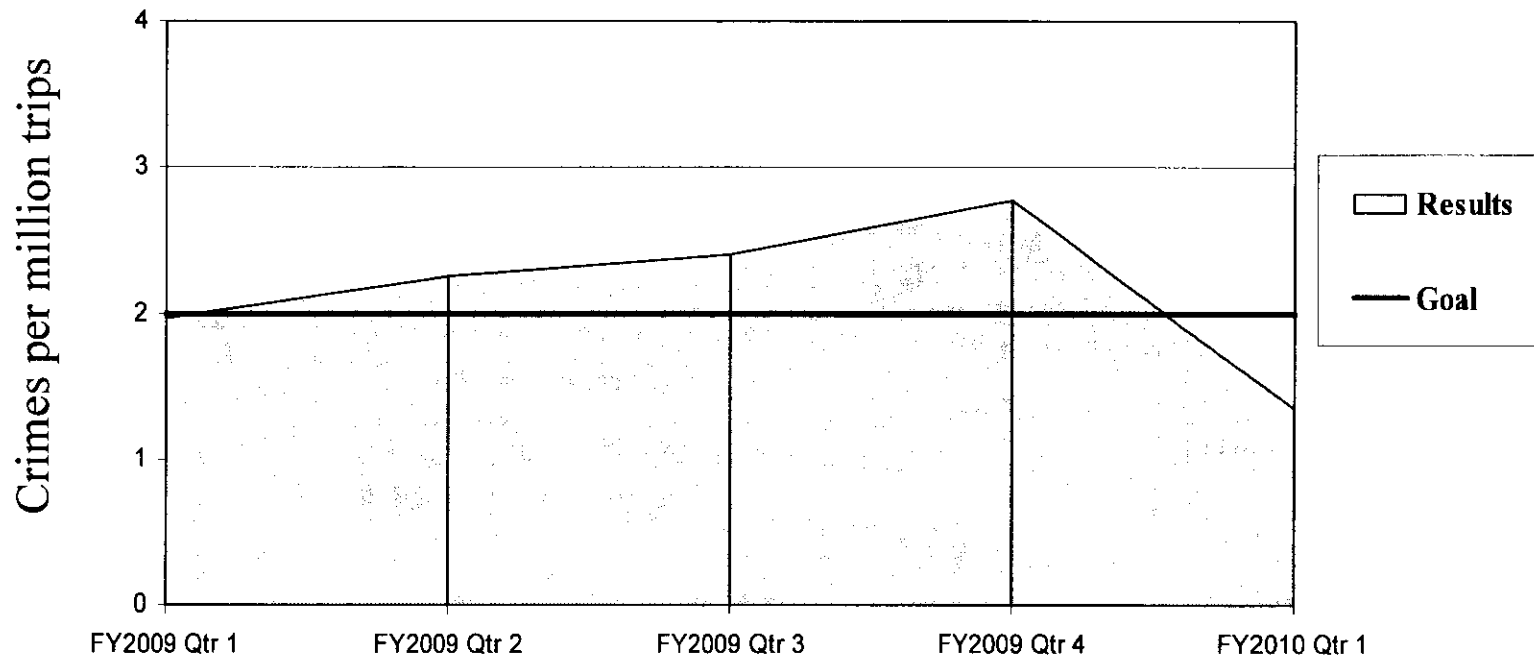
✓ Quality of Life incidents are down from last quarter, but up from the same quarter of last year.

\*Quality of Life Violations include: Disturbing the Peace, Vagrancy, Public Urination, Fare Evasion, Loud Music/Radios, Smoking, Eating/Drinking and Expectoration



SERVICE : How are we doing? 

## Crimes Against Persons (Homicide, Rape, Robbery, and Aggravated Assault)



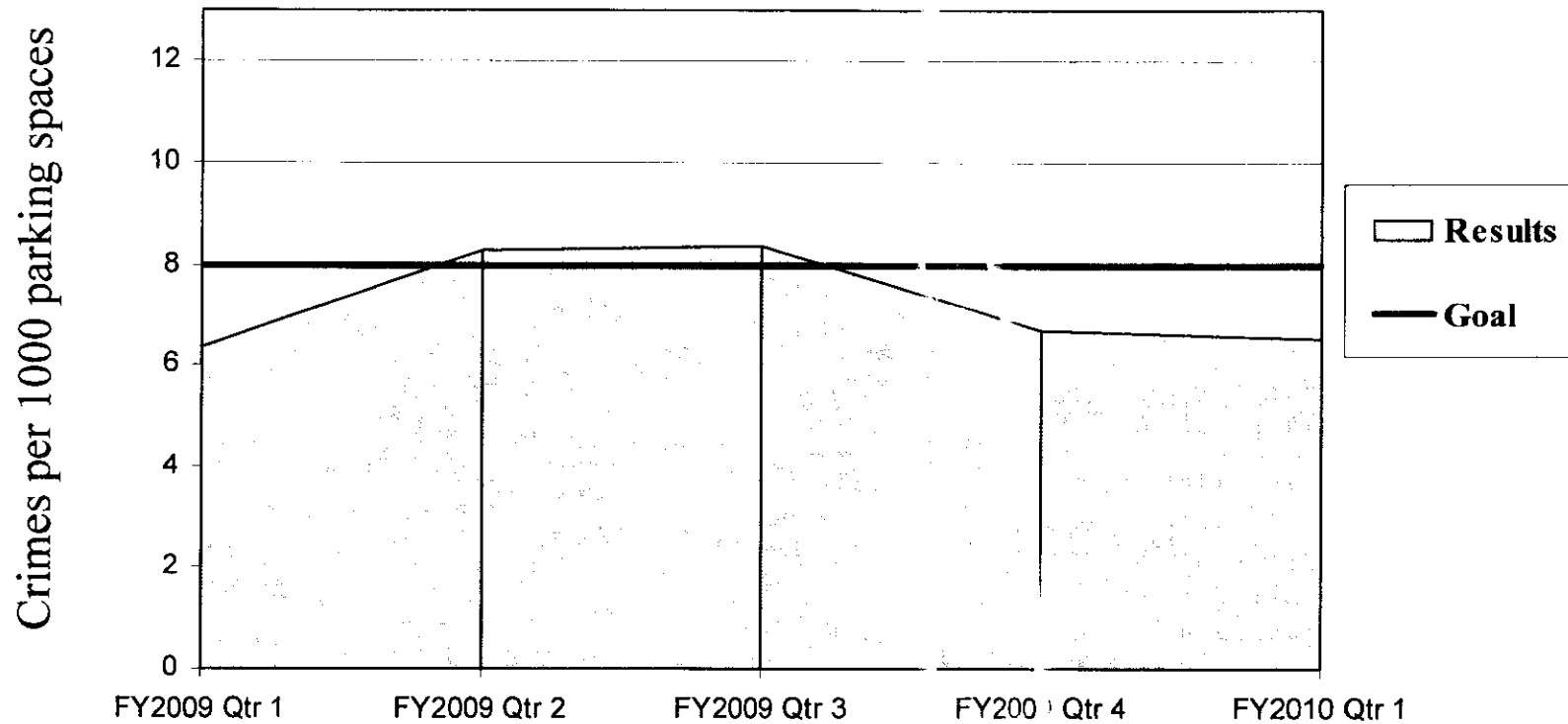
- ✓ Goal met
- ✓ Crimes against persons are down significantly from last quarter, and down from the corresponding quarter of the prior fiscal year



PERFORMANCE : How are we doing?

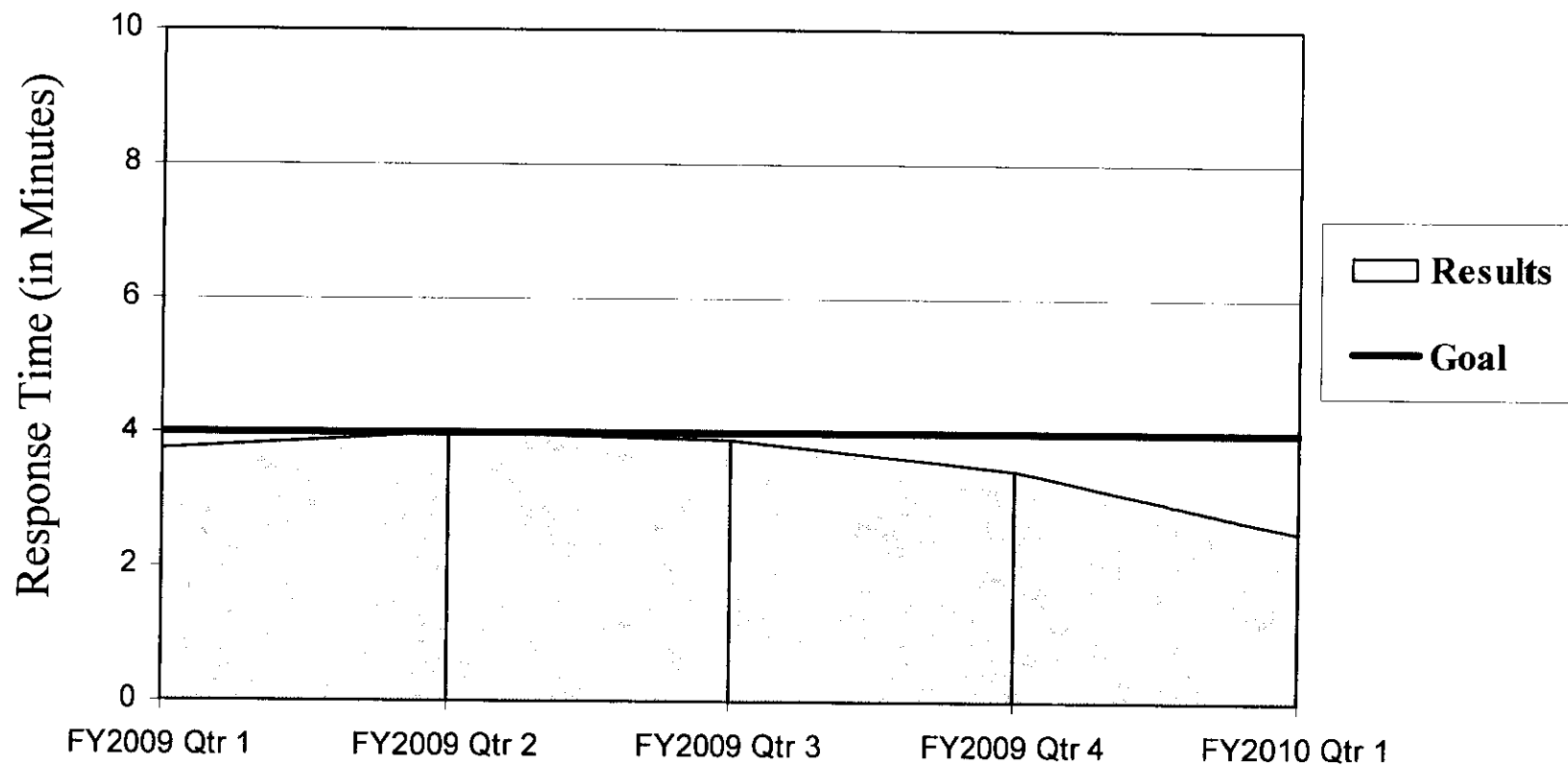


# Auto Theft and Burglary



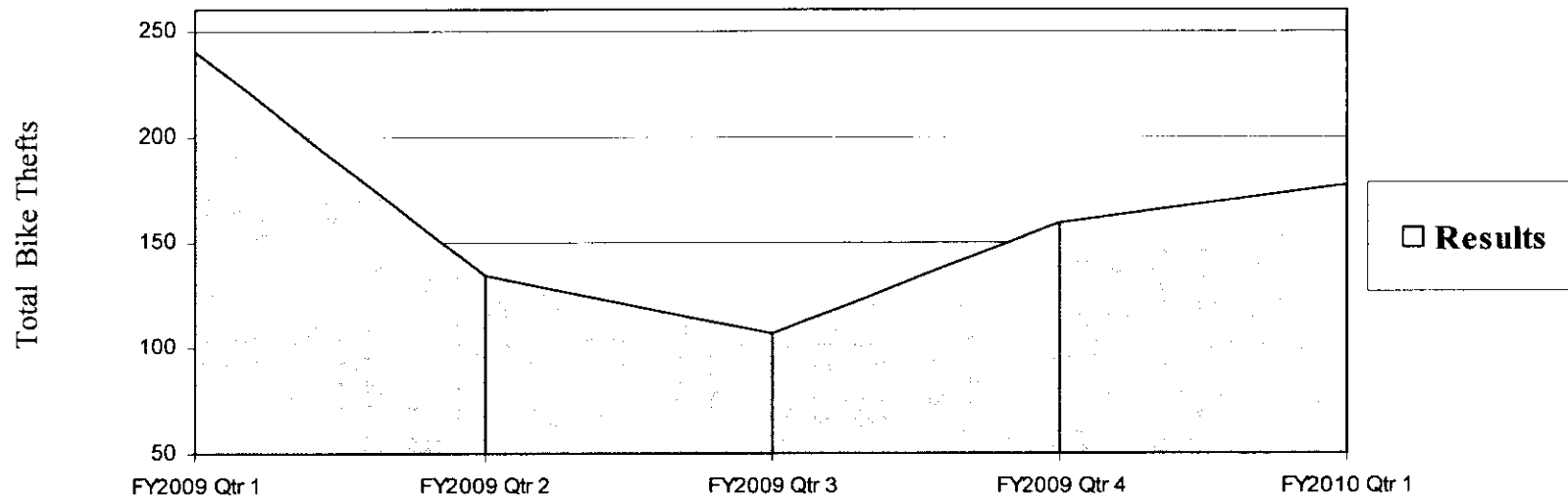
- ✓ Goal met
- ✓ The number of incidents per thousand parking spaces are down from last quarter, and up from the corresponding quarter from the prior fiscal year

## Average Emergency Response Time



✓ Goal met, the average response time decreased to 2.54 minutes

# Bike Theft



✓ 177 bike thefts for current quarter, up from 159 last quarter

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** November 25, 2009

**FROM:** General Manager

**SUBJECT:** PPAAL Committee Agenda – December 3, 2009: BART to Livermore Draft Program Environmental Impact Report (DPEIR)

This subject item was continued from the November 19, 2009 Board of Directors meeting. At the December 3, 2009 Planning, Public Affairs, Access and Legislation (PPAAL) Committee meeting, staff will brief the Board on the BART to Livermore project. The staff presentation will provide a summary of objectives, alternatives and key findings from the DPEIR, which was released on November 5, 2009. Nine different alignment alternatives for a BART extension to Livermore are analyzed in the DPEIR. The DPEIR examines the environmental impacts and benefits of alignment alternatives, station sites and yard/maintenance facility sites at a program level.

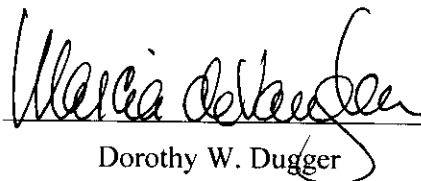
The key objectives of this current environmental effort are to:

- 1) Identify a preferred alignment;
- 2) Preserve right-of-way for a potential future extension to the City of Livermore; and
- 3) Inform current I-580 and High Speed Rail/ACE project efforts in the corridor.

The public comment period will last for 45 days and conclude on Monday, December 21, 2009. After close of the public comment period, staff will prepare the Final Program Environmental Impact Report and come before the Board in spring/summer of 2010 for two actions: certification of the environmental document and adoption of a preferred alignment.

The environmental document is available to the public for download on the Program EIR website: [www.barttolivermore.org](http://www.barttolivermore.org). Two public hearings will be held for the public to present their comments in person. The first public hearing will start at 2:00 p.m. on Wednesday, November 18, 2009 at the Livermore City Council Chambers. The second public hearing will start at 6:00 p.m. on Wednesday, December 2, 2009 at the Robert E. Livermore Center.

Please contact Malcolm Quint at (510) 464-7877 or via e-mail at [MQuint@bart.gov](mailto:MQuint@bart.gov), if you need additional information.



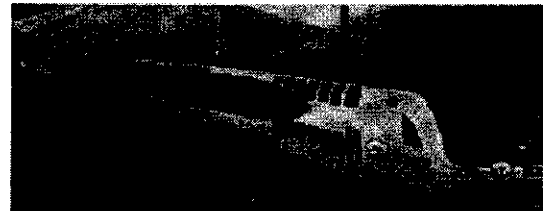
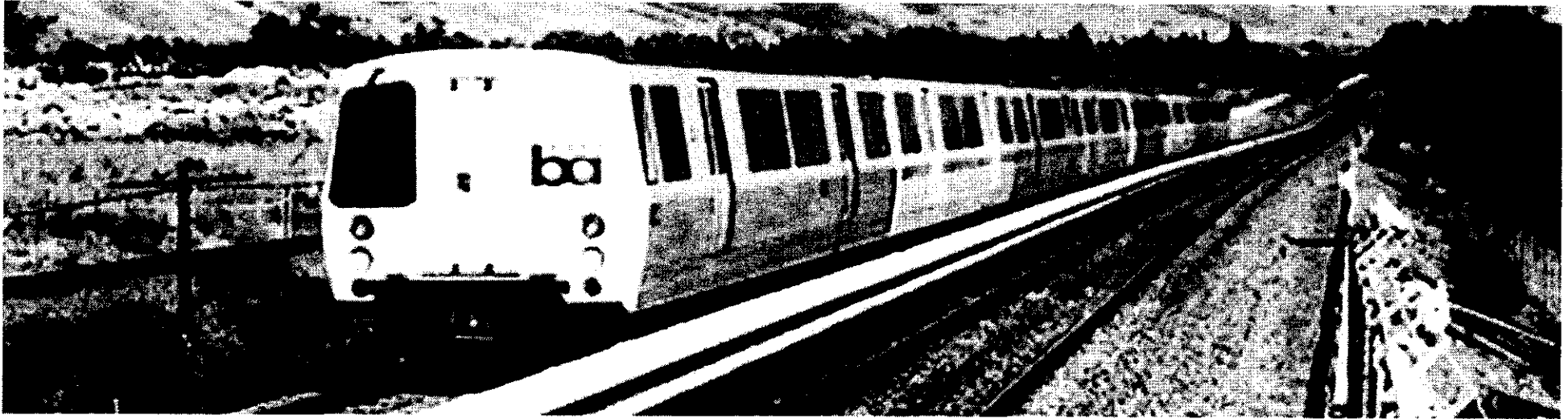
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



LIVERMORE  
CALIFORNIA

**ACTIA**  
ALAMEDA COUNTY TRANSPORTATION IMPROVEMENT AUTHORITY



# BART TO LIVERMORE EXTENSION

## *DRAFT PROGRAM EIR*

BART Board of Directors

December 3, 2009

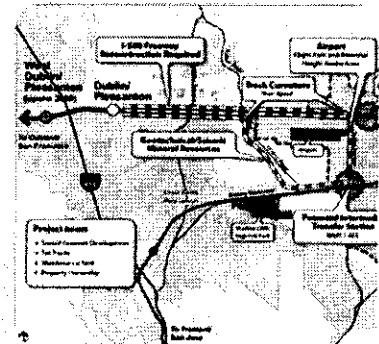
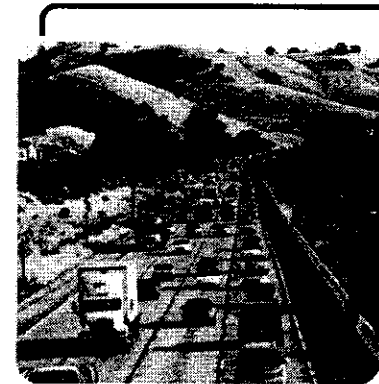
## BART to Livermore Extension: Program – Level Environmental Review

» Draft Program EIR published November 5, 2009.

- Critical step in project planning process.
- Extensive community outreach.
- Footprint-based technical analysis.
- Program-wide mitigation strategies.
- Analysis of multiple alternatives

» **Purpose of the Program EIR is to:**

- **Identify the preferred alignment alternative.**



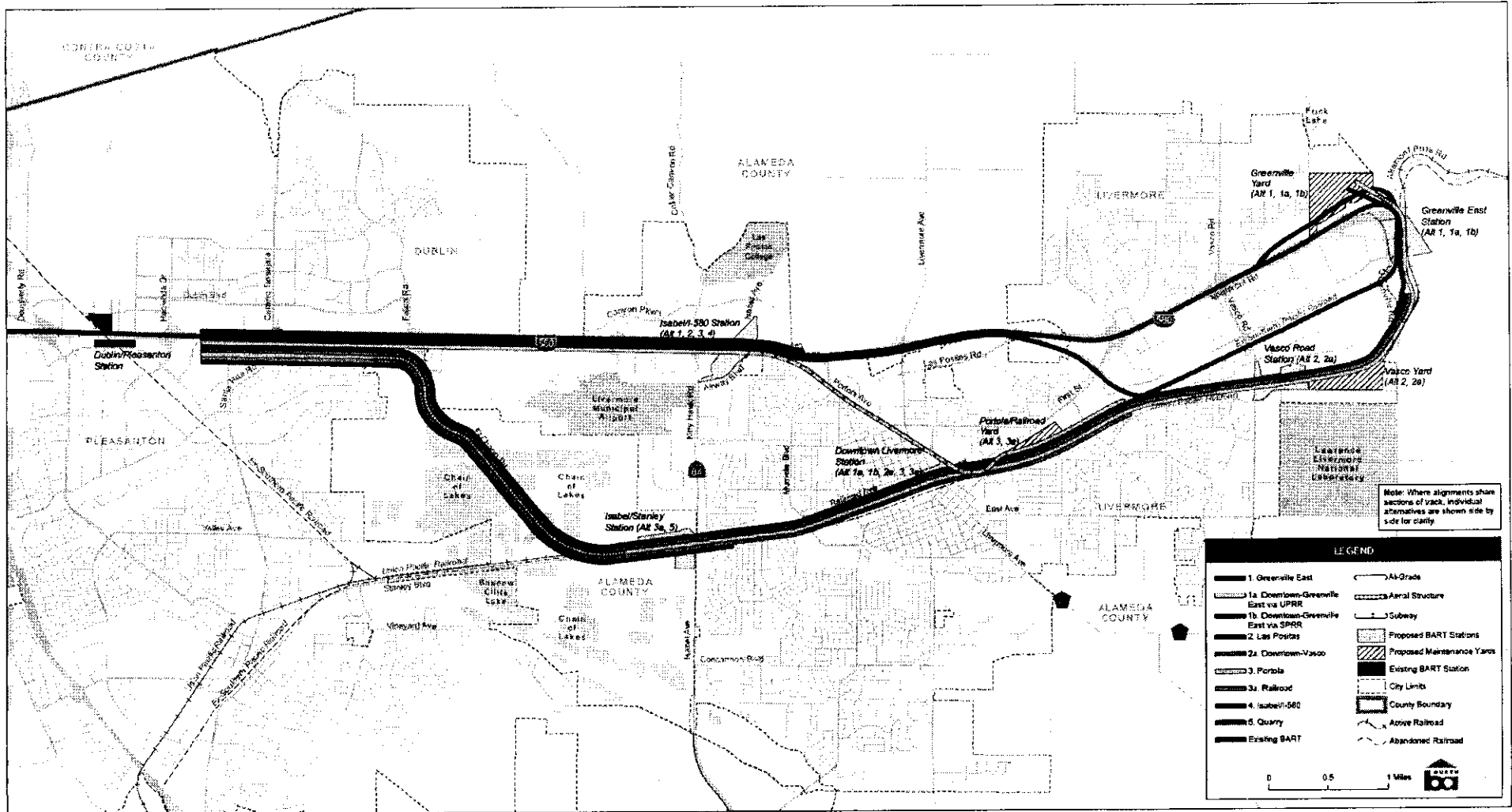


## Summary of BART to Livermore Program Objectives

- » Increase BART ridership and provide congestion relief along the I-580 corridor through the Tri-Valley area.
- » Provide convenient intermodal connections between BART, ACE, LAVTA and future HSR.
- » Support local efforts, initiatives and policies to promote TOD.
- » Enhance economic benefits by contributing to local investment/development opportunities.
- » Conform with the BART System Expansion Policy and MTC's Resolution 3434.
- » Improve transit mobility between the Tri-Valley and greater Bay Area and reduce transportation greenhouse gas emissions, consistent with Senate Bill (SB) 375.

## BART to Livermore Alternatives

<u>Terminus Station</u>	<u>Alternative Name</u>	<u>Additional Station</u>
<b>Two Station Alternatives</b>		
<b>Greenville East</b>	<b>1. Greenville East (I-580)</b>	<b>Isabel/I-580</b>
	<b>1a. Downtown-Greenville East via UPRR</b>	<b>Downtown</b>
	<b>1b. Downtown-Greenville East via SPRR</b>	<b>Downtown</b>
<b>Vasco</b>	<b>2. Las Positas</b>	<b>Isabel/I-580</b>
	<b>2a. Downtown-Vasco</b>	<b>Downtown</b>
<b>Downtown Livermore</b>	<b>3. Portola</b>	<b>Isabel/I-580</b>
	<b>3a. Railroad (via Quarry)</b>	<b>Downtown</b>
<b>One Station Alternatives</b>		
<b>Isabel/I-580</b>	<b>4. Isabel/I-580</b>	<b>None</b>
<b>Isabel/Stanley</b>	<b>5. Quarry</b>	<b>None</b>





























































































Source: AECOM, May 4, 2009.

**BART TO LIVERMORE EXTENSION ALTERNATIVES**

## Program Objectives Comparison

Satisfaction of Program Objectives for the  
No Build and BART Alternatives (DPEIR, Table 5-2)

Objectives	No Build Alternative	Alt. 1: Greenville East	Alt. 1a: Downtown- Greenville East via UPRR	Alt. 1b: Downtown - Greenville East via SPRR	Alt. 2: Las Positas	Alt. 2a: Downtown - Vasco	Alt. 3: Portola	Alt. 3a: Railroad	Alt. 4: Isabel / I-580	Alt. 5: Quarry
Increase BART ridership										
Congestion relief										
Economic benefits										
ACE connection										
LAVTA connections										
Cost-effective		TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
BART System Expansion Policy										
MTC TOD Policy	N/A									
Protect environment										
Reduce greenhouse-gas emissions										

Legend: Not Satisfied  Partially Satisfied  Satisfied  To Be Determined – TBD Not Applicable – N/A

# Benefits Table

ALTERNATIVE 1: GREENVILLE EAST  
 ALTERNATIVE 1A: DOWNTOWN-GREENVILLE EAST VIA UPRR  
 ALTERNATIVE 1B: DOWNTOWN-GREENVILLE EAST VIA SPRR  
 ALTERNATIVE 2: LAS POSITAS  
 ALTERNATIVE 2A: DOWNTOWN-VASCO  
 ALTERNATIVE 3: PORTOLA  
 ALTERNATIVE 3A: RAILROAD  
 ALTERNATIVE 4: ISABEL/I-580  
 ALTERNATIVE 5: QUARRY

## Transportation

Increase in BART System Ridership (daily riders)	31,700	30,900	30,900	29,800	31,600	29,900	29,700	19,900	20,800
Reduction in Vehicle Miles Traveled (per day)	687,900	742,800	742,800	742,500	860,200	704,200	633,500	404,200	621,000
# of Improved Segments along I-580	7	7	7	6	7	5	6	5	5
# of Improved Local Intersections	2	4	4	1	4	2	1	1	3
Possible Station Connection to ACE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

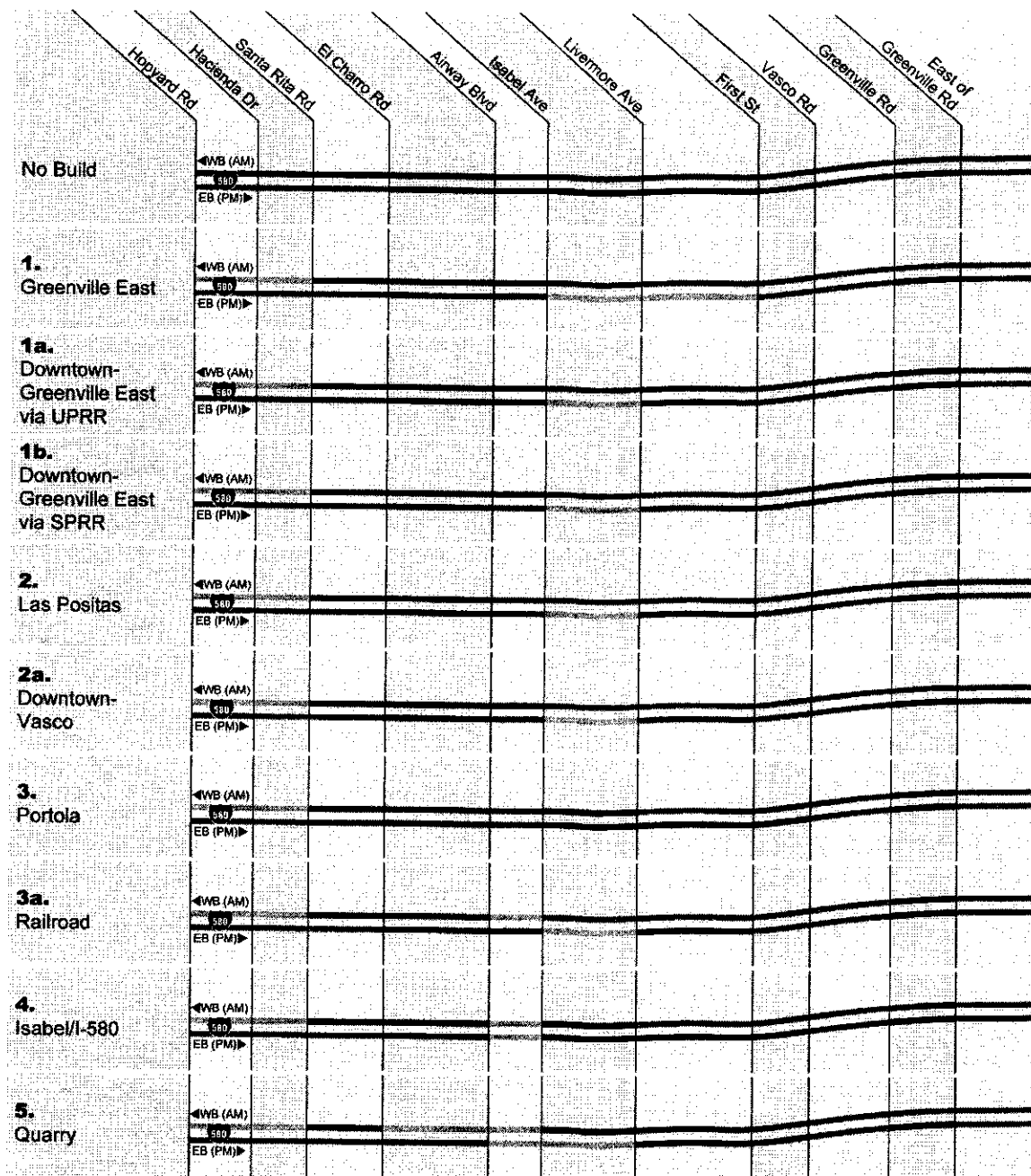
## Air Quality

Reduction in Regional Emissions (lbs/day)									
NOx	267	287	287	290	339	273	243	149	247
ROG	46	50	50	49	57	47	42	27	41
Reduction in Greenhouse Gas Emissions (lbs/day)	429,700	459,500	463,700	494,000	591,500	483,000	412,000	261,400	468,900

## Energy

Reduction in Regional Energy Consumption (Billion BTUs/year)	628	668	678	754	919	756	624	402	770
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# Impacts to I-580



☐ Improvement to acceptable conditions
 ☐ Minor improvement (remains at unacceptable conditions)
 ☐ Impact (existing impacted segment for No Build Alternative)
 ☐ No change

**NOTE**

Black lines represent freeway segment boundaries, red, yellow, green, and gray colored lines represent I-580 freeway segments.

## Comparison of Relative Costs Estimates

COST ELEMENTS	ALT 1 Greenville East	ALT 1a Downtown (via UPRR)	ALT 1b Downtown (via SPRR)	ALT 2 Las Positas	ALT 2a Downtown Vasco	ALT 3 Portola	ALT 3a Railroad	ALT 4 Isabel/I-580	ALT 5 Quarry
1. GUIDEWAY	\$490	\$1,010	\$990	\$690	\$940	\$730	\$850	\$170	\$590
2. STATIONS	\$360	\$360	\$360	\$360	\$360	\$760	\$350	\$300 (See Note 7)	\$180
3. YARD / SHOPS	\$450	\$450	\$450	\$490	\$490	\$470	\$470	\$0	\$0
4A. FREEWAY REBUILD	\$220	\$20	\$20	\$90	\$20	\$50	\$20	\$40	\$20
4B. OTHER SITEWORK	\$60	\$150	\$250	\$60	\$160	\$50	\$60	\$30	\$20
5. SYSTEMS (TRAIN CONTROL, POWER, COMMUNICATION, ETC.)	\$400	\$460	\$460	\$390	\$420	\$300	\$330	\$180	\$200
<b>6. CONSTRUCTION</b>	<b>\$1,980</b>	<b>\$2,460</b>	<b>\$2,530</b>	<b>\$2,080</b>	<b>\$2,390</b>	<b>\$2,360</b>	<b>\$2,080</b>	<b>\$720</b>	<b>\$1,010</b>
<b>7. RIGHT-OF-WAY</b>	<b>\$290</b>	<b>\$490</b>	<b>\$450</b>	<b>\$570</b>	<b>\$730</b>	<b>\$460</b>	<b>\$680</b>	<b>\$70</b>	<b>\$210</b>
GUIDEWAY	\$110	\$230	\$190	\$100	\$200	\$70	\$130	\$40	\$100
STATIONS	\$160	\$240	\$240	\$230	\$290	\$120	\$280	\$30	\$110
MAINTENANCE FACILITY	\$20	\$20	\$20	\$240	\$240	\$270	\$270	\$0	\$0
<b>8. VEHICLES</b>	<b>\$380</b>	<b>\$340</b>	<b>\$340</b>	<b>\$330</b>	<b>\$330</b>	<b>\$330</b>	<b>\$310</b>	<b>\$230</b>	<b>\$240</b>
<b>9. CONSTRUCTION , ROW, &amp; VEHICLES</b>	<b>\$2,650</b>	<b>\$3,280</b>	<b>\$3,320</b>	<b>\$2,980</b>	<b>\$3,450</b>	<b>\$3,150</b>	<b>\$3,070</b>	<b>\$1,020</b>	<b>\$1,460</b>
10. PROGRAM RESERVE AT 10%	\$270	\$330	\$330	\$300	\$350	\$320	\$310	\$100	\$150
<b>11. TOTAL</b>	<b>\$2,920</b>	<b>\$3,610</b>	<b>\$3,650</b>	<b>\$3,280</b>	<b>\$3,800</b>	<b>\$3,470</b>	<b>\$3,380</b>	<b>\$1,120</b>	<b>\$1,610</b>
ESTIMATED VALUE OF BART OWNED PROPERTY (Sunk Costs)	\$231	\$170	\$170	\$61	\$0	\$61	\$0	\$61	\$0
<b>TOTAL (Including Sunk Costs)</b>	<b>\$3,151</b>	<b>\$3,780</b>	<b>\$3,820</b>	<b>\$3,341</b>	<b>\$3,800</b>	<b>\$3,531</b>	<b>\$3,380</b>	<b>\$1,181</b>	<b>\$1,610</b>
<i>Length in Miles</i>	<i>11.5</i>	<i>13.1</i>	<i>13.2</i>	<i>11.0</i>	<i>12.0</i>	<i>8.4</i>	<i>9.1</i>	<i>5.2</i>	<i>5.7</i>

1. Contingency = Construction at 30%, Right-of-Way at 10%, & Vehicles at 10% (Included in Items 1-9 & 11)

2. Soft Costs = Construction at 45%, Right-of-Way at 10%, & Vehicles at 10% (Included in Items 1-9 & 11)

3. Program Reserve Applied at 10% (To Item 9 - Construction, ROW & Vehicles).

4. All Costs are in millions of 2009 dollars. In order to be conservative, costs are not discounted to reflect the current economic downturn.

5. The \$'s Represent the Value of Property Owned by BART at the Potential Isabel / I-580 Station Site and / or the Potential Greenville Yard Site. These \$'s are not included in the Alternatives' Right-of-Way Costs in this Table.

6. The Isabel / I-580 Station in Alternative 3 is Underground and costs \$180M more than the At-Grade Isabel / I-580 Station in Alternative 4.

## BART to Livermore Funding Opportunities

Potential Source	Programmed	Future
Measure B 2000	✓	
Measure B 3		✓
AB 1171	✓	
Regional Measure 1	✓	
Future Bridge Tolls		✓
I-580 HOT Lane Revenue		✓
City of Livermore Traffic Impact Fees	✓	✓
San Joaquin County Measure K2	✓	✓
State Transportation Improvement Plan		✓
High Speed Rail		✓
Federal Grant Funds		✓
Federal "High Priority Project" Funds		✓

## Potential Next Steps: Project-Level EIR / EIS

- » Targeted, detailed evaluation of preferred alignment.
- » Impacts of preferred alternative compared to alternative technologies:
  - Express Bus/HOT Lane System.
  - Diesel Multiple Unit (DMU) Trains.
  - Commuter Rail Trains.
  - BART Technology.
- » Project and site-specific mitigation.
- » Other funding initiatives on-going.
- » **Right-of-way preservation and acquisition begins upon Program EIR certification.**



## Upcoming Public Meetings

» **BART Public Hearings on Draft Program EIR:**

- November 18, 2009 at 2:00 pm;  
Livermore City Council Chambers
- December 2, 2009 at 6:00 pm;  
Robert Livermore Community Center

» **City of Livermore Community Dialogue Series;**  
Shrine Event Center, Livermore:

- November 12, 2009; 6:30 - 9:30 pm
- December 10, 2009; 6:30 - 9:30 pm
- January 21, 2010; 6:30 - 9:30 pm

***BART will accept written comments on the Draft Program EIR until  
5 p.m. on December 21, 2009.***

***Mail written comments to: BART Planning Department, Attn. Malcolm  
Quint, 300 Lakeside Drive, Oakland, CA 94612***



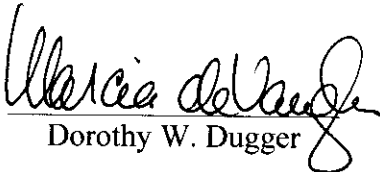
# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## ----- Memorandum

**TO:** Board of Directors **DATE:** November 25, 2009  
**FROM:** General Manager  
**SUBJECT:** Resolution in Recognition of Robert McCleary, Executive Director,  
Contra Costa Transportation Authority

The attached resolution recognizing Robert McCleary upon his retirement for his contributions to transit planning in Contra Costa County, has been placed under Board Matters on the December 3, 2009 agenda at the request of Director Murray. Mr. McCleary has had a distinguished career as a leader in regional transportation and has supported numerous BART projects.

Should you have any questions, please contact Kerry Hamill, Manager, Government and Community Relations at (510)

  
Dorothy W. Dugger

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

*Before the Board of Directors of the*  
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

*Resolution Commending*  
**Robert K. McCleary**

*Resolution No.*

*W* HEREAS, Robert K. McCleary has served the Bay Area as the Executive Director of the Contra Costa Transportation Authority since 1989, retiring at the end of the year 2009, and

*W* HEREAS, Mr. McCleary has been a leader in championing regional transportation issues before the federal and state legislatures, and

*W* HEREAS, Mr. McCleary has served Bay Area transportation interests through his activism on state and regional organizations, including the Bay Area Congestion Management Agency Association, the Self-Help Counties Coalition, Californians for Better Transportation, and the Bay Area Partnership.

*W* HEREAS, Mr. McCleary has demonstrated unique vision and leadership in the development of cooperative and comprehensive transportation solutions for the Bay Area, including the support of BART's Phase I Extension to Pittsburg/Bay Point, BART's efforts to expand access to local BART stations by including Measure J funds for bicycle, pedestrian and automobile access projects, and for supporting the efforts of the eBART Extension and

*W* HEREAS, Mr. McCleary's distinguished career of public service began with the State of California Legislature where he served as Administrative Analyst for the Office of the Legislative Analyst, followed by serving as the Deputy Director for Finance for the California Transportation Commission,

*N* OW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District does hereby take public cognizance of the contributions Mr. Robert K. McCleary has made to the cause of public transportation in the Bay Area, and

*B* E IT FURTHER RESOLVED that a suitably engrossed copy of this Resolution be tendered to Mr. McCleary as a token of the high esteem in which Mr. McCleary is held by the members of the San Francisco Bay Area Rapid Transit District Board of Directors.

*Adopted by the Board of Directors  
of the San Francisco Bay Area Rapid Transit District  
December 3, 2009*

ATTEST:

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*Kenneth A. Duron  
District Secretary*

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*Thomas M. Blalock  
President*