

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

Board of Directors
Minutes of the 1,474th Meeting
January 12, 2006

A regular meeting of the Board of Directors was held January 12, 2006, convening at 9:17 a.m. in the Board Room, 344 20th Street, Oakland, California. President Ward Allen presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen.

Absent: None.

Director Blalock introduced and welcomed Ms. Linda Jeffery Sailors of Livermore.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of December 15, 2005.
2. Selection of Outside Counsel for Oakland Airport Connector.

Consent Calendar motions, as follow, were moved as a unit by Director Sweet. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0.

1. That the Minutes of the Meeting of December 15, 2005, be approved.
2. That the General Counsel be authorized to execute an agreement with Freshfields, Bruckhaus, Derringer, LLP, in the amount of \$500,000.00, to provide legal services in connection with the Oakland Airport Connector Project.

The Board Meeting was recessed at 9:20 a.m.

The Board Meeting reconvened at 12:38 p.m.

Directors present: Directors Blalock, Fang, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen.

Absent: Director Keller.

Director Fang exited the meeting.

Director Murray, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of the 2006 State and Federal Legislative Agenda, Including Report by Washington and Sacramento Advocates before the Board, and moved that the Board approve the following components of the proposed 2006 Federal and State Legislative Program:

1. Seek \$1.62 million in the President's Fiscal Year 2007 Budget and seek \$1.62 million in Fiscal Year 2007 New Starts appropriations to complete the federal commitment on the San Francisco Airport Extension.
2. Seek a \$10 million discretionary earmark for Earthquake Safety Program funds.
3. Seek additional federal funding for transit security needs.
4. Pursue stable funding for transit operating and capital needs at the state level by protecting the Public Transit Account, Proposition 42 and the Transportation Congestion Relief Program, by continuing to support the High Speed Rail Bond, and to protect "spillover" revenue funds for transit operation.
5. Support Senate Bill 1024, the Infrastructure Bond, introduced by Senate President Don Perata.
6. Support funding incentives and regulatory relief to foster transit-oriented development by supporting Senate Bill 521.

Director Radulovich seconded the motion, which carried. Ayes – 7: Directors Blalock, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Keller.

Director Murray reported that the item entitled BART Headquarters Study – Update on Project had been deferred, and that the Committee had received and discussed testimony from Ms. Linda Jeffery Sailors on a proposed BART extension to Livermore.

Director Blalock, Chairperson of the Administration Committee, reported that the committee had received and discussed a presentation on Policy for Use of 25 Percent of Daily Parking Revenue for Access Improvements, and that the item had been continued to the first Planning, Public Affairs, Access, and Legislation Committee Meeting in February.

Consent Calendar Addenda items brought before the Board were:

1. Final Fiscal Year 2006 Short Range Transit Plan (SRTP)/Capital Improvement Program (CIP); and Fiscal Year 2007 Pro Forma Budget.
2. Award of Contract No. 79BJ-2FH, Rail Grinding Machine.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried. Ayes – 7: Directors Blalock, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Keller.

1. That the District's Fiscal Year 2006 Short Range Transit Plan (SRTP) and Capital Improvement Program (CIP) document be adopted as amended by the Board and transmitted to the Metropolitan Transportation Commission and the Federal Transit Administration as required.
2. That the General Manager be authorized to award Contract No. 79BJ-2FH, to Loram Rail Equipment LLC, in the amount of \$2,635,012.50, including all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

Director Sweet, Vice Chairperson of the Engineering and Operations Committee, reported that the Earthquake Safety Program, Appointment of Citizens' Oversight Committee, had been continued to the next Engineering and Operations Committee Meeting.

President Ward Allen asked for the General Manager's Report. General Manager Thomas E. Margro had no report.

Director Sweet, Chairperson of the District Security Advocacy Ad Hoc Committee, had no report.

President Ward Allen brought the matter of Ratification of Committee Appointments before the Board, and moved that the Board ratify the proposed Standing Committee and Special Appointments for 2006. (The Standing Committee and Special Appointments for 2006 are attached and hereby made a part of these Minutes.) Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Blalock, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 2: Directors Fang and Keller.

President Ward Allen brought Roll Call for Introductions before the Board. Director Murray requested that the inadequate pedestrian bridge lighting at the Orinda Station be improved and that it be consistent with District lighting standards.

President Ward Allen called for General Discussion and Public Comment. Vice President Sweet announced that the 2006 Future Cities competition was under way, and thanked BART staff for their participation in the program. President Ward Allen reported that the District held its annual Dr. Martin Luther King Jr. Day event on January 10, 2006, and would be providing Freedom Train service on the January 16, 2006, holiday.

President Ward Allen announced that the Board would enter into closed session under Item 8-A (Conference with Real Property Negotiators) of the meeting agenda, and that the Board would adjourn the meeting upon conclusion of the closed session.

The Board meeting recessed at 12:48 p.m.

The Board entered into closed session at 12:55 p.m.

Directors present: Directors Blalock, Franklin, Luce, Murray, Radulovich, Sweet, and Ward Allen.

Absent: Directors Fang and Keller.

The Board Meeting adjourned at 1:11 p.m.

Kenneth A. Duron
District Secretary