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

BOARD MEETING AGENDA
May 26, 2016
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 26, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a "Request to Address the Board" form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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

Items placed under "consent calendar" are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (http://www.bart.gov/about/bod), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (http://www.bart.gov/about/bod/meetings.aspx), and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

   A. Roll Call.
   B. Pledge of Allegiance.
   C. Introduction of Special Guests.

2. PUBLIC HEARING

   A. Fiscal Year 2017 Annual Budget.*

3. CONSENT CALENDAR

   A. Approval of Minutes of the Meeting of May 12, 2016.* Board requested to authorize.

   B. Director Mallett's Proposed Travel to Attend the American Public Transportation Association Rail Conference in Phoenix, Arizona, June 19 to June 22, 2016.* Board requested to authorize.

   C. Fiscal Year 2017 Proposition 4 Appropriations Limit.* Board requested to adopt.

   D. Amendment No. 2 to the Property Exchange and Escrow Instructions Agreement with the City of Fremont for the Warm Springs Extension Project.* Board requested to authorize.

   E. Award of Invitation for Bid No. 8997, Hanger, Hand Strap.* Board requested to authorize.

   F. Electric Power Transmission and Distribution Contracts with PG&E.* Board requested to authorize

4. PUBLIC COMMENT – 15 Minutes
   (An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

5. ADMINISTRATION ITEMS
   Director Saltzman, Chairperson

   A. Fiscal Year 2017 Annual Budget. For information.
      i. Annual Budget.*
      ii. Customer Service Tracking Program.*

   B. Agreement with Aon Consulting, Inc., for Broker and On-Call Consulting Services for Employee Benefits (Agreement No. 6M4425).* Board requested to authorize.

* Attachment available

C. Resolution to Approve the Establishment of a Labor Compliance Program for the Lafayette Station Site Improvements Project.* Board requested to adopt.

D. Proposed Title VI Process – BART Silicon Valley Phase I Berryessa Extension Project.* For information.

6. ENGINEERING AND OPERATIONS ITEMS
Director McPartland, Chairperson

A. Change Order to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., for Additional Train Control Switch Machines (C.O. No. 5).* Board requested to authorize.

B. Quarterly Performance Report, Third Quarter Fiscal Year 2016 - Service Performance Review.* For information.

7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson

A. 2016 State and Federal Legislation.* Board requested to authorize.

B. Potential 2016 Funding Measure for District Infrastructure Update.*
i. System Renewal Program Plan 2016.*
ii. BART Safety, Reliability, and Traffic Relief Engineers Report.*
For information.

C. Transit Oriented Development Policy Update.* For information.

D. Millbrae Station Transit Oriented Development Update.* For information.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

* Attachment available

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

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property:	Property Located at the Millbrae BART Station
District Negotiators:	Robert Powers, Assistant General Manager, Planning, Development, and Construction; Sean Brooks, Department Manager, Real Estate and Property Development; and Ellen Smith, Planning Division Manager
Negotiating Parties:	Urban Republic and San Francisco Bay Area Rapid Transit District
Under Negotiation:	Price and Terms
Government Code Section:	54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS; PUBLIC EMPLOYMENT

Agency Negotiators:	Directors Radulovich, Murray, and Saltzman
Titles:	General Manager, General Counsel, District Secretary, Controller-Treasurer, and Independent Police Auditor
Gov't. Code Section:	54957 and 54957.6

12. OPEN SESSION

A. Millbrae Station Transit Oriented Development.*
   i. Millbrae Station Area Specific Plan Final Environmental Report (EIR) relating to the Millbrae BART Transit Oriented Development and related findings. Board requested to adopt.
   ii. Millbrae BART Transit Oriented Development as described in the EIR. Board requested to approve.
   iii. Delegation of authority to General Manager or her designee to, under certain circumstances, approve or disapprove of modifications to Millbrae BART Transit Oriented Development as described in the EIR. Board requested to approve.

* Attachment available

DRAFT

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

Board of Directors
Minutes of the 1,763rd Meeting
May 12, 2016

A regular meeting of the Board of Directors was held May 12, 2016, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, and Raburn.

Absent: None. Directors Saltzman and Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 28, 2016.

2. Use of PayPal Holdings Inc. as Payment Service Provider for BART Perks Pilot Program.

3. Award of Invitation for Bid No. 9003, Scissor Lift.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2016 Third Quarter Financial Report.

Director Saltzman entered the Meeting.

Director Mallett requested that Item 2-B, Use of PayPal Holdings Inc. as Payment Service Provider for BART Perks Pilot Program, be removed from Consent Calendar.

President Radulovich entered the Meeting.

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

1. That the Minutes of the Meeting of April 28, 2016, be approved.

2. That the General Manager be authorized to award Invitation for Bid No. 9003, for the procurement of two scissor lift trucks, to Golden Gate Truck Center, Oakland, California, in the amount of $592,472.63, including all applicable sales tax, pursuant to notification to be issued by the General Manager.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Saltzman moved that the General Manager be authorized to enter into an agreement with PayPal Holdings, Inc., to serve as the payment service provider to process award incentive payments to participants under the BART Perks Pilot Program through electronic payments that will not exceed $400,000.00, cumulatively. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett.

President Radulovich assumed the gavel and called for Public Comment. No comments were received.

President Radulovich brought the matter of Closed Session – Conference with Labor Negotiators, before the Board. The following individuals addressed the Board.
John Arantes
Sal Cruz
Olivia Rocha

President Radulovich announced that the Board would enter into closed session under Item 4-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 9:07 a.m.

The Board Meeting reconvened in closed session at 9:09 a.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

The Board Meeting recessed at 10:11 a.m.

The Board Meeting reconvened in open session at 10:13 a.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced there was no announcement to be made on Item 4-A.

Director Saltzman, Chairperson of the Administration Committee, brought the matters of Resolutions Ratifying Collective Bargaining Agreements with the Amalgamated Transit Union, Division 1555; the American Federation of State, County and Municipal Employees, Local 3993; and the Service Employees International Union, Local 1021, including the BART Professional Chapter, before the Board.

Chris Finn addressed the Board.

Director Murray moved adoption of the following three resolutions as a unit:

> Resolution No. 5316, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the Amalgamated Transit Union Division 1555
>
> Resolution No. 5317, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the American Federation of State, County and Municipal Employees, Local 3993
>
> Resolution No. 5318, In the Matter of Ratifying an Extension of the 2013 – 2017 Collective Bargaining Agreement between the District and the Service Employees' International Union, Local 1021

Director Blalock seconded the motion. The item was discussed.

Starchild addressed the Board.

The motion carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Keller and Mallett.

President Radulovich exited the Meeting.

Director Saltzman brought the matter of Fiscal Year 2017 Preliminary Budget Sources, Uses and Service Plan before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Robert Umbreit, Department Manager, Budget Department; Mr. Dennis Markham, Division Manager, Financial Planning; Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Mr. Paul Oversier, Assistant General Manager, Operations; presented the item.

President Radulovich re-entered the Meeting.

The item was discussed.

The following individuals addressed the Board.
Jerry Grace
Chris Finn

Director Saltzman brought the matter of Independent Auditor's Report on Audit of Federal Awards under the Single Audit Act and OMB Circular A-133 for the Fiscal Year Ended June 20, 2015, before the Board. Ms. Rose Poblete, Controller/Treasurer, presented the item.

President Radulovich announced the Board would recess for 20 minutes, and that the Board would reconvene in open session at the conclusion of that recess.

The Board Meeting recessed at 11:59 a.m.

The Board Meeting reconvened in open session at 12:23 p.m.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, Saltzman, and Radulovich.

Absent: None. Directors Josefowitz and Raburn entered the Meeting later.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Kampa International for Rail Damper Assemblies before the Board. Ms. Tamar Allen, Chief Maintenance and Engineering Officer; Mr. Dave Scherer, Principal Track Engineer; and Mr. Oversier presented the item.

Directors Josefowitz and Raburn entered the Meeting.

The item was discussed. Director Saltzman moved that the Board find, pursuant to Public Contract Code section 20227, that Kampa International is the single source for the purchase of rail damper assemblies for the BART system that would duplicate equipment currently in use by the District, and that the General Manager be authorized to negotiate and award a contract to Kampa International for the purchase of rail damper assemblies for an amount not to exceed $617,844.00, plus applicable taxes. Director Raburn seconded the motion. Discussion continued. Director McPartland requested that the motion be amended to include verification by a seismologist that installation of the rail damper assemblies would not negatively impact rail structures in the event of an earthquake. Directors Saltzman and Raburn accepted the amendment. The motion carried by unanimous electronic vote by the required two-thirds majority. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Agreement with The Allen Group, LLC/Cooper Pugeda Management, Inc., for Districtwide Small Business Supportive Services (Agreement No. 6M5099), before the Board. Ms. Alma Basurto, Principal Analyst, and Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.
Anita Butler
Johnnie Cantor

The item was discussed. The item was continued to a future meeting.

Director Keller exited the Meeting.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Transit Oriented Development Policy Update: Program Evaluation and Discussion of Goals, before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Abigail Thorne-Lyman, Principal Planner, presented the item.

Joel Ramos addressed the Board.

The item was discussed.

LaVerda Allen addressed the Board.

President Radulovich called for the General Manager's Report. Ms. Marcia deVaughn, Deputy General Manager, reported on steps taken by the General Manager and activities and meetings she had participated in and reminded the Board of upcoming events, mentioning in particular BART's participation in Bike to Work Day, and General Manager Grace Crunican's attendance at the American Public Transportation Association's Board of Directors Meeting. Ms. deVaughn congratulated the winners in the 2016 BART Rodeo.

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

Director Raburn reported he had attended two neighborhood meetings regarding the McArthur Station area development.

Director Blalock reported he had attended a WTS conference, a South Bay Engineers Club meeting, a meeting of the South Hayward BART Station Access Authority, and the Alameda County Mayors Conference.

Director McPartland reported he had given a Better BART presentation and attended a meeting of the Altamont Regional Rail working group, and that he would participate on the State's early earthquake warning steering committee.

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Legal Counsel) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 2:39 p.m.

The Board Meeting reconvened in closed session at 2:42 p.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director Keller.

The Board Meeting recessed at 3:01 p.m.

The Board Meeting reconvened in open session at 3:02 p.m.

Directors present: President Radulovich.

Absent: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced there was no announcement to be made on Item 11-A.

The Board Meeting was adjourned at 3:02 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: District Secretary

SUBJECT: Proposed Travel to Attend the American Public Transportation Association Rail Conference

Director Mallett proposes to travel from June 18 to 22, 2016 to attend the American Public Transportation Association Rail Conference in Phoenix, Arizona.

In accordance with Board Rule 5-3.2(b), this proposal is being submitted to the Board for prior authorization.

The estimated costs for Director Mallett's travel and a motion are listed below.

Thank you.

Kenneth A. Duron

Estimated Costs:

Airfare	$ 200
Hotel	$ 500
Registration	$ 825
Per Diem	$ 216
Transportation to/from airports	$ 100
Miscellaneous	$ 50
Total Estimated Costs	$ 1,891

MOTION: That Director Mallet's travel from June 18 to 22, 2016 to attend the American Public Transportation Association Rail Conference in Phoenix, Arizona, is approved.

cc: Board Appointed Officers
Deputy General Manager

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/18/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lisa Agustin Dept: Operating Budgets Signature/Date: 5/13/16	General Counsel 5/13/16 [ ]	Controller/Treasurer 5/13/16 [ ]	District Secretary [ ]	BARC 5-13-16 [ ]

TITLE:

FY17 Proposition 4 Appropriations Limit

NARRATIVE:

Purpose: To approve the District's Fiscal Year 2017 Appropriations Limit, as required by State law pursuant to the Gann Initiative (Proposition 4, passed by the voters in 1979).

Discussion: The Gann Initiative (Proposition 4) provides for limits on appropriations by State and local government entities. California Government Code Section 7910 requires local jurisdictions to annually adopt an appropriations limit by resolution and establishes a 45 day statute of limitations for commencement of any judicial action to challenge the appropriations limit.

Section 7910 requires the Board of Directors to establish by resolution BART's annual appropriations limit "at a regularly scheduled meeting or noticed special meeting." Further, it requires that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be made available to the public. On May 11, 2016 the documentation was made available to the public.

Attachment 1 summarizes the FY17 appropriations limit calculation in accordance with the uniform *Guidelines for Implementation of the Gann Initiative* prepared by the League of California Cities and the information furnished by the State Department of Finance.

Attachment 2 is the calculation for the margin as it relates to the Proposition 4 limit. The margin is the difference between the appropriations limit and the expenditures subject to the limit. Based on the calculations, the District will be below the limit of $570,270,613.

Fiscal Impact: No fiscal impact. The FY17 appropriations limit is $570,270,613. Operating and Capital expenditures subject to the appropriations limit total $319,594,950. As such, the District is $250,675,663 below the subject FY17 appropriations limit.

Alternatives: None.

Recommendation: Approval of the following motion.

Motion: That the Board adopt the attached resolution which sets the District's FY17 appropriations limit at $570,270,613.

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

In the Matter of the Establishment
Of the Fiscal Year 2017
Appropriations Limit

Resolution No._____

WHEREAS, Article XIIIB of the California Constitution limits the District's appropriations for Fiscal Year 1981, and subsequent years; and

WHEREAS, Government Code Section 7910 requires the District to establish, by resolution, its appropriations limit pursuant to Article XIIIB; and

WHEREAS, documentation used in the determination of the Fiscal Year 2017 appropriations limit has been available to the public for at least fifteen days prior to the date of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the District's appropriations limit for Fiscal Year 2017 shall be $570,270,613.

Attachment 1

Fiscal Year 2017 Appropriations Limit: Calculation

Based on the provisions in Article XIIIB of the California Constitution as approved by the voters in November 1979, the appropriations limit for each succeeding year through 1987 is determined by the District's 1979 appropriations base times a cumulative composite factor. The base year was later revised to 1987. The cumulative composite factor consists of the product of:

1) The lesser of the relative year change in the all urban consumer price index (SF/Oakland/SJ CPI-U) or the California per capita personal income, and

2) At the District's discretion, the relative year-to-year change in District wide population, or the population for the District's county that has the highest assessed valuation. Election of the higher of the two growth factors results in a higher appropriations limit.

The District's appropriations limit for Fiscal Year 2017 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and District-wide population gains. Steps in the calculations are as follows:

Relevant data, percent change:

- CPI-U SF/Oakland/SJ, 3.0168% (applies this year per option 1 above)
- Population Change, District-wide, 1.0745% (applies this year per option 2 above)

District Population

	As of 1/1/15	As of 1/1/16	% Change
Alameda	1,610,765	1,627,865	1.0616%
Contra Costa	1,111,143	1,123,429	1.1057%
San Francisco	857,508	866,583	1.0583%
Total	**3,579,416**	**3,617,877**	**1.0745%**

FY17 Cumulative Adjustment Factor:

CPI-U SF/Oakland/SJ	x	Population Factor	=	Current Adjustment Factor
(1 +3.0168%)	x	(1 + 1.0745%)	=	1.0412
Current Adjustment Factor	x	Prior Year Adjustment	=	Cumulative Adjustment Factor
1.0412	x	3.0164	=	3.1408

FY17 Appropriations Limit:

FY87 Appropriations Base	x	FY17 Cumulative Adj Fctr	=	FY17 Appropriations Limit
181,568,000	x	3.1408	=	$570,270,613

ATTACHMENT 2

FY16 PROPOSITION 4 APPROPRIATIONS LIMIT

Whole Dollars, as of 05/01/16

LIMIT		NOTES & COMMENTS
CPI-U	3.0168%	CPI-U for SF/OAK/SJ 2/16 vs 2/15
Per Capita Personal Income delta FY15>FY16	5.3700%	State DOF Price & Population Information, 1/1/16 (report released 5/1/16)
District Population Growth	1.0745%	Districtwide growth is based on District Total
Annual Adjustment Factor	1.0412	[1+(CPI -U]*[1+(District population growth)]
Cumulative Adjustment Factor	3.1408	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	**$570,270,613**	(FY87 base appropriations) x (cumulative factor)
APPROPRIATIONS		
Operating Budget		
Operating Expenses	692,736,767	FY17 Prelim Operating Budget
Operating Subtotal	692,736,767	
Operating Allocations		
Allocation to SOG/Rail Car Phase I	45,000,000	FY17 Prelim Operating Budget
Rail Car Fund Swap to MTC Reserve	47,116,668	FY17 Prelim Operating Budget
Misc. Capital Allocations	6,899,859	FY17 Prelim Operating Budget
Other Capital Allocations	92,113,861	FY17 Prelim Operating Budget
Operating Allocations Subtotal	191,130,388	
Capital Allocation To Operating		
Capital Budget		
Funded	876,322,367	FY17 Proposed Capital Budget
Unfunded	-	FY17 Proposed Capital Budget
Subtotal	876,322,367	
Less Funded Pass Through	(378,505,751)	FY17 Proposed Capital Budget
Less Unfunded Pass Through	-	FY17 Proposed Capital Budget
Subtotal	(378,505,751)	
Net Capital Expense	497,816,616	
Debt Service:		
Debt Service	52,744,366	FY17 Prelim Operating Budget
GO Seismic Bonds	30,735,888	Per GO Bond Series Debt schedule
Debt Service Subtotal	83,480,254	
Total Operating & Capital Appropriations	**$1,465,164,025**	
EXCLUSIONS		
Allocation from Reserves	-	FY17 Prelim Operating Budget
ADA Mandated Service Expense	14,205,377	FY17 Prelim Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	510,834,290	FY17 Prelim Operating Budget
Other Operating Revenue	60,990,653	FY17 Prelim Operating Budget
Subtotal	571,824,943	FY17 Prelim Operating Budget
Other Allocations (Access Fund)	-	FY17 Prelim Operating Budget
Federal Operating Funds	47,116,668	FY17 Prelim Operating Budget
Federal Capital Funds:		
Funded	237,418,391	FY17 Proposed Capital Budget
Unfunded	-	FY17 Proposed Capital Budget
Subtotal	237,418,391	
Debt Service (GO Seismic Bonds)	30,735,888	Per above, GO Bond Series Debt schedule
Capital Budget Funded from GO Bond Proceeds	57,305,826	FY17 Proposed Capital Budget
Capital Budget Funded from Sales Tax Proceeds	-	FY17 Proposed Capital Budget
BART Capital Funds	186,961,983	FY17 Proposed Capital Budget
Total Exclusions	**$1,145,569,075**	
MARGIN		
Appropriations Limit	570,270,613	Per above
Expenditures Subject to Limit	$319,594,950	Appropriations less exclusions, per above
Margin	**$250,675,663**	Appropriations less expenditures subject to limit
RESIDENT POPULATION**		
Alameda		
Population	1,627,865	State DOF Price & Population Information, 1/1/16 (report released 5/1/16)
Percent Change	1.0616%	
Contra Costa		
Population	1,123,429	State DOF Price & Population Information, 1/1/16 (report released 5/1/16)
Percent Change	1.1057%	
San Francisco		
Population	866,583	State DOF Price & Population Information, 1/1/16 (report released 5/1/16)
Percent Change	1.0583%	
District Total		
Population	**3,617,877**	Sum of population for BART counties
Percent Change	**1.0745%**	Percent increase

**Population Estimate as of 1/1/16. Population estimate is "total population" and includes military and other temporary residents. Per State Department of Finance, prior year City and County population estimates may be revised.

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/18/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate and Property Development Signature/Date: 5/16/16	General Counsel 5/16/16 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5-18-16 [ ]

Status: Routed	Date Created: 05/09/2016

TITLE:

BART/CITY OF FREMONT PROPERTY EXCHANGE AGREEMENT AMENDMENT No. 2

NARRATIVE:

PUROPSE:

Authorize the General Manager or her designee to enter into a second amendment to the Property Exchange Agreement and Escrow Instructions ("Amendment No. 2") with the City of Fremont, for an exchange of property interests required for the BART Warm Springs Extension Project and the City of Fremont Grade Separation Project.

DISCUSSION:

On February 10, 2005, the Board authorized the General Manager to enter into a Property Exchange and Escrow Instructions Agreement ("Agreement") with the City of Fremont ("City") in connection with the Warm Springs Extension Project and the City's Grade Separation Projects at Paseo Padre Parkway and Washington Blvd. This agreement allowed BART and the City of Fremont to each acquire property interests from the other as required for the construction of their respective projects.

The Agreement was amended on September 30, 2008 ("Amendment No. 1") to ensure uniformity of terms and conditions regarding hazardous waste language in the form BART and Fremont right of entry permits to be used with respect to certain parcels.

At the time the initial Agreement and Amendment No. 1 were executed, the design of the City's Grade Separation Projects was nearly complete, while design for BART Warm Springs Extension Project was only ten percent complete.

The final design of the Warm Springs Extension Project necessitated changes in the number and size of parcels identified in the original Agreement in order to complete the project. Modifications to the City's Grade Separation Projects also resulted in similarly changed needs. In order to effectuate transfer of the needed parcels, a second amendment to the Agreement is necessary.

A value analysis of the property interests that would be transferred under the Agreement, as amended by the proposed Amendment No. 2, indicates that the value of the interests being transferred by each party are approximately equal.

The Office of the General Counsel will approve Amendment No. 2 as to form.

FISCAL IMPACT:

Based on the determination that the values of the properties to be exchanged are substantially equivalent, there is no cost to BART associated with execution of Amendment No. 2.

ALTERNATIVE:

Do not approve the Amendment No. 2 which will require BART and the City of Fremont to separately acquire these property interests through a more costly appraisal and acquisition process.

RECOMMENDATION:

Adopt the following Motion.

MOTION:

That the General Manager or her designee be authorized to execute Amendment No. 2 to the Property Exchange Agreement and Escrow Instructions with the City of Fremont in connection with the Warm Springs Extension Project.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Marcia DeVaughn				GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board
DATE: 5/18/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Randy Labeske Dept: RLB Signature/Date: 5-16-16	General Counsel 5/16/16 [ ]	Controller/Treasurer 5/16/16 [ ]	District Secretary [ ]	BARC 5/16/16 [ ]

Status: Routed	Date Created: 05/09/2016

TITLE:

Award of Invitation for Bid No. 8997 - Procurement of Hanger, Hand Strap

NARRATIVE:

PURPOSE: To request Board authorization to award Invitation for Bid (IFB) No. 8997 to Bentech Inc. of Philadelphia, PA, in the amount of $311,850.00 (includes all applicable tax) for the purchase of Hanger, Hand Straps.

DISCUSSION: This IFB is for the procurement of nylon-webbed straps for passenger use. Each of the District's revenue vehicles is equipped with these hand straps which are attached to the interior, horizontal overhead hand rails. These straps provide standing patrons a convenient way to steady themselves while the train is in motion. This purchase will allow the District to increase the number of hand straps installed in each vehicle from approximately thirty (30) to eighty (80) hand straps per vehicle.

This Contract is a two (2) year estimated quantities Contract. Pursuant to the terms of the District's standard estimated quantity Contract provisions, the District is required to purchase a minimum amount of fifty percent (50%) of the Contract bid price from the supplier during the term of the Contract. Upon Board approval of the Contract, the General Manager will have the authority to purchase up to one hundred and fifty percent (150%) of the Contract bid price, subject to the availability of funding.

A notice requesting bids was published on March 12, 2016 and bid requests were mailed to seven (7) prospective bidders. Two addenda were issued to this IFB. Bids were opened on May 3, 2016 and two (2) bids were received. Staff determined that one of the two Bids was non-responsive because the Bidder submitted incomplete documentation. Thus, there was only one responsive Bid submitted.

Bidder	Quantity Each	Unit Price Each	Base Price Incl. 10% Sales Tax
Bentech	35,000	$8.10	$311,850.00
Euramtec	0	$0.00	$0.00 *

Independent cost estimate by BART staff: $529,900.00
(including 10% sales tax)

*Bid determined by staff to be non-responsive. Bid form contained no Bid price. Instead, Bidder submitted four (4) alternatives to BART's hand strap specification.

Staff has determined that the apparent low Bidder, Bentech, submitted a responsive Bid. Staff has also determined that the Bid pricing is fair and reasonable based on the independent cost estimate. Furthermore, a review of Bentech's business experience and financial capabilities resulted in a determination that Bentech is a responsible Bidder.

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there were no Small Businesses certified by the California Department of General Services available to Bid on this Contract. Therefore, no Small Business Prime Preference was set for this Contract.

The First Article shall be submitted within thirty (30) days after award of the Contract.

Beginning four (4) weeks after approval of the First Article, the supplier shall deliver fifteen hundred (1,500) units per month.

FISCAL IMPACT: Funding for this Contract in the amount of $311,850.00 (including sales tax) will be funded initially by the General Fund, Material & Supply Inventory build up account (#140-010). Once items are issued to Operations, subsequent funding for this Contract will be provided under the Rolling Stock and Shops (RS&S) Maintenance, Repair and Other account (#680-230). Funding for the out-year portions of the Contract will be requested in future RS&S operating budgets and proposed expenditures, which will be subject to future Board approval.

ALTERNATIVE: Reject the Bids and re-advertise the Contract. This, however, is not likely to lead to increased competition or lower prices and could result in further delays.

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

MOTION: The General Manager is authorized to award IFB No. 8997, for the procurement of Hanger, Hand Strap, to Bentech for the Bid price of $311,850.00 including all applicable sales tax, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 5/19/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Val Menotti Dept: Planning, Development & Construction Signature/Date: 5.18.16	General Counsel 5/18/16	Controller/Treasurer 5/18/16 [ ]	District Secretary [ ]	BARC Powers 18 MAY 2016 [ ]

Status: Routed	Date Created: 05/16/2016

TITLE:

Approval of Electric Power Transmission & Distribution Contracts with PG&E

NARRATIVE:

Purpose: To authorize the General Manager, or her designee, to execute bilateral transmission and distribution contracts for a period not to exceed ten (10) years with Pacific Gas & Electric Company (PG&E) for the delivery of BART's electric power.

Discussion: Pacific Gas & Electric Company (PG&E), an investor-owned electric utility which provides service to much of northern California, is required by California law to deliver electricity to BART (at BART's request) through PG&E's transmission and distribution facilities. The terms of these services are governed by unique transmission and distribution contracts. Transmission services are considered to be the delivery of electricity from power generation sources over high voltage (115 KV AC) power lines to sub-stations, and are regulated by the Federal Energy Regulatory Commission (FERC). Distribution services are considered to be the delivery of electricity from sub-stations to BART property at lower voltages, and are regulated by the California Public Utilities Commission (CPUC).

Transmission . In 1996, legislation was passed in California to create the California Independent System Operator (CAISO), which began operations in 1998. In March 1998, BART and PG&E entered into a Federal Energy Regulatory Commission (FERC) transmission contract that expires at the end of 2016. While BART's 1998 transmission contract was grandfathered in as a bilateral pre-CAISO contract, the new contract beginning in 2017 will be a CAISO transmission contract. Under the 1998 transmission contract, BART's transmission costs are based on the costs of PG&E's transmission grid (northern CA), but under CAISO, transmission prices are based on transmission costs throughout California, which are estimated to increase transmission costs. PG&E will support BART's transition to CAISO.

The new contract will be in place for a period not to exceed ten (10) years.

The contract will be approved as to form by the Office of the General Counsel.

Distribution. In June 2000, BART and PG&E entered into a California Public Utilities Commission (CPUC) distribution agreement that also expires at the end of 2016. In 2008,

BART and PG&E entered into an addendum to the 2000 agreement to allow BART to build 5 MWs of on-site solar energy projects. The new distribution contract with PG&E will allow an unlimited amount of on-site solar energy with a favorable cost structure for the first 7.5 MWs. In addition, BART will maintain its conjunctive and hourly billing terms, which are favorable for a system with multiple electric meters.

The new contract will be in place for a period not to exceed ten (10) years.

The contract will be approved as to form by the Office of the General Counsel.

Fiscal Impact: As a result of the transition to the CAISO transmission contract, transmission costs are estimated to increase by about $2.7 M for six months in FY17 (January - June), an increase from $4.8 M in FY16 to $7.5 M in FY17. The increase has already been included in BART's preliminary FY17 budget. In future years, BART will refine cost estimates based on the first six months of actual data. Funding for any increase will be requested in future operating budgets, which will be subject to board approval. The distribution contract costs will remain roughly the same.

Alternatives: If the Board does not approve the contracts, PG&E will file unilateral contracts at both FERC and the CPUC, and litigation would be likely.

Recommendation: Adoption of the following motion:

Motion: The General Manager, or her designee, is authorized to execute bilateral transmission and distribution contracts for a period not to exceed ten (10) years with the Pacific Gas & Electric Company (PG&E) for the delivery of BART's electric power.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: Administration Item #5A: FY17 Preliminary Budget

Following the Public Hearing on May 26, 2016, staff will discuss how to address a $5.1M reduction of State Transit Assistance (STA). The recently released Governor's May budget revision proposes reducing statewide STA by approximately 20%. As a result, the Metropolitan Transportation Commission (MTC) is revising its fund estimate for transit operators, with the result being a reduction from $14.0M to $8.9M in BART's STA funding.

The District will need to address this reduced funding to balance the Fiscal Year 2017 budget. A proposal to address the reduction in STA funding is attached for Board consideration.

If you have any questions, please contact Carter Mau at (510) 464-6194.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Adjustments to Balance FY17 Preliminary Budget

Decline in STA funding	$5.1M
• Defer Budget Initiatives	
– Enterprise Resource Planning (incl. 2 FTE)	(2.0M)
– Recruitment Support (incl. 2 FTE)	(0.5M)
• Debt Service Refinancing Savings	(1.0M)
• eBART Startup Positions Phase-In	(1.0M)
• Labor Budget Adjustments/Corrections	(0.6M)
	(5.1M)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: Administration Item #5.A.ii: Customer Service Tracking Program – For Information

In response to a request from Director Saltzman, staff will make informational presentation at the May 26, 2016 Board meeting on our customer service tracking program and the cost and issues associated with implementing a variation on the District's current program called "See, Click, Fix".

Please contact Paul Oversier, AGM, Operations at (510) 464-6710 if you have questions regarding this item.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D:
DATE: 5/19/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Diane Iwata Dept: Compensation & Analytics, Labor Relations Signature/Date: 5/10/2016	General Counsel 5/19/16 [ ]	Controller/Treasurer 5/19/16	District Secretary [ ]	BARC 5-19-16 [ ]

TITLE:

AWARD OF AGREEMENT NO. 6M4425
BROKER AND ON-CALL CONSULTING SERVICES FOR EMPLOYEE BENEFITS

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Agreement No. 6M4425 to Aon Consulting, Inc. ("Aon"), of San Francisco, CA, to provide Broker and on-Call Consulting Services for Employee Benefits to the District. The term of the Agreement will be for five (5) years, with two (2) one year options, in the amount not to exceed $2,492,100.

DISCUSSION: This Agreement is for broker and on-call consulting services to assist the District with providing expertise in the areas of administration, cost containment, Federal, state, and local legislation, and labor negotiations related to benefits and health insurance. Services include but are not limited to obtaining competitive quotes and proposals, negotiating rates, advising on plan compliance, identifying industry trends, proposing cost saving plan options, and developing communication strategies. Given the complexity involved in administering and securing employee health insurance plans and addressing key labor relations issues that may arise during contract negotiations, it is in the District's best interest to partner with a broker consultant to provide these necessary services.

Request for Proposals (RFP) No. 6M4425 was advertised on November 23, 2015. An Advance Notice to Proposers was sent on November 18, 2015, to 134 prospective proposers. Fifteen (15) prospective proposers downloaded the RFP from the District's Procurement Vendor Portal. A Pre-Proposal Meeting was held on December 16, 2015 with four (4) prospective proposers attending. One (1) Addendum was issued for the RFP on January 12, 2016.

On January 26, 2016, three (3) responsive proposals were received from the following firms:

1. Keenan Associates, Oakland, CA
2. Wells Fargo Insurance Services USA, Inc., San Carlos, CA
3. Aon Consulting, Inc., San Francisco, CA

The three (3) proposals were reviewed and evaluated by a Source Selection Committee ("Committee") consisting of staff from the District's offices of Labor Relations, Employee Services, Office of Civil Rights and Contract Administration reviewed the proposals. All three (3) proposals were determined to be responsive and to have met the Technical Requirements of the RFP. In accordance with the provisions of the RFP, the selection of a Company to provide the

services is based on the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based on a determination that certain technical advantages available from a proposal will equate to added value for the District. According to the terms of the RFP the proposals were evaluated and scored based on the criteria contained in the RFP with respect to the qualifications of the firm and key personnel.

The Committee then reviewed the price proposals and determined that all three (3) proposals were within the competitive range. All proposers were short-listed and invited to an oral interview. The oral interviews were conducted on March 18, 2016.

After the oral interview, the Committee combined the qualifications/technical scores and the oral interview scores, and based on best value analysis determined that Aon offered the best overall value to the District. Aon's combined written and oral qualifications were rated and scored the highest of the three (3) proposers.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this agreement are 16% for Minority Business Enterprises and 20% for Women-owned Business Enterprises. The proposer will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

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

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

FISCAL IMPACT:
Agreement No. 6M4425 has a not to exceed cost limit of $2,492,100. The following table depicts estimated funding assigned to the referenced Agreement:

FY17	$352,000
FY18	$454,500
FY19	$304,000
FY20	$304,000
FY21	$396,000
FY22 Option	$340,800
FY23 Option	$340,800
Total	$2,492,100

Funding for $352,000 for the fiscal year 2017 is included in the FY 2017 operating budget of the Human Resources Department. Funding for each subsequent year, including for the option year, will be included in future operating budgets of the Human Resources Department, which will be

subject to future Board approval.

ALTERNATIVES: The District could reject all proposals and solicit new proposals. Re-issuing the RFP would put the District at risk of not being in compliance with Federal and state legislative requirements.

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

MOTION: The General Manager is authorized to award Professional Service Agreement No. 6M4425 to Aon Consulting, Inc. to provide Broker and On-Call Consulting Services for Employee Benefits to the District in an amount not to exceed $2,492,100 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D:
DATE: 5/18/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Nathan Hood Dept: Civil Rights Signature/Date:	General Counsel	Controller/Treasurer	District Secretary	BARC
	5/18/16	5/18/16 [ ]	[ ]	5-17-16 [ ]

TITLE:

Resolution to approve the establishment of a Labor Compliance Program (LCP) for the Lafayette Station Site Improvements Project.

NARRATIVE:

Purpose:

To obtain Board adoption of the attached Resolution establishing a Labor Compliance Program (LCP) for the Lafayette Station Site Improvements Project, pursuant to grant requirements under the Proposition 84 Stormwater Grant Program, Agreement No. 14-452-550.

Discussion:

On July 27, 2015, the District entered into a grant agreement (No. 14-452-550) with the State Water Resources Control Board (Water Board) under the Proposition 84 Stormwater Grant Program. Under the agreement, the Water Board, which manages the program, is providing BART with a grant amount not to exceed $2,245,259.00 for use on the Lafayette Station Site Improvements Project (Project).

The scope of the Project consists of the installation of rain gardens and pervious pavers to capture, detain, and treat stormwater runoff from two parking lots located on the northwest section of the BART Lafayette Station in order to reduce peak flow rates and the concentration of pollutants entering Happy Valley Creek. Other station intermodal circulation improvements will also take place under this Project. The Project will be jointly managed by Maintenance and Engineering and Planning, Development, and Construction with an estimated total project value of $6.4 million. Construction is scheduled to commence in April 2017 and to be completed in October 2017.

As part of the grant agreement, the District must adopt and enforce a State of California Department of Industrial Relations (DIR) approved Labor Compliance Program (LCP) for work taking place on the Project. LCPs are a means of fulfilling DIR requirements to enforce State labor laws, which include collecting, monitoring and documenting certified payroll reports, verifying reports' accuracy through worker interviews, and initiating the enforcement process in the event of violations. The LCP also allows awarding bodies, such as BART, to formally act on behalf of the State by imposing penalties and recovering back wages through contract payment withholding.

The District has the option to operate the LCP in-house or to contract with a third party with prior approval from the DIR to operate the LCP. The Office of Civil Rights will provide management oversight of the LCP and has engaged a consultant who will develop and operate the LCP. Following adoption of the LCP by the Board, the District will submit the LCP to the DIR for

approval. The LCP will be established and operable before the Project construction contract is advertised for bidding.

Fiscal Impact:

Funding of $107,000 for the third party labor compliance consultant is included in total project budget for FMS # 15QH001 - Lafayette Parking-Low Impact Dev. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of May 17, 2016, $2,860,259 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
556E	Prop 84 Stormwater Grant Program	State	2,245,259
8524	FY12 Operation Allocation to Capital	BART	288,000
8525	FY13 Operation Allocation to Capital	BART	327,000
Total			2,860,259

BART has expended $187,403, committed $117,462 and reserves 0 to date for other action. This action will commit $107,000 leaving an available fund balance of $2,448,394 in this project.

There is no fiscal impact on available unprogrammed District reserves.

Alternatives:

Do not adopt the attached Resolution. Failure to adopt the Resolution would restrict the District from fulfilling its grant obligation to have a LCP in place for the Lafayette Station Improvements Project. In such a case, the State Water Board may withhold the $2,245,259.00 in Proposition 84 grant funds slated for this Project, which could impact its completion.

Recommendation:

It is recommended that the Board adopt the attached Resolution.

Motion:

The General Manager is authorized to implement the Proposition 84 Labor Compliance Program for the Lafayette Station Site Improvements Project consistent with the terms of the attached Resolution establishing the Labor Compliance Program, pursuant to the Proposition 84 Stormwater Grant Program conditions.

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

RESOLUTION TO APPROVE THE ESTABLISHMENT OF A LABOR COMPLIANCE PROGRAM FOR THE LAFAYETTE STATION SITE IMPROVEMENTS PROJECT

RESOLUTION NO. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) entered into Grant Agreement No. 14-452-550 through the Proposition 84 Stormwater Grant Program with the State Water Resources Control Board to install rain gardens and pervious pavers for the Lafayette Station Site Improvements Project (Proposition 84 Project); and

WHEREAS, California Public Resource Code Section 7505 requires a body that awards any contract for a public works project financed in any form by funds made available pursuant to Proposition 84, to adopt and enforce, or contract with a third party to enforce, a Labor Compliance Program pursuant to Subdivision (b) of Labor Code Section 1771.5; and

WHEREAS, the purpose of the Labor Compliance Program is to ensure that construction contractors comply with the prevailing wage and other applicable labor laws.

WHEREAS, the District may utilize the services of a Labor Compliance Program consulting firm to initiate or enforce its Labor Compliance Program for the Proposition 84 Project, subject to approval by the State of California Department of Industrial Relations; and

WHEREAS, the District has elected to procure the services of third party labor consultant, Davillier-Sloan, Inc. of Oakland, CA to develop, operate, and manage the Proposition 84 Project Labor Compliance Program.

BE IT FURTHER RESOLVED, THAT the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby establishes the Proposition 84: Lafayette Station Site Improvements Project Labor Compliance Program and adopts the Project Labor Compliance Manual, subject to approval and modification by the State of California Department of Industrial Relations and periodic revisions by District staff when necessary, to monitor and enforce contractors' compliance with California labor and apprenticeship laws for this Proposition 84 financed Project.

Adopted: _____

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: Administration Item #5.D: Proposed Title VI Process - BART Silicon Valley Phase I Berryessa Extension Project – For Information

At the May 26th, 2016 Board of Directors meeting, staff will present the Title VI Service and Fare Equity Analysis Process (Title VI Process) for the Silicon Valley Berryessa Extension (SVBX) Project. This informational presentation will consist of an overview of the proposed Title VI Process, including a discussion on the proposed service and fare options for analysis.

If you have questions, please contact Wayne Wong, Department Manager, Office of Civil Rights, at (510) 464-6134.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Clarence deVaughn				GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors
DATE: 5/19/16				BOARD INITIATED ITEM: No
Originator/Prepared by: Raul Millena Dept: Maintenance & Engineering, x-6552 Signature/Date: 5/16/16	General Counsel 5/19/16 [ ]	Controller/Treasurer 5/19/16	District Secretary [ ]	BARC 5/19/16 [ ]

TITLE:

Authority to Execute Change Order No. 5, Provision for Additional Train Control Switch Machines, including the Associated Switch Machine Layout Component Parts, Tools, and Hardware to Contract No. 20CE-210A, Procurement of Train Control Switch Machines

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 5, Provision for Additional Train Control Switch Machines, including the Associated Switch Machine Layout Component Parts, Tools, and Hardware to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc., in the amount not to exceed $1,949,074.20, plus applicable taxes.

DISCUSSION:

Following award of Contract No. 20CE-210A in February 27, 2012, for a total not to exceed price of $15,573,742, plus applicable taxes, the Project identified the need to procure additional District Furnished Equipment (DFE) for the new East Contra Costa BART Extension (eBART) and Hayward Maintenance Complex (HMC) locations to meet construction schedules and to replace obsolete equipment for its legacy Mainline De-Rail Locations. This Change Order will provide the necessary increased quantities of Train Control Switch Machines by a total of sixty (60) additional switch machines including fifty-five (55) sets of its associated layout component parts, tools, and hardware ("Layouts") to the District. It will also provide funding for payment of associated Layouts previously delivered and transferred to eBART and HMC Projects.

The Supplier will provide all labor, material, equipment, and services to procure the increased quantity of items as indicated in the May 6, 2016 cost proposal under Change Notice No. 004 for this Contract 20CE-210A from Alstom Signaling, Inc. The cost proposal consisted of sixty (60) switch machines at $25,556.00 per switch machine and fifty-five (55) sets of Layouts at $7,558.44 per Layout. The price of the switch machines are consistent with the original Contract's Option 4 equipment pricing as estimated in the Engineer's Estimate. The price of the Layout sets have increased compared to the Engineer's Estimate resulting in a variance of $40,714.30. This variance is due to the difference in the new locations' design requirements and increased material costs. The project staff therefore determined the Supplier's cost proposal total of $1,949,074.20 acceptable. Please refer to the table below.

Supplier's Change Proposal and Engineer's Estimate			
Item	**Supplier's Proposal**	**Engineer's Estimate**	**Variance**
Switch Machines (60 each @ $25,556.00/ unit)	$1,533,360.00	$1,533,360.00	$0.00
Layout Sets (55 each set @ $7,558.44/ unit)	$415,714.20	$374,999.90	$40,714.30
TOTAL	**$1,949,074.20**	**$1,908,359.90**	**$40,714.30**

Pursuant to Board Rule 5-2.4, Change Orders which involve expenditures greater than $200,000, require approval of the Board of Directors. The Office of the General Counsel will approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order for compliance with procurement guidelines prior to execution.

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

FISCAL IMPACT:

Funding of $2,143,982 ($1,949,074 including 10.0% sales tax) for Contract 20CE-210A is funded by the projects below. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds needed to meet this request will be expended from a combination of these sources as listed. The following sections depict funding assigned to the referenced projects and they are included in totality to track funding history against spending authority.

20CE000 – Switch Machine Replacement $1,092,777

As of May 12, 2016, $40,824,559 is the total budget for this project. BART has expended $30,622,988, and has committed $1,504,686 to date for other actions. This action will commit $1,092,777 leaving $7,604,108 balance in this project.

Fund Group	Amount
Various FTA Grant Sources	24,415,281
State Prop1B & Local Area Bridge Toll	12,068,864
BART Operating Allocation to Capital	4,340,414
Total	40,824,559

04SF200 – eBART $837,795

As of May 12, 2016, $5,636,798 is the total budget for this project. BART has expended $3,240,500, committed $35,848 and reserved $239,878 to date for other actions. This action will commit $837,795 leaving $1,282,777 balance in this project.

Fund No.	Fund Description	Source	Amount
535A	FY10-11 Prop 1B - PTMISEA	State	1,111,798
6604	CCTA - MJ 12-16P	Local	3,625,000
6645	ECCRFFA Co-Op Agmt 26-14	Local	300,000
664C	CCTA Resol 13-25-P	Local	600,000
Total			5,636,798

01RQ002 – HMC $213,410

As of May 12, 2016, $38,332,091 is the total budget for this project. BART has expended $8,537,005, committed $11,883,147 to date for other actions. This action will commit $213,410 leaving $17,698,529 balance in this project.

Fund No.	Fund Description	Source	Amount
3007	FTA-CA-95-X236	Federal	33,935,400
8524	FY12-Operating Allocation to Capital	BART	4,396,691
Total			38,332,091

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is to reject this change and either re-negotiate the price or separately procure the additional units needed. However, this equipment is essential to the reliability of District Operations. If this Change Order is not authorized, since the legacy equipment at Mainline De-Rail locations has reached its end life, the District will incur more costs attempting to repair or rebuild failed equipment at those legacy locations. Moreover, failure of the existing equipment could cause service delays and cause the Project to delay and incur additional costs to the Switch Machines' on-going installation work performed by the District's SEIU staff under the Switch Machines Replacement Program.

RECOMMENDATION: Adoption of the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 5, Provision for Additional Train Control Switch Machines, including the Associated Switch Machine Layout Component Parts, Tools, and Hardware for the Switch Machine Equipment to Contract No. 20CE-210A, Procurement of Train Control Switch Machines, with Alstom Signaling, Inc. for the amount not to exceed $1,949,074.20, plus applicable taxes.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/18/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli Dept: Signature/Date: 5/17/16	General Counsel 5/18/16	Controller/Treasurer 5/18/16 [ ]	District Secretary [ ]	BARC Powers 17 May 2016 [ ]
Status: Routed		Date Created: 04/29/2016		

TITLE:

2016 State and Federal Legislation

NARRATIVE:

PURPOSE: To review state and federal legislative activity with the Board that supports BART legislative goals.

DISCUSSION: Included herein are the state and federal goals the BART Board of Directors approved in February 2016, and proposed legislation for review and possible support to assist with accomplishing the approved goals.

Fact sheets on each bill, developed by the authors' offices, are included as attachments, as are the actual federal bills recommended for support. Of the six state bills supported by the Board in 2015 that became two year bills, only SBX2 5 (to redefine tobacco products by including electronic devices, such as electronic cigarettes, that deliver nicotine or other vaporized liquids), remained active as a two year bill and was sent to the Governor on April 22. He signed the bill into law on May 4, 2016.

A. BART STATE GOALS:

(1) Protect transportation funding
(2) Work to pass BART sponsored legislation
(3) Support regional efforts that assist BART goals
(4) Support Green House Gas (GHG) reduction efforts
(5) Respond to BART police legislative needs
(6) Respond to legislation that directly impacts BART
(7) Continue efforts supporting two-year bills endorsed by BART Board

State Legislation for BART Board Review

For *Support:*

AB 1346 (Gray) Emergency Response and Earthquake Early Warning System

AB 1346 would require the California Office of Emergency Services (OES) to update the State

Emergency Plan every five years, and would require the Plan to be consistent with specified state climate adaptation strategies. In addition, this bill would remove the prohibition in current law that restricts the use of General Funds for a statewide seismic warning system and appropriate $23.1 million from the General Fund to launch a statewide seismic early warning system.

BART is the first transit agency in the United States to adopt an earthquake early warning system. This system has been in place since August 2012, and has provided early alerts to BART before earthquakes have occurred. Director McPartland testified before the State Legislature and Congress on behalf of BART's system and spoke at a conference at the White House seeking funding support for early warning technologies. Additionally, BART sought and received congressional delegation support to request that the President and Congress allocate more funding to the United States Geological Survey (USGS) in the FY17 budget for the early warning system. AB 1346 is the companion bill to SB 438 authored by Senator Hill. SB 438 is also included herein for Board review.

AB 1591 (Frazier) Transportation Infrastructure Funding

Assemblyman Frazier, Chair of the Assembly Transportation Committee, introduced AB 1591 to offer a full package of long term funding options for transportation projects which can potentially provide up to $8 billion a year in revenues. While primarily focusing on improving trade corridors and restoring the truck weight fees from the General Fund to finance transportation projects, the bill would also: (1) raise the excise tax on gasoline, (2) increase the diesel tax (directed to trade corridors), (3) increase vehicle registration fees, and (4) impose an electric vehicle surcharge to raise funding for transportation infrastructure.

Significant to BART is the proposed increase from 10% to 20% of the auction proceeds that would go to the Transit & Intercity Rail Capital Program to generate an additional $200 million each year for transit projects that reduce greenhouse gas emissions. BART requested the Bay Area legislative delegation support efforts such as AB 1591, that would not only increase Cap and Trade funding, but offer a package of long-term revenue raising changes to provide additional highway and transit funding in the state. CTA supports AB 1591.

AB 1592 (Bonilla) Autonomous Vehicle Pilot Project

AB 1592 would authorize the Contra Costa Transportation Authority (CCTA) to conduct a pilot project to test autonomous vehicles not equipped with a steering wheel, a brake pedal, an accelerator, or an operator inside the vehicle. The testing would have to be conducted at specified locations and the autonomous vehicle would be limited to speeds of less than 35 miles per hour.

GoMentum Station is a research testing facility for autonomous and connected vehicles at the former Naval Weapons Station in Concord. BART has partnered with GoMentum Station by contributing $250,000 of its Measure J funds for BART Parking and Access to support the research and development project. In the future, autonomous vehicles could potentially be used to improve accessibility to BART stations and increase ridership as first-and-last mile connectors to BART. CCTA, the East Bay Leadership Council and BART staff support efforts to allow

CCTA to conduct such a pilot project.

AB 1640 (Stone) Transit Employees Retirement

AB 1640 is sponsored by the Santa Clara Valley Transportation Authority (VTA) and would clarify that public transit employees, hired between January 1, 2013 and December 30, 2014, are exempt from The California Public Employees' Pension Reform Act of 2013 (PEPRA).

PEPRA, among other things, established new defined benefit pension formulas for public employees who first became members of public retirement systems on or after January 1, 2013. Following the enactment of PEPRA, several labor unions representing public transit employees filed objections with the United States Department of Labor (DOL) pursuant to Section 13c of the Urban Mass Transportation Act regarding federal grants, claiming that PEPRA impaired existing collective bargaining agreements and restricted collective bargaining rights. Under Section 13c, as a condition of receiving federal grants, BART must obtain the DOL's certification that it is preserving collective bargaining rights.

While the state challenged this issue in federal court, the State Legislature passed and Governor Brown signed into law AB 1222 (Bloom) in 2013 and AB 1783 (Jones-Sawyer) in 2014 which *temporarily* exempted public transit employees from PEPRA -- and allowed federal grants to be certified until a court ruling was received, or on January 1, 2016, whichever was sooner. The court issued a decision in December 2014, and thereafter CalPERS announced that "All transit employees with appointments starting on or after January 1, 2013 through December 29, 2014 will retain their classic retirement benefits <u>for this period of time.</u>". In practical terms, CalPERS' interpretation meant that public transit employees (hired while the AB 1222 exemption was in place) were entitled to their classic retirement benefits from their date of hire to December 30, 2014, and not for the duration of their employment. AB 1640 would extend indefinitely the exemption for employees who became members of a public retirement system prior to December 30, 2014. BART has approximately 350 employees that would be impacted by retaining their classic retirement benefits. CTA supports AB 1640.

AB 1665 (Bonilla) Contra Costa Transit Authority Tax Authority

The authority for Contra Costa County to impose a sales tax to support countywide transportation programs (at a rate of no more than 0.5% in combination with other specified taxes) will sunset on December 2020 if ordinances are not approved by local voters. In order to streamline efforts to bring forth a ballot measure in support of the Contra Costa Transportation Authority's (CCTA) proposed sales tax measure AB 1665, as amended, would shift the current taxing authority from the county to CCTA. In addition, by making the legislation an urgency measure this bill would go into effect immediately upon passage and approval by the Governor. CCTA sponsors AB 1665 and Contra Costa County supports transferring its taxing authority to CCTA. In 2013, the BART Board supported AB 210 (Wieckowski), which granted the existing taxing authority to Alameda and Contra Costa Counties.

AB 1886 (McCarty) CEQA definitions

The California Environmental Quality Act (CEQA) requires lead state agencies to prepare environmental impact reports (EIR) on projects that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have such an effect. CEQA exempts those transit priority projects that meet certain requirements, including the requirement that a project be within 1/2 mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. CEQA specifies that a project is considered to meet this requirement if all parcels have no more than 25% of their area farther than 1/2 mil from the stop or corridor.

AB 1886 would expand the exemption by making it applicable to projects where all parcels have no more than 50 % of their area farther than 1/2 mile from a transit stop or corridor. This will allow greater flexibility for infill development near transit to qualify for an expedited CEQA process. Assemblyman McCarty believes that many infill projects which should qualify have not been able to because of current proximity-to-transit definitions. AB 1886 would assist BART by making the proximity rules more flexible and create a more expeditious CEQA process for transit and housing projects that are good for the environment.

AB 2030 (Mullin) BART & SamTrans Procurement (BART SPONSOR)

Current State law requires BART contracts for the purchase of supplies, equipment, and materials be awarded to the lowest responsible bidder or to the bidder who submits a proposal that provides "best value," as defined, if the amount of the contract exceeds $100,000. Additionally, for contracts for the purchase of supplies, equipment, and materials between $2,500 and $100,000, BART must obtain a minimum of three quotes. BART staff has concerns that these levels are outdated and require additional staff time and expenditures which could be minimized with higher contract threshold limits.

As amended, AB 2030 would modify these bidding requirements to apply to contracts for the purchase of supplies, equipment, and materials over $150,000 and would require a minimum of three quotes for contracts for the purchase of supplies, equipment, and materials between $5,000 and $150,000. AB 2030 does not make any changes to bidding requirements for BART's construction contracts. SamTrans requested to be included in the bill to also increase their contract levels before a competitive bidding procedure would be triggered for supplies and materials.

AB 2090 (Alejo) LCTOP Emergency Funding

The California Global Warming Solutions Act of 2006 (AB 32) designates that all Cap & Trade funds collected by the California Air Resources Board be deposited in the Greenhouse Gas (GHG) Reduction Fund and made available upon appropriation. The "Low Carbon Transit Operations Program" (LCTOP) provides that 5% of Cap & Trade funding go to transit operations projects that support GHG reduction and mobility through a formula funding program that is distributed to transit agencies through their Metropolitan Planning Organization (MPO). Going

forward BART will receive approximately $7 million a year from this fund, and is seeking to apply it to rail car purchases through CalTrans.

AB 2090 would expand the scope of this existing continuous appropriation by additionally authorizing that funds appropriated to the program can support the operation of existing bus or rail service if the governing board of the requesting transit agency declares that a "fiscal emergency" and other criteria are met. This provision is supported by CTA and would primarily support bus operators – and other small operators – who might need the funds to keep their public transit service afloat during financial difficulties. AB 2090 would not impact the total amount of funding in the LCTOP program (or the money available to BART) as it is based on the State Transit Assistance (STA) formula for each agency.

AB 2222 (Holden) LCTOP Student Transit Pass Program

AB 2222 would annually appropriate $50 million from the Greenhouse Gas (GHG) Reduction Fund for a Student Transit Pass Program to be administered by the California Department of Transportation (CalSTA). The funding for the program would be allocated to local transit agencies and school districts to provide free or reduced-fare transit passes for K-12, community college, California State University, and University of California students, who meet certain eligibility requirements.

AB 2222 would require CalSTA and the California Air Resources Board (CARB) to develop guidelines to demonstrate how the proposed expenditures will reduce GHG. The bill would require that at least 30% of the funds allocated benefit disadvantaged communities. While the funding allocation would be a new one from the Greenhouse Gas Reduction Fund, it would not reduce the three Cap & Trade funding programs presently available to BART. Transit passes are presently an option for BART and other transit agencies to use through the LCTOP.

BART has recently been working on a proposed student discount fare program with San Francisco State University. Additionally, other colleges in the Bay Area have expressed interest in a program to reduce public transit costs for students. AB 2222 may provide a means for BART to seek future funding for student transit programs.

AB 2411 (Frazier) Transportation Revenues

The California Constitution restricts the expenditure of revenues that come from taxes imposed on fuels used in motor vehicles to only street and highway purposes and certain mass transit purposes. Also, monies generated in various ways by Caltrans have historically been similarly protected for transportation and transit needs in the state. However, certain revenues that are not protected by this Constitutional restriction are currently still required to be transferred from the State Highway Account to the General Fund to offset debt service on General Obligation transportation bonds.

Assemblyman Frazier asserts there should be an end to the transfer of transportation funding from transportation programs because the General Fund is no longer in crisis (the state could

have more than $7 billion in the rainy day fund by 2017) and the Governor has declared a crisis in transportation infrastructure funding. Thereby, AB 2411 would prevent any transfer of miscellaneous revenue from the State Highways Account to the Transportation Debt Service Fund to assist General Fund debts, and would require those revenues to be used solely for transportation expenditures consistent with the restrictions for expenditure of fuel tax revenues in Article XIX of the California Constitution.

AB 2734 (Atkins) Affordable Housing Funding

AB 2734 would establish the "Local Control Affordable Housing Act" to require the Department of Finance to determine the savings for each fiscal year that have resulted from the dissolution of redevelopment agencies (RDAs). The legislation would require that 50% of that amount (or $1,000,000,000, whichever is less) then be allocated to the Department of Housing and Community Development (HCD) to provide funding to state and local agencies for a variety of housing purposes throughout the state. For distribution of these funds to local agencies, AB 2734 would require HCD to create an equitable funding formula, which must be geographically balanced and take into account a variety of needs including poverty rates and the lack of supply of affordable housing for low and moderate income individuals.

The BART Board has prioritized efforts to produce more affordable housing in the state, and in January 2016 the Board adopted an Affordable Housing Policy seeking at least 20% affordable housing units on BART property at each station were BART is pursuing residential development. Last year, the Board supported AB 1335, also by then-Assembly Speaker Atkins. This bill, which failed to pass, would have established a document fee revenue raising mechanism. BART also sponsored SB 628 (Beall) which became law in 2014 to encourage affordable housing by simplifying the process to create Infrastructure Finance Districts (IFD). According to Assemblywoman Atkins, California still has a shortfall of 1.5 million affordable units for low and very low income renter households. BART's transit-oriented development efforts could benefit if new funding sources for local and state affordable housing programs become more available through AB 2734.

AB 2796 (Bloom) Active Transportation Funding Distribution

The "Active Transportation Program" (ATP) is administered by CalSTA for the purpose of encouraging the use of active modes of transportation, such as biking and walking. State and federal funds are delivered through the California Transportation Commission (CTC) with competitive grants to eligible projects. Created in 2013, the ATP funds bikeway, walkway and crossing improvements – as well as non-infrastructure programs to encourage planning, walking and biking, and to implement "Safe Routes to School" programs. The funding is divided into three distribution categories: forty percent of funding is awarded to projects by the metropolitan planning organizations, 10% is awarded to projects in rural communities, and the remaining 50% is awarded to statewide competitive projects.

AB 2796 would require a minimum of 5% of funds in each of the three distribution categories be awarded for planning and community engagement for active transportation in disadvantaged

communities. The bill would also require a minimum of 10% of all available ATP funds be programmed for non-infrastructure purposes. AB 2796 is sponsored by the California Bicycle Coalition, California Walks and the Safe Routes to School National Partnership because they believe the non-infrastructure and planning aspects of ATP do not get fair consideration in the state's grant process. Assemblyman Bloom contends by specifically designating the percentages for these programs, the bill will "enable active transportation planning and non-infrastructure projects to compete fairly."

SB 438 (Hill) Earthquake Early Warning System Funding

SB 438 is the companion bill to AB 1346 (Gray) and would also remove the prohibition in current law that restricts the use of General Funds for a statewide seismic warning system. The bill would appropriate $23.1 million to the system, which would include installing 440 new seismic sensors, implementing the telecommunications technology, and developing a system to send alerts to the public.

In 2013, SB 135 (Padilla) was enacted to require CalOES to develop a comprehensive statewide earthquake early warning system (EQWS). Currently, a prototype EQWS is in place called "ShakeAlert" and is a partnership between the United States Geological Survey, CalOES, UC Berkeley, and Cal Tech. ShakeAlert is presently comprised of about 400 sensors throughout the state and is limited to sending alerts to the participating prototype system partners such as BART.

SB 824 (Beall) Cap & Trade Operations (LCTOP)

The LCTOP provides that 5% of the state Cap and Trade funding go into the Greenhouse Gas Reduction Fund to be distributed to public transit under the State Transit Assistance (STA) formula for new and expanded service. Caltrans must approve all expenditures to ensure they meet specific guidelines, which must include 50% of the funding for disadvantaged communities. In the past, BART received $4.5 million in LCTOP funding through MTC. BART staff estimates that amount will rise and level out at about $7 million annually.

The BART Board supported SB 9 (Beall) which became law last year and provided more spending flexibility for the Transit and Intercity Rail Capital Program (TIRCP). SB 824 would provide similar flexibility for funds from the LCTOP. For example, SB 824 would allow recipients of LCTOP funding to loan or transfer its funding share in a particular fiscal year to another recipient transit agency, pool its funding share with those of other recipient transit agencies, or seek a Letter of No Prejudice in order to keep its Cap and Trade funds until it was best prepared to spend them. BART staff agrees the provisions of the bill would be very helpful in planning and paying for BART GHG reduction projects. CTA supports SB 824.

SB 869 (Hill) Safe Storage of Firearms

California law requires that civilians who leave their handguns in cars must store them securely in a lockbox or in the trunk. However, law enforcement officers are presently exempt from the

requirement. SB 869 would align the requirement for law enforcement officers with the requirements for civilians when leaving a handgun in a car.

Stolen guns remain a major problem in California with gun thefts from cars steadily increasing. Firearms belonging to law enforcement officers have also been stolen from cars throughout the Bay Area and many of these guns end up being used in violent crimes. SB 869 would make it clear that any person, and law enforcement officers including BART Police, must lock their handgun in the vehicle's trunk or store it in a locked container out of plain view. A violation of the requirement would be punishable by an infraction, with a fine not to exceed $1,000.

SB 1128 (Glazer) Transit Benefits

In 2012, the BART Board supported SB 1339 (Yee) which became law establishing a Bay Area pilot project to encourage greater transit ridership and less vehicle driving in the region. The legislation required employers with 50 or more employees to offer all their employees who work an average of 20 hours or more per week a choice of commuter benefits: (1) a pre-tax program to exclude employee commuting costs for transit passes, vanpool charges, or bicycle commuting from taxable wages; (2) an employer-paid benefit to offset the costs of commuting via public transit or a vanpool; <u>or</u> (3) an employer-provided transit service for employees at no or low cost.

The Bay Area Air Quality District (BAAQD) and MTC jointly implement the program which will become inoperative on January 1, 2017. SB 1128 would extend these provisions indefinitely. The bill would also delete bicycle commuting as a pretax option under the program and instead authorize an employer to offer it as an employer-paid benefit in addition to commuting via public transit or by vanpool. The BAAQD indicated the program is very successful in the Bay Area and MTC sought support from BART and other transit agencies for SB 1128. CTA supports SB 1128.

<u>For *Watch:*</u>

AB 1595 (Campos) Human Trafficking Awareness Training

AB 1595 would require a private or public employer that provides mass transportation services, to train its employees to recognize the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. As amended, AB 1595 would require that guidelines for such training be developed by the Department of Justice and those, by January 1, 2018, each employer incorporates such training into initial training processes for all new employees and provide the training to existing employees.

The transit agency members of the California Transit Association (CTA) acknowledge the importance of identifying possible human trafficking through various modes of transportation. However, they express concerns about *requiring* such training without clear commitments from the State to develop, produce and disseminate training materials. In the past, voluntary efforts have been conducted by BART and other transit agencies to better identify and reduce human

trafficking. These voluntary efforts have been primarily conducted through the production and posting of signage and distribution of collateral materials.

AB 2523 (Mullin) Contributions to Local Elected Officials

AB 2523 would establish campaign contribution limits for local office holders at the same level as those set for individuals contributing to state Senate and Assembly offices. The exception would be when a local jurisdiction established its own limits. The current state limit of $4,200 per contributor per election would also become the limit set for local elections. These limits would not apply to contributions returned to the contributor within 14 days of receipt or for those funds contributed to a candidate's own campaign.

The author has stated that there should be a state standard of limits on campaign contributions for those running for local office so that local candidates in California are not overly reliant upon a few wealthy donors. Thirty-four other states have such statewide limits and, if this bill passes, candidates seeking to be BART directors would have to abide by the limits unless the Board sets its own limits for campaign contributions. The League of Women Voters of California and California Common Cause are supporters of this legislation which has no filed opposition.

SB 882 (Hertzberg) Transit Penalties for Minors

Existing law makes it an infraction or a misdemeanor to fare evade on a public transit system, to misuse a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or to use a discount ticket without authorization. It is also a misdemeanor to fail to present to a transit system representative, acceptable proof of eligibility to use a discount ticket. SB 882 would prohibit a minor from being charged with an infraction or a misdemeanor for fare evasion. The bill is sponsored by the Children's Defense Fund and the Western Center on Law and Poverty and is representative of a growing theme in the state capitol to reduce the criminalization of certain non-violent actions that could initiate or build a criminal record for minors.

BART Police do not presently have the authority to check for proof of payment of fares. However, BART Police have raised the concern that SB 882 could stifle their efforts to follow up and deal with other possible crimes in which fare evaders are often involved. While BART's exclusion policy pursuant to AB 716 does not issue prohibition orders for fare evasion, the recent BART Police Department Report to the Legislature for 2016 found that prohibition orders issued to youth (17 and under) was the lowest of any age group (4% of the total). CTA has taken a "watch" position on the legislation because of the variety of opinions among transit agencies.

SB 894 (Jackson) Loss of Firearms

In order to help reduce the trafficking or selling of unlicensed firearms, SB 894 would require a person to report the theft or loss of a firearm to a local law enforcement agency within 5 days of knowing the firearm was lost or stolen. SB 894 would also require every person who has reported a firearm lost or stolen to notify a local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an

infraction punishable by a fine. Governor Brown has twice vetoed because he doesn't believe that criminalizing a failure to report such a crime will improve identification of gun traffickers.

Accordingly to BART Police, there have been several incidents recently involving guns on the BART system. BART's police chief believes legislation that better identifies the location of lost or stolen guns could generally reduce the potential for additional gun incidents on BART. By reporting lost or stolen firearms, SB 894 aims to improve public safety by providing a tool for law enforcement to detect firearms trafficking and prosecute individuals who buy firearms on behalf of criminals who are prohibited from possessing guns.

SB 1051 (Hancock) Cameras on Alameda-Contra Costa Transit District Buses

AC Transit is the sponsor of SB 1051, which would allow the bus system to place forward facing video cameras in buses and enforce parking violations in transit-only lanes and bus stops. The fine for a violation captured on video would be $250. Ticketing would require a review by a designated employee. MUNI conducted a pilot program with similar video and filming capability as AC is requesting, and recently the program it was made permanent. BART passengers, especially the disabled, often connect from buses and sometimes find it difficult at bus stops when autos drop off passengers at these locations. SB 1051 could assist with keeping bus stops and transit-only lanes clear of such violators.

SB 1107 (Allen) Political Reform Act of 1974: Public Financing of Campaigns

Under the Political Reform Act, no public officer shall expend and no candidate shall accept any public money for the purpose of seeking elective office. While charter cities are exempt in the state Constitution, general law cities, counties, districts, and the state government are covered under this current state ban. SB 1107 would provide an exception to this ban if the state or a local governmental entity establishes a dedicated fund for this purpose. SB 1107 would require 1) that public moneys held in a fund are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference and 2) that the state or local governmental entity establish criteria for determining a candidate's qualification by statute, ordinance, resolution, or charter.

SB 1107 *would not* create a public financing program or require any government to offer public financing, nor would it spend any public funds or raise taxes or fees. Instead, the bill would amend the ban to permit the state or local governments to enact laws that create public financing programs if they so choose. The bill also contains other related provisions that would not impact BART, including prohibitions on foreign contributions to candidates and a requirement that an officeholder who is convicted of specified crimes must forfeit any remaining campaign funds to the General Fund.

ACA 11 (Gatto) California Public Utilities Commission (CPUC)

The California Constitution established the Public Utilities Commission (CPUC) and grants the CPUC certain general powers over all public utilities such as regulated energy utilities,

telecommunication entities, common carriers and passenger rail carriers. The Public Utilities Act, and other provisions of the Public Utilities Code, specifies the structure, funding, and responsibilities of the CPUC.

Assembly Constitutional Amendment (ACA) 11 would authorize the Legislature to reassign all or a portion of the functions of the CPUC to other state agencies, departments, boards, or other entities, consistent with specified purposes which would be outlined by the Legislature. ACA 11 would also direct the Legislature to (1) adopt structures to provide greater accountability for the public utilities of the state; (2) provide guidance to focus regulatory efforts on safety, reliability, and rate setting; and (3) implement statutorily authorized programs for reducing emissions of greenhouse gases.

ACA 11 could change where and how safety is regulated for BART. The bill would repeal the provisions of the California Constitution pertaining to the CPUC effective January 1, 2019, and would, in the meantime, allow the Legislature to develop and pass legislation to redirect specific regulatory responsibilities to other specific agencies, departments or commissions. This legislative effort comes in direct response to a variety of administrative, safety and regulatory criticisms aimed at the CPUC in the past few years. Should ACA 11 pass, there would be time for BART and other transit agencies to provide input on how best to regulate rail safety in the state.

B. BART FEDERAL GOALS:

(1) Monitor and participate in MAP-21 and FAST Act implementation
(2) Seek continued support for BART Capacity Grant application
(3) Seek appropriation levels that better assist BART goals
(4) Educate Bay Area delegation on BART Big 3 priorities and funding needs
(5) Seek and encourage additional workforce development funding

Federal Legislation for Board Review

For *Support:*

HR 680 (Blumenauer D-OR) Gas Tax

HR 680 would generate $210 billion over ten years by raising the gas tax by 5 cents annually over the next three years. While the gas tax was equal to 17% of the cost of a gallon of gas when it was set at its current level twenty-two years ago, it is now only 5%. Additionally, with more fuel-efficient cars, there will likely be a wider transportation funding shortfall in the future. Last year, the BART Board supported HR 680 but the passage of the FAST Act did not establish a long-term and reliable funding source as the Highway Trust Fund continues to be depleted.

HR 4005 (Bass D-CA) Local Hire Act

HR 4005 would change federal transportation law to give state and local agencies the ability to include geographical hiring targets in bid specifications for highway and public transportation projects, even if they receive federal funding. Current law prevents local transit agencies from creating local hiring programs when using federal funds for projects. The BART Board has previously discussed opportunities that would allow greater local hiring and requested that staff seek options to promote the practice.

HR 4343 (Blumenauer D-OR and Buchanan R-FL) Bike Share Transit

HR 4343 would define "bikeshare" as a form of transit in statute. As a result, it would allow easier access to federal funding for bike share construction and equipment. Bikeshare programs would be eligible for Congestion Mitigation and Air Quality (CMAQ) and Transportation Assistance Program (TAP) funding. The broader definition would also allow federal funds to be used for the actual purchase of bikes and not just the construction of the facilities.

HR 4104 (Crowley D-NY and Paulsen R-MN) Bike to Work Act

HR 4104 would amend the Internal Revenue Code to allow workers to use their pre-tax commuter benefits for bikeshare programs, in the same way that workers use them for parking and transit. The bill would redefine a bicycle sharing system as a mass transit facility for purposes of the tax exclusion of employer-paid commuting expenses. A "bicycle sharing system" would be a public transportation system: (1) consisting of a network of stations at which bicycles are made available to customers for commuting and short-term, point-to-point use within the network's service area; and (2) that is operated or authorized by a government agency or public-private partnership. HR 4104 could promote greater bike share stations at transit facilities that will allow more possibilities for first and last mile trips to transit, including BART.

S. 2433 (Schumer D-NY) University Transit Rider Innovation Program Act (UTRIP)

S. 2433 would authorize the Department of Transportation (DOT) to make grants to transit agencies that provide a discounted fare of at least 25% to two and four year college and graduate students. Transit agencies could use the funds to help offset revenue losses incurred by providing the discounted fares. The funds could also be used to help cover operating and capital costs associated with providing new routes geared specifically toward servicing post-secondary educational facilities. DOT would be required to apportion amounts from a specific formula to carry out this Act to three specific areas; large urban areas, small urbanized areas, and rural areas. Requests to BART have increased from higher education institutions to provide discounted fares for students. This bill could assist BART if it decides to establish a college discount program and can compete successfully for grants from DOT.

FISCAL IMPACT:
N/A

RECOMMENDATION:
The Board approves the following motions.

MOTION:

(1) The Board supports the state legislation, as recommended by staff.

(2) The Board supports the federal legislation, as recommended by staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: PPAAL Item #7.B: Potential 2016 Funding Measure for District Infrastructure Update – For Information

During Board meetings and public workshops over the last two years, the BART Board and District staff has been discussing the possibility of placing a bond measure on the November 8, 2016 ballot.

A System Renewal Program Plan (SRPP) and an Engineering Report have been created with Board input. The SRPP and the Engineers Report will be before you for discussion this week. An item will be placed on the June 9, 2016 Board meeting agenda for Board action on the proposed bond measure.

Staff will report on public responses to the "Better BART: Time to Rebuild" educational outreach program, which was designed to inform the public and key stakeholders about the District's urgent needs to reinvest in the core system. The presentation will also contain potential ballot language for the potential bond measure for Board review.

Marcia DeVaughn

Grace Crunican

Attachments

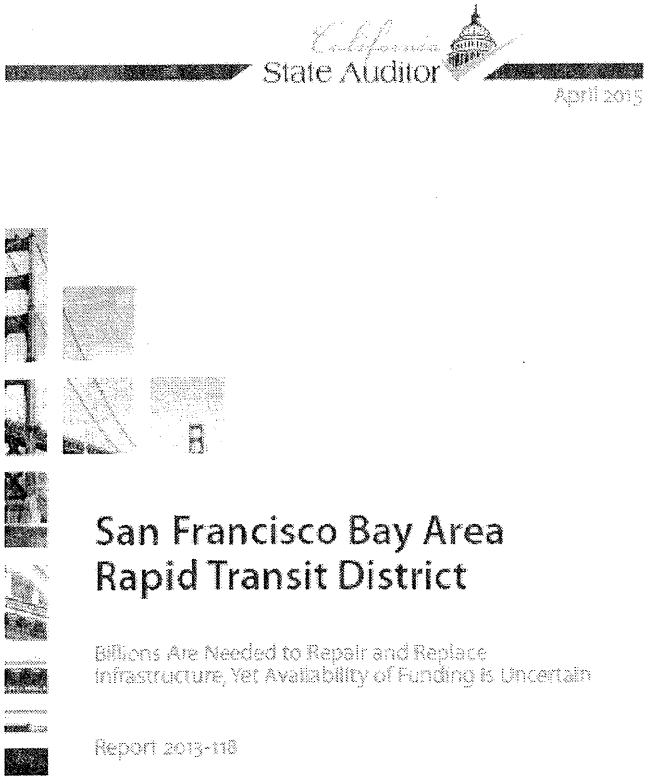
cc: Board Appointed Officers
Deputy General Manager
Executive Staff

BART SAFETY, RELIABLILITY, AND TRAFFIC RELIEF ENGINEERS' REPORT

May 16, 2016

Background

The federal government, in October 2012, adopted legislation requiring transit agencies, including BART, to develop a transit asset management plan that includes, at minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization for capital projects. In Fiscal Year 2012, BART began aligning its asset management program with emerging FTA requirements. It was a process of systematically surveying BART system assets, identifying risks, developing capital projects to address those risks, and prioritizing projects for financing when funding became available.



As verified by the State of California's Auditor in a report, dated April 2015, BART has an asset management program that uses a risk-based approach for prioritizing capital projects both for delivery and for funding requests.

Furthermore, the State Audit Report presents the following:

"BART's projections for its operating budgets for fiscal years 2007-08 through 2012-13 were reasonably consistent with BART's actual financial performance, indicating that its projection methodology yields valid results."

This bond measure supports the BART System Renewal Program funded at $3.5 billion, allocating ninety percent to replace critical safety infrastructure ($3.165 billion) and the remaining ten percent ($335 million) for focusing on crowd relief, traffic congestion, and expanding safe access to BART passenger stations.

Methodology

BART developed a Strategic Asset Management Plan (SAMP) to guide decisions about system reinvestment, minimizing risk, and maintaining financial stability. This SAMP utilizes detailed, ongoing data collection for each significant asset class to assess the likelihood of failure and

understand the impact that such a failure would have on BART operations. The programs selected and identified for this bond address BART's most critical infrastructure needs.

The specific tools used are the Risk Register (RR) and the Capital Needs Inventory (CNI). The RR compiles items that the BART Maintenance division has identified during preventive inspections and through the trending of failure data as the greatest risks to safety and service. The CNI is generated by the BART Engineering division, and it compiles project solutions for identified risks.

These risks and engineered solutions are weighed against specific criteria, including but not limited to impacts on safety and service. This prioritization is used to guide decisions about funding projects.

General Description of Facilities to Acquire or Construct

Through the System Renewal Program, BART is planning to upgrade facilities to accomplish two main goals:

1) Replace critical safety infrastructure
2) Relieve crowding, reduce traffic congestion, and expand the safe access into passenger stations

The categories of programs to be funded include:

Estimated Cost to Acquire or Construct Facilities Under the Bond

Program	Funding Level	
- Renew Track	→	$625M
- Renew Power Infrastructure	→	$1,225M
- Repair Tunnels and Structures	→	$570M
- Renew Mechanical Infrastructure	→	$135M
- Replace Train Control and Other Infrastructure to Increase Capacity	→	$400M
- Renew Stations	→	$210M
- Expand Safe Access to Stations	→	$135M
- Relieve Crowding, Traffic Congestion	→	$200M
- TOTAL		$3,500M

Estimated Period of Facility Acquisition or Construction

The timeframe for the implementation of the System Renewal Program Plan is twenty-one years starting in Fiscal Year 2017 through Fiscal Year 2038. However, an accelerated estimated period for completing the most critical work associated with this bond measure is ten years starting in Fiscal Year 2017 to address the urgent need for improvements to real property.

Summarized Description of Proposed Work by Category

Renew Track $625,000,000

The critical components of the track system, many of which were installed during original construction, are worn and reaching the end of intended design life. These components include aerial and at grade interlockings and turnouts, rail, ties, fasteners, switch points and crossings. The resulting impact has been an increase in slow orders for degraded track condition.

The scope of work planned under this bond would provide engineering solutions and project implementation to address track infrastructure which includes but is not limited to the following:

- Interlocking and turnout replacements
- Mainline running rail and restraining rail replacements, as well as yard track renewal
- Replacement of track appurtenances (direct fixation assemblies, switch components, concrete ties, and gage-face lubricators)
- Eliminate old track joints
- Replace deteriorated track access (toe) paths, pursuant to PUC mandate

Renew Power Infrastructure $1,225,000,000

The traction power system which provides power for the movement of trains is compromised and in need of comprehensive rehabilitation. Nitrogen filled 34.5KV cabling is corroded from elements and electrolysis and leaking making it susceptible to flashover failures. In large parts of the system the designed 34.5KV redundancy had been lost and failures requiring reduced train movement are increasingly common. The DC rectifiers in the substations are deteriorated and experiencing increased demand associated with heavy passenger loads. An increasing failure rate at substations is regularly compromising service by requiring that trains accelerate at slower rates of speed. Obsolescence makes acquiring the parts necessary to make repairs difficult and costly.

Facilities electrical systems have also begun to reach the end of their intended design life and will require renovation. One such system is the Transbay Tube Power System which provides lighting, ventilation and communication. The 4160V and 480V switchgears and associated transformers have also reached the end of their intended design life.

Another critical system, the uninterrupted power supply for train control, which ensures continued automatic train operation in the event of a PG&E power failure, is also operating beyond its intended design life and experiencing elevated failure rates.

Aged emergency lighting systems and fire alarms in stations are operating beyond their intended design life and must be replaced.

The scope of work planned under this bond would provide engineered solutions and project implementation to address both traction and facilities power problems including, but not limited to, the following:

- Substation replacements and additions
- High voltage 34.5 kV cable replacements
- Third rail replacement
- Tunnel lighting upgrades
- Emergency lighting in stations
- Uninterruptible Power Supply (UPS) in Train Control Rooms system-wide
- Fire alarm replacements
- Transformer and switchgear replacement serving Trans Bay Tube and joining structures
- Generator replacement for train control systems & BART Police facilities

Repair Tunnels and Structures $570,000,000

Water intrusion in tunnels and facilities is a major problem. This is particularly pronounced in the Market Street tunnel in downtown San Francisco where ground water is seeping through tunnel liner joints and cracks. This water creates a number of problems including increased electrolysis and damage to electrical components, rapid cooling of rail from water spray which has increased the occurrence of rail breaks and deterioration of emergency egress structures. Similarly, water intrusion into train control rooms and elevator and escalator controls has resulted in compromised performance of that equipment.

Another structural element requiring rehabilitation is street grating and associated vent shafts along Market Street. These structures experience heavy loading cycles as vehicular traffic and

Muni street cars cross over them. Some welds have experienced fatigue failures and the base metal of the main structure has begun to show evidence of failing by brittle fracture.

Some structural elements on aerial sections of track need replacement. Sound walls on the Concord and Richmond lines have deteriorated anchors and panel connections predisposing them to failure. Insufficient aerial fall protection results in slowed maintenance activities and greater risk to workers.

The scope of work planned under this bond would provide engineered solutions and project implementation to addresses structural assets including but not limited to the following:

- Waterproofing tunnels and facilities
- Replace cross-passage doors in Trans-Bay Tube
- Water intrusion in Train Control Rooms as well as Elevator and Escalator Rooms
- Aerial track sound-wall replacement
- Renew aerial track cat walks
- Rehabilitate street grates and vent shafts
- Eliminate operating envelope conflicts on platform edges (CPUC requirement)
- Slope and foundation stabilization at Daly City Station platform
- Address Hayward Earthquake Fault Creep Repairs in the Berkeley Hills Tunnel

Renew Mechanical Infrastructure $135,000,000

Many of the basic mechanical elements that support BART operations require renewal. Examples include the 40-year old HVAC system that maintains temperature control for the Computer Room and Operations Control System. When this system fails, room temperature rises to ninety-five degrees in one hour threatening computer operations. The fire suppression system for these areas is antiquated and uses halon technology which if discharged would create damage to much of the computer equipment.

Mechanical elements of tunnels requiring replacement include line sump pumps that are experiencing increased failure rates due to age, severe corrosion and environmental contributors. These pumps are critical in keeping tunnels and trackways dry.

Mechanical infrastructure in shops and yards also needs to be replaced. Chief amongst them are the hydraulic lifts and rail car turntables. The shop hydraulic lifts raise train cars and truck assemblies in order to allow personnel to work on undercar components. Many of the lifts have been in service for more than twenty years. The cylinders have deteriorated and leak

compromising their reliability and consequently the productivity of the shops. The yard turntables are used to spin cars at the end of lines. This is particularly important when configuring lead and trail cars to make trains. The turntables in the Concord, Hayward and Richmond yards were installed during original construction and have operated beyond their design life. Due to increased revenue service and system expansion, these turntables are now failing at a higher rate resulting in increased down time.

The scope of work planned under this bond would provide engineering solutions and project implementation to address mechanical infrastructure includes but is not limited to the following:

- HVAC replacements including control center computer room
- Fire protection including control center computer room
- Third rail cover board enhancement
- Sewage pump station replacements system-wide
- Replace fire hose piping in stations and facilities per NFPA code
- Construct storm and waste water treatment facilities per state regulations
- Wet dust collector replacements in Shops per Bay Area Air Quality Standards

Replace and Upgrade Train Control and other System Infrastructure to Increase Peak Period Capacity $400,000,000

The train control system controls the speed and movement of trains on the rail network, keeps the trains running safely. BART's current Train Control System is operating at capacity through the trans bay core and will not be able to meet the growing demand. The current system can safely accommodate one train every 2.5 minutes or 23 trains an hour through the Transbay Tube. Growth projections for the near future mandate that capacity be increased to 30 trains an hour. Additionally, train control is currently the single largest system contributing to service delays.

This bond would enable full funding for the design and installation of a communications based train control system. This investment will allow trains to operate at more closely spaced intervals and at faster speeds, permitting up to 25% more trains through the Trans Bay Tube by increasing the peak hour peak direction trains from 23 to up to 30 trains. The new train control system will improve BART's reliability, decreasing train-control-related delays and enhancing safety. This investment will also allow BART to increase its train car storage capacity and facilities needed to keep up with the growing service demands.

The scope of work planned under this bond would, subject to constitutional restrictions, provide engineering solutions and project implementation to address train control and associated infrastructure.

The bond program would also provide funding for the following additional infrastructure improvement projects:

- Upgrade traction power capacity
- Expand vehicle storage and shop capacity

Renew Stations $210,000,000

BART's stations are gateways to the system. Like much of the system, many of BART's stations are more than 40 years old and are in need of renewal. This is particularly true of escalators in the downtown San Francisco and Oakland stations. The program plan will allow BART to renew its aging stations, improving comfort, safety and security, and overall station capacity.

Examples of projects in this area include:

- Replace and upgrade escalators, including weatherproofing canopies
- Enhanced station lighting and sight lines to improve passenger safety and security
- New infrastructure to reduce fare evasion
- Upgraded design and art elements which connect stations to surrounding community

Expand Safe Access to Stations $135,000,000

As demand for BART has grown, crowding has also increased for those trying to access BART. Key stations, such as Montgomery and Embarcadero, have substantial crowding issues on platforms and escalators during peak times. Parking for both vehicles and bicycles reaches capacity early in the morning at many BART stations. At the same time, aging and out-of-date facilities at original stations limit many BART riders who may want to reach stations on foot, on buses, or using emerging ride-sharing services.

Examples of projects in this area include:

- Enhance access for seniors and people with disabilities
- Improve parking availability
- Expand bicycle facilities
- Renew and expand bus intermodal facilities

Relieve Crowding and Reduce Traffic Congestion $200,000,000

As early as the 1950's, forward-thinking Bay Area residents had the vision to anticipate the region's growing need for safe, reliable, efficient transportation and created the BART system. In the years since, BART system ridership has grown in parallel with the regional economy. BART has absorbed a large share of new travel demand, keeping hundreds of thousands of cars off the region's crowded roadways every day and helping major job centers to emerge and thrive in places that would not have otherwise been possible.

Examples of projects in this area include:

- Station platform doors
- Rail crossovers
- Storage tracks
- Turn-backs
- Design and engineering of a second Trans Bay crossing

Investments in this category will be used to evaluate, perform environmental studies, design, engineer, and implement, subject to funding eligibility requirements, for infrastructure projects to help meet the growing demand for BART service.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: PPAAL Agenda Item #7.C: Transit-Oriented Development Policy Update – For Information

At the May 26, 2016 Board meeting, staff will return with the second of a series of three discussions on the Transit-Oriented Development (TOD) Policy Update. The attached presentation describes the vision, goals, barriers to TOD and strategies to address those barriers. The goals have been modified to address the comments provided by the Board at your meeting on May 12. Also enclosed is a draft of the updated TOD Policy for your review.

If you have any questions, please contact Bob Powers, Assistant General Manager, Planning, Development & Construction at (510) 874-7410.

Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 20, 2016

FROM: General Manager

SUBJECT: PPAAL Item #7.D: Millbrae Station Transit Oriented Development Update

At the Thursday, May 26, 2016 Board of Directors meeting, staff will provide a status report on the Millbrae Transit Oriented Development project.

Following the presentation, there will be a Closed Session discussion on the proposed real estate transaction.

Pending Board direction in Closed Session, staff expects to request authority to enter into a transaction with Republic Millbrae, LLC in open session. If you have any questions, please contact Bob Powers, Assistant General Manager, Planning, Development & Construction at (510) 847-7410.

Grace Crunican

Attachments

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		
DATE: 5/20/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate and Property Development x.6114 Signature/Date:	General Counsel	Controller/Treasurer [ ]	District Secretary [ ]	BARC Powers 20 May 2016 [ ]

TITLE:

Adoption of Portions of the Millbrae Station Area Specific Plan Final Environmental Impact Report (EIR) relating to the Millbrae BART Transit Oriented Development.

NARRATIVE:

Purpose:

To have the Board of Directors review and approve portions of the Millbrae Station Area Specific Plan ("MSASP") Final EIR, which consists of the Draft Environmental Impact Report, responses to comments on environmental issues and modifications to the Draft EIR, and a Mitigation Monitoring and Reporting Plan ("MMRP"), prepared by the City of Millbrae ("City"), as that Final EIR relates to the Millbrae BART Transit Oriented Development, in accordance with the California Environmental Quality Act ("CEQA").

Discussion:

On February 14, 2013, the Board of Directors authorized staff to enter into an exclusive negotiating agreement (ENA) with Republic Millbrae LLC ("RUP") regarding transit oriented development (TOD) on BART property located in the City of Millbrae at the BART Station and identified in the EIR as the TOD #2 Plan Area ("Project" or "TOD #2 Project"). The 18-month ENA was extended for the site on October 19, 2014 for another 18 months and, most recently, on April 14, 2016 for an additional 12 months.

Over the past few years, staff from BART, RUP and Millbrae have worked to achieve Project goals, modifying the development plan by increasing commercial and residential density, adding affordable housing and a hotel, reducing and unbundling parking, and facilitating station access mode shift.

With respect to BART's property located in the MSASP that is the subject of the Project, the EIR analyzed a mix of uses that includes office, restaurant/retail, residential, and hospitality. The MSASP is intended to "provide the vision and strategies to guide in the creation of Millbrae's new economic center, including vibrant, diverse and sustainable transit oriented developments at and around the station." The related EIR serves as both a program-level and project-level document that analyzes the potential impacts of adopting and implementing the MSASP and its buildout potential, along with the associated General Plan and Zoning amendments. The EIR also serves as a project-level EIR that analyzes the potential impacts of constructing and operating the TOD #2 Project.

The Draft MSASP and related Draft EIR were circulated on June 24, 2015. The public comment period closed on August 10, 2015. On February 9, 2016, the City Council approved the MSASP and certified the EIR.

BART is a "responsible agency" under CEQA for the TOD #2 Project. As a responsible agency,

and in certifying the portions of the EIR that pertain to the TOD #2 Project, BART must consider the EIR prepared by the City and reach its own conclusions regarding the adequacy of those portions of the EIR. BART staff has reviewed the Millbrae Station Area Specific Plan Final EIR and the MMRP as certified by the City and concurs with the City's findings.

Since the adoption of the EIR, RUP has worked with BART to provide more affordable housing in the Project, in the form of veteran-preference housing. RUP submitted its Site Development Plan to the City of Millbrae on March 21, 2016 and is currently working with the City to address comments on the site plan. This change may or may not impact the environmental analysis contained in the EIR, though it may be that the changes will not have substantial environmental impacts as vehicular trip generation is likely to be lower with the added veteran-preference housing component.

Therefore, staff is requesting that the BART Board of Directors adopt a motion that would adopt the portions of the EIR that pertain to the TOD #2 Project and make certain findings regarding the EIR. The motion would also approve the TOD #2 Project and delegate authority to the General Manager or her designee to approve or disapprove any modifications to the Project from what was contained in the EIR's Project Description, based upon the General Manager or her designee's determination that appropriate environmental analysis of the modifications has been performed by the City of Millbrae, provided that said environmental analysis concludes that the modifications will not result in any new, substantial environmental impacts not considered in the EIR.

Fiscal Impact:

There is no fiscal impact from the proposed action.

Alternatives:

If the BART Board determines that evidence of CEQA compliance is inadequate, additional analyses would be required to address any deficiencies identified by the Board.

Recommendation:

It is recommended that the following motion be adopted.

Motion:

After review and consideration of the Final EIR and environmental Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program adopted by the City of Millbrae on February 9, 2016, the Board: 1) Adopts the City of Millbrae's Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the TOD #2 Project as described in the project description contained in the Final EIR, 2) Finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment, 3) Finds that for the significant and unavoidable effects of the TOD #2 Project identified in the Final EIR, specific economic, legal, social, technological or other considerations make mitigation measures or alternatives identified in the EIR infeasible and specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment, as identified in the Final EIR and the City's Statement of Overriding Considerations, 4) Approves the TOD #2 Project, and 5) delegates to the General Manager or her designee the decision to approve or disapprove any modifications to the TOD #2 Project as described in the Project Description contained in the Final EIR, based upon the General Manager or her designee's determination that appropriate environmental analysis of such modifications has been performed by the City of Millbrae as lead agency pursuant to CEQA, and that such environmental analysis concludes that the modifications will not result in any new significant environmental effects not considered in the Final EIR or a substantial increase in the severity of previously identified significant effects.