

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

Board of Directors  
Minutes of the 1,710th Meeting  
June 12, 2014

A regular meeting of the Board of Directors was held June 12, 2014, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

President Keller introduced and welcomed the Honorable Janet Abelson, Mayor of El Cerrito.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 22, 2014.
2. BART Accessibility Task Force New Member Appointment.
3. Award of Contract No. 15TF-130A, Wayside Fence Refurbishment, R-Line.
4. Award of Contract No. 79HK-150, Renovation of Security Barrier at SFTS.
5. Award of Invitation for Bid No. 8930, Shoe, Current Collector.
6. Award of Invitation for Bid No. 8935, Cushion and Cover Assembly.

Director Blalock requested Minutes of May 22, 2014, be amended to show the correct spelling of Ms. Norene Sun's name, and with that amendment, made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0.

1. That the Minutes of the Meeting of May 22, 2014, be approved.
2. That the recommendation of the BART Accessibility Task Force (BATF) be accepted, and Mr. Roland Wong and Mr. Brandon Young be appointed to the BATF for a term effective June 22, 2014, to June 30, 2015, or until the Board makes new appointments and/or reappoints for a new term, whichever occurs later.
3. That the General Manager be authorized to award Contract No. 15TF-130A, Wayside Fence Refurbishment, R Line, to Kenwood

Fence Company of Santa Rosa, California, for the Base Bid amount of \$262,475.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration related to protests; and that the General Manager be authorized to exercise, at her discretion, Option Bid Item A for \$56,015.00, Option Bid Item B for \$511,576.00, and Option Bid Item C for \$153,960.00.

4. That the General Manager be authorized to award Contract No. 79HK-150, Renovation of Security Barrier at SFTS, to DRS Marine, Inc., of Vallejo, California, for the total Bid price of \$548,272.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.
5. That the General Manager be authorized to award Invitation for Bid No. 8930, an estimated quantity contract for Shoe, Current Collector, to Wabtec of Duncan, South Carolina, for the Bid price of \$628,058.00, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8935, an estimated contract for the procurement of Cushion and Cover Assemblies, to Sedia Inc., for the Base Bid price of \$1,294,487.05, including applicable sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise the Option in the amount of \$829,565.65, including applicable sales tax, subject to certification by the Controller/Treasurer of the availability of funds.

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

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Fleet of the Future: New Rail Car Design – Bicycle Racks and Tripod Poles, before the Board.

Director Radulovich entered the Meeting.

Mr. Aaron Weinstein, Department Manager, Marketing and Research, presented the item.

The following individuals addressed the Board.

Mr. Ted Jackson

Mr. Hale Zukas (comments read into record)

Ms. Sheri Burns

Ms. Jessie Lorenz

Mr. Clarence Fischer

Honorable Janet Abelson

Mr. Don Queen  
Mr. Brandon Young  
Ms. Stephanie Spenny  
Mr. Roger Acuna  
Ms. Marilyn Golden  
Mr. Fred Nisen (comments read into record)  
Mr. Roland Wong  
Ms. Esperanza Diaz-Alvarez  
Ms. Reba Landry  
Ms. Sheela Gunn-Cushman  
Ms. Shirley Johnson  
Ms. Catherine Young  
Ms. Janice Li  
Ms. Cathy Kora  
Mr. Andrew Ness  
Mr. Jon Spangler  
Mr. Robert Prinz  
Mr. Blaise Bor  
Ms. Carmen Rivera-Hendrikson  
Ms. Mary Steiner  
Mr. Kurt Abrams  
Ms. Dolores Tejada  
Mr. Randall Glock  
Mr. Alan Smith

Director Fang exited the Meeting.

President Keller led discussion of the item. President Keller moved that the General Manager or her designee be directed to make the following modifications to the current design for new train cars procured under Contract No. 40FA-110 with Bombardier Transit Corporation: 1) in the six cab cars, remove the tripod pole at each end door, and add hanging straps and/or other handholds; 2) in two noncab cars, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs; 3) in one noncab car, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs, remove the bicycle rack, and add seats; and 4) in one noncab car, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs, remove the bicycle rack, and leave open space. Discussion continued. Director McPartland seconded the motion. Discussion continued.

Director Murray exited the Meeting.

Discussion continued. President Keller amended the motion as follows:

That the General Manager or her designee be directed to make the following modifications to the current design for new train cars procured under Contract No. 40FA-110 with Bombardier Transit Corporation: 1) in the six noncab cars, move the tripod pole at each end door by approximately six inches to provide a wider accessible path for people who use wheelchairs, add hanging straps and/or other handholds, and leave the bicycle racks in; 2) in two cab cars, move the end door tripod poles by

approximately six inches to provide a wider accessible path for people who use wheelchairs; and 3) in two cab cars, remove the end door tripod poles, and remove the bicycle racks to leave open space.

Director McPartland accepted the amendment. The amended motion carried by electronic vote. Ayes – 5: Directors Blalock, McPartland, Raburn, Saltzman, and Keller. Noes – 2: Directors Mallett and Radulovich. Absent – 2: Directors Fang and Murray.

The Board Meeting was recessed at 1:07 p.m.

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The Board reconvened in open session at 1:38 p.m.

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

Absent: None. Director Fang entered the Meeting later.

President Keller announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Bay Area Air Quality Management District Presentation on Bay Area Commuter Benefit Program, Senate Bill 1339, before the Board. Mr. Paul Fadelli, Legislative Analyst, introduced Mr. David Burch of the Bay Area Air Quality Management District. Mr. Burch gave a presentation on the new Bay Area Commuter Benefit Program.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of BART to Oakland International Airport Project Fares before the Board. Ms. Pamela Herhold, Financial Planning, presented the item.

The following individuals addressed the Board.

Mr. Hugh Johnson

Mr. Joel Ramos

Mr. Eddie Dillard (comments read into record)

Director Fang re-entered the Meeting.

The item was discussed. Director Raburn moved adoption of Resolution No. 5261, In the Matter of Adopting Fare Rates and Charges for the BART to Oakland International Airport Project. Director McPartland seconded the motion. Discussion continued. Director Murray proposed a substitute motion amending Exhibit A to the Resolution to set the fare at \$6, with an introductory fare up to one year and that the General Manager be directed to work with partners to share in the cost. Discussion continued. Director Blalock seconded the substitute motion. Discussion continued. Director Murray revised the substitute motion to set an introductory fare of \$4 for six months and to set the permanent fare at \$6. Discussion continued. President Keller called the question. The substitute motion failed to carry by the required two-thirds majority. Ayes – 5: Directors Blalock, Fang, McPartland, Murray, and Keller. Noes – 3: Directors Mallett, Raburn, and Radulovich. Abstain – 1: Director Saltzman.

Director Radulovich called the question on the main motion. The main motion failed to carry by the required two-thirds majority. Ayes – 4: Directors McPartland, Raburn, Radulovich, and Saltzman. Noes – 5: Directors Blalock, Fang, Mallett, Murray, and Keller.

Discussion continued. Director McPartland moved that Exhibit A to the Resolution be amended to set the introductory fare at \$5 for six months, with the permanent fare to be set at \$6. Director Fang seconded the motion. Discussion continued. The motion failed to carry by the required two-thirds majority. Ayes – 5: Directors McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes – 4: Directors Blalock, Fang, Mallett, and Murray.

Director Murray moved that that Exhibit A to the Resolution be amended to set the fare at \$5. Director Mallett seconded the motion. Discussion continued. The motion failed to carry by the required two-thirds majority. Ayes – 4: Directors Blalock, Fang, Mallett, and Murray. Noes - 5: Directors McPartland, Raburn, Radulovich, Saltzman, and Keller.

Discussion continued. Director McPartland moved adoption of Resolution No. 5261, and that staff be directed to assess potential promotional fare options to encourage Project ridership and return to the Board with findings for its consideration and approval. Directors Fang and Raburn seconded the motion. Discussion continued. The motion carried by the required two-thirds majority. Ayes – 7: Directors Blalock, Fang, McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes – 2: Directors Mallett and Murray.

Director Saltzman brought the matter of Fiscal Year 2015 Budget before the Board. Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

Mr. Chris Finn addressed the Board.

The item was discussed.

Director Radulovich exited the Meeting.

Director Fang moved adoption of Resolution No. 5262, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2014, to June 30, 2015, with the addition of the following paragraph.

Be it further resolved that contingent upon receipt of third party grant funds for the "San Francisco Bay Area Core Capacity Transit Study" to study the TransBay Corridor, and matching Contra Costa County transportation funds for a study of the West Contra Costa County Corridor, funds of \$300,000 for the TransBay Corridor and \$300,000 for the West Contra Costa County Corridor will be allocated within the \$1,500,000 budget for "BART Vision Study."

Director Mallett seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Mallett, McPartland, Murray, and Keller. Noes – 2: Directors Raburn and Saltzman. Absent – 1: Director Radulovich.

Director Saltzman brought the matter of Agreement with San Francisco Municipal Transportation Agency for Fast Pass® Payments for the Period July 1, 2014, through June 30, 2020, before the Board. Ms. Herhold presented the item. Director Blalock moved that the General Manager be authorized to execute the Fast Pass® Agreement with San Francisco Municipal Transportation Agency, which establishes reimbursement rates for Fast Pass use on BART from July 1, 2014, through June 30, 2020. Director McPartland seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Abstain – 1: Director Mallett. Absent – 1: Director Radulovich.

Director Saltzman brought the matter of Funding Agreements with the San Francisco Giants and Golden State Warriors Organizations for the Embarcadero and Montgomery Capacity Implementation Study before the Board. Mr. Todd Morgan, Principal Financial Analyst, presented the item. Director Raburn moved that the General Manager or her designee be authorized to execute a funding agreement with the San Francisco Giants and Golden State Warriors organizations for \$5,000.00 each in connection with the Study. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 1: Director Radulovich.

Director Saltzman brought the matter of Leases on Five BART Owned Properties in Hayward, Livermore, and Oakland before the Board. Mr. Gary Sue, Real Estate, presented the item. Director Blalock moved that the General Manager or her designee be authorized to issue new leases to Apex – Livermore (Parcel Number L-5010); Clear Channel – Oakland (Parcel Number O-RE53); Douglas Parking – Oakland (Parcel Number O-K078); Greyhound – Hayward (Parcel Number O-A689); and Terranomics – Oakland (Parcel Number O-K005) for terms of up to five years, plus an option term for up to five years; to increase existing fees 3%; to increase fees at 3% for the remaining non-option years; and to increase rents 3% for each option year. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 1: Director Radulovich.

President Keller called for the General Manager’s Report. General Manager Grace Crunican introduced Ms. Allison Picard, Assistant General Manager, Employee Relations. Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, and she reminded the Board of upcoming events.

President Keller announced that the Quarterly Report of the Controller/Treasurer would be continued to a future meeting.

Director Saltzman exited the Meeting.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Blalock reported he had attended a meeting in Fremont led by the Fremont City Manager.

Director Raburn reported he had attended a Family Bridges dinner.

Director Raburn requested the District consider not automatically providing paper receipts at ticket vending machines. President Keller seconded Director Raburn's request.

Director McPartland reported he had testified in Washington, DC, at the House Natural Resources Subcommittee on Energy and Mineral Resources' oversight hearing entitled "Whole Lotta Shakin': An Examination of America's Earthquake Early Warning System Development and Implementation."

Director McPartland requested a report on the District's policy for issuing permits to persons or entities at stations. Director Fang seconded Director McPartland's request.

President Keller called for In Memoriam commemorations.

Director Blalock requested the meeting be adjourned in memory of Mr. John Vasconcellos, former Silicon Valley representative in the California State Assembly and California State Senator.

Director Mallett requested the meeting be adjourned in memory of Dr. Maya Angelou.

President Keller called for Public Comment.

The following individuals addressed the Board.

Mr. Jeff Baker

Ms. Mary Steiner

The Board Meeting was adjourned at 3:40 p.m. in memory of Mr. Vasconcellos and Dr. Angelou.

Kenneth A. Duron  
District Secretary