

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

BOARD MEETING AGENDA

January 14, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 14, 2016, This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Marriott Marquis Washington, DC 901 Massachusetts Avenue NW Washington, DC 20001
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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. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of December 2, 2015 (Special); December 3, 2015 (Regular); December 10, 2015 (Special); and December 17, 2015 (Regular).* Board requested to authorize.
- B. 2016 Standing Committee and Special Appointments.* Board requested to authorize.
- C. Revisions to Equal Employment Opportunity Policy and Prevention of Sexual Harassment in the Workplace Policy.* Board requested to adopt.
- D. Award of Contract No. 79NK-210A, Uninterruptible Power Supply Procurement for Train Control Room.* Board requested to authorize.
- E. Award of Invitation for Bid No. 8942, Station Agent and Foreworker Uniforms.* Board requested to authorize.
- F. Award of Invitation for Bid No. 8981, Window, Hinged Cab, C Car.* Board requested to authorize.
- G. Reject Bid for Contract No. 09DJ-140, Repair and Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System.* Board requested to reject.

3. ADMINISTRATION ITEMS

Director Keller, Chairperson
NO ITEMS.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Invitation for Bid No. 8960A, Procurement of Antenna's MUX.* Board requested to authorize.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. Resolution Requesting Funding of Additional BART Rail Vehicles by County Congestion Management Agencies in Contra Costa, Alameda, and San Francisco.* For information.
- B. Late Night Bus Service Update - Research Plan* For information.
- C. BART Accessibility Task Force Annual Report.* For information .

6. GENERAL MANAGER'S REPORT

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

7. BOARD MATTERS

- A. Resolution to Amend the Money Purchase Pension Plan to Provide for Additional Contributions for the General Manager.* Board requested to adopt.
- B. 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.)
- C. 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.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

8. 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.)

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

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.
Property: 101 8th Street, Oakland, California
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; Robert Mitroff, Chief Planning and Development Officer; and Sean Brooks, Department Manager, Real Estate and Property Development
Negotiating Parties: Metropolitan Transportation Commission; Association of Bay Area Governments; and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Gov't. Code Section: 54956.8

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: 7001 Snell Street, Oakland, California, adjacent to the Coliseum Station

District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; Sean Brooks, Department Manager, Real Estate and Property Development; and John Rennels, Project Manager, Real Estate and Property Development

Negotiating Parties: Oakland Economic Development Corporation; Urban Core Development, LLC; and San Francisco Bay Area Rapid Transit District

Under Negotiation: Price and Terms

Gov't. Code Section: 54956.8

10. OPEN SESSION

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

Board of Directors
Minutes of the 1,745th Meeting
December 2, 2015

A special meeting of the Board of Directors was held December 2, 2015, convening at 9:00 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Saltzman. Directors Raburn and Radulovich entered the Meeting later.

President Blalock called for Public Comment on Item 3 only. No comments were received.

President Blalock announced that the Board would enter into closed session under Items 3-A (Public Employment) and 3-B (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 9:02 a.m.

The Board Meeting reconvened in closed session at 9:07 a.m.

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

Absent: Director Saltzman.

Director Radulovich entered the Meeting.

Director Raburn entered the Meeting.

The Board Meeting recessed at 9:34 a.m.

The Board Meeting reconvened in closed session at 9:45 a.m.

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

Absent: Director Saltzman.

The Board Meeting recessed at 12:08 p.m.

The Board Meeting reconvened in open session at 12:09 p.m.

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

Absent: Director Saltzman.

President Blalock announced that the Board had concluded its closed session under Items 3-A, 3-B, and 4-A of the Special Meeting agenda, and that there were no further announcements to be made on Items 3-A and 3-B.

President Blalock called for Public Comment on Item 4 only. No comments were received.

Director Radulovich made the following motions as a unit.

1. That the base salary of the District Secretary be increased by 3.7214 percent, effective July 1, 2016, when his Public Employees' Retirement System (PERS) contribution will also increase by 1 percent of the pensionable compensation.
2. That the base salary of the General Counsel be increased by 1 percent, effective July 1, 2016, when his PERS contribution will also increase by 1 percent of pensionable compensation, and that the General Counsel receive additional contributions to the Money Purchase Pension Plan (MPPP) equal to 2.7214 percent of his pensionable compensation, also effective July 1, 2016; and that the Board reserves the right to modify this annual contribution to the MPPP; and that the contribution will be limited each year by the Internal Revenue Code Section 410(a)(17) compensation limit and the Internal Revenue Code Section 415(c) contribution limit; and that the actuarial impact upon future annual costs to the District as determined by the District's actuaries will not exceed \$3,606 in 2016 and \$7,348 in 2017 and each year thereafter, as adjusted each year for inflation in the Internal Revenue Code Section 401(a)(17) compensation limit; and that the Board work with the Office of the General Counsel and District staff to take the necessary steps to amend the MPPP to provide for such increased benefits, including compliance with Government Code Section 7507.

3. That the General Counsel and District Secretary receive the \$1,000 conditional lump sum payment that was received by other non-represented employees on July 1, 2015.
4. That the Board President be authorized to execute on behalf of the Board any necessary changes to the Board Appointees' employment agreements to incorporate these changes.

Director Raburn seconded the motions. Director Mallett stated that he would abstain from voting. The motions carried by acclamation. Ayes – 7: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, and Blalock. Noes – 0. Abstain – 1: Director Mallett. Absent – 1: Director Saltzman.

The Meeting was adjourned at 12:14 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,746th Meeting
December 3, 2015

A regular meeting of the Board of Directors was held December 3, 2015, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

President Blalock called for a moment of silence to remember the victims of the recent mass shooting in San Bernardino.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of November 19, 2015.
2. Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee.
3. Resolution Authorizing Statement of Continued Interest for Funding from the Affordable Housing and Sustainable Communities Program.

Director Saltzman requested that Item 2-B, Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee, be removed from Consent Calendar.

Director Saltzman made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Radulovich.

1. That the Minutes of the Meeting of November 19, 2015, be approved.
2. Adoption of Resolution No. 5305, In the Matter of Authorizing Statement of Continued Interest for Funding from the Affordable Housing and Sustainable Communities Program.

President Blalock brought the matter of Removal of Term Limit for Reserve Fund/Risk Management Ad Hoc Committee before the Board. The item was discussed. Director Saltzman moved that the Board ratify the removal of the term limit for the Reserve Fund/Risk Management Ad Hoc Committee. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Radulovich.

President Blalock announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators; Public Employee Performance Evaluation) 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 9:08 a.m.

The Board Meeting reconvened in closed session at 9:10 a.m.

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

Absent: None. Director Radulovich entered the Meeting later.

Director Radulovich entered the Meeting.

The Board Meeting recessed at 10:46 a.m.

The Board Meeting reconvened in open session at 10:50 a.m.

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

Absent: None.

President Blalock announced that the Board had concluded its closed session under Item 3-A, and that there were no announcements to be made at this time.

President Blalock announced that Item 4-A, Compensation and Benefits for General Manager, General Counsel, District Secretary, and Independent Police Auditor, would be continued to a future meeting.

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

President Blalock brought the matter of Policy Requiring Inclusion of Affordable Housing in Proposed Development Projects at BART Stations before the Board. Director Mallett presented the item. Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Ms. Abigail Thorne-Lyman, Principal Planner, provided a review of staff activities.

The following individuals addressed the Board.

Joel Ramos
David Crabbe
Nick Dubroff
Gladwyn d'Souza

Jeff Levine
Janet Stone
Lily Gray
Evelyn Stivers
Michael Lane
Ali Gaylord
Monica Van Luven
Gita Dev

The item was discussed. Director Mallett moved adoption of an Inclusionary Housing Policy, and that staff be requested to return to the Board with a programmatic approach by June 2016. Director Keller seconded the motion. Discussion continued. Director Saltzman made a substitute motion that the item be continued to a future Meeting. Director Raburn seconded the substitute motion, which carried by electronic vote. Ayes - 5: Directors Josefowitz, Murray, Raburn, Saltzman, and Blalock. Noes – 4: Directors Keller, Mallett, McPartland, and Radulovich.

Director Keller, Chairperson of the Administration Committee, brought the matter of Professional Services Agreement with the Mineta Transportation Institute for Workforce Development, Education, Research and Other Services, before the Board. Director Murray recused herself due to a potential financial conflict of interest and exited the Meeting. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. Director Saltzman moved that the General Manager be authorized to enter into a professional services agreement with the Mineta Transportation Institute, for a three-year period, at a cost not to exceed \$300,000.00. President Blalock seconded the motion. The item was briefly discussed. The motion carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director Murray.

Director Murray re-entered the Meeting.

Director Keller brought the matter of Title VI Assessment for Discontinuing the BART Plus Ticket Program before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item. Director Raburn moved that the Title VI Assessment for Discontinuing the BART Plus Ticket Program as Jointly Offered by BART, County Connection, Tri Delta Transit, Union City Transit, WestCAT, and Wheels, be approved. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Change Order to Agreement No. 6M4135, Short and Long Term Disability, and Life and Accidental Death and Dismemberment Insurance Services, with Standard Insurance Company, for Time Extension and Increase of Contract Value, before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. The item was briefly discussed. Director Murray moved that the General Manager be authorized to execute a change order to Agreement No. 6M4135 to extend the term of the Agreement to February 28, 2017, and to increase the total compensation to an amount not to exceed \$18,764,560.00. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

The Board Meeting recessed at 12:26 p.m.

The Board Meeting reconvened in open session at 12:49 p.m.

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

Absent: None.

President Blalock called for Public Comment. The following individuals addressed the Board.

Gita Dev

David Crabbe

Gladwyn d'Souza

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 11OG-130A, Balboa Park Station – Phase 2, before the Board. Mr. Tim Chan, Manager of Planning, and Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item. The item was discussed.

Alan Smith addressed the Board.

Director Radulovich moved that the General Manager be authorized to award Contract No. 11OG-130A, construction of BART Balboa Park Station east side connection improvements Phase 2, to Proven Management, Inc., for the Bid price of \$8,762,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager be authorized to exercise the four Options for a combined total of \$3,890,000.00, subject to funding availability. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Agreements for Detailed Station Cleaning Services before the Board. Ms. Ng presented the item. The item was discussed. Director Josefowitz moved that the General Manager be authorized to award the following technical services agreements to provide detailed cleaning services as follows: Agreement No. 6M8098A, to Aim to Please Janitorial Services, Inc.; Agreement No. 6M8099, to Zero Waste Solutions; and Agreement No. 6M8100, to Bay Area Green Solutions, in an amount not to exceed \$700,000.00 for each agreement, for a term not to exceed three years (or to completion date of any work plan issued within such three-year period, if later), pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. President Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland brought the matter of Train Control Modernization Program for the Design, Supply and Installation of a Communications Based Train Control (CBTC) System (Project) and Implementation Actions, including Solicitation Documents for a CBTC System Using Design-Build Procurement Method before the Board. Mr. Thomas Dunscombe, Group Manager, presented the item. The item was discussed.

Chris Finn addressed the Board.

Discussion continued.

President Blalock exited the Meeting and Vice President Radulovich assumed the gavel.

Director Saltzman moved that the Board approve the Train Control Modernization Program for the design, supply, and installation of a Communication Based Train Control (CBTC) System (Project) and authorize the General Manager to proceed with implementation actions, including the issuance of solicitation documents for the design, supply and installation of a CBTC system using the design-build method of procurement, pursuant to Public Contract Code Section 22160 et seq.; and that staff provide a timeline and a plan to engage employees to the Board and the unions. Vice President Radulovich seconded the motion, which carried by electronic vote.

Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes - 0. Absent - 1: President Blalock.

Vice President Radulovich called for the General Manager's Report. Deputy General Manager Marcia deVaughn reported on steps the General Manager had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and reported on open Roll Call for Introduction items.

Vice President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Keller requested development of an ordinance to require that BART riders only occupy one seat. Director Murray seconded the request, and Director Mallett was a third supporter of the request.

Vice President Radulovich called for In Memoriam. No requests were received.

Vice President Radulovich called for Public Comment. No comments were received.

Vice President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Legal Counsel), Item 11-B (Conference with Legal Counsel), and 11-C (Conference with Real Property 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 2:21 p.m.

The Board Meeting reconvened in closed session at 2:34 p.m.

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

Absent: Director Blalock. Directors Josefowitz and Saltzman entered the Meeting later.

Director Josefowitz entered the Meeting.

Director Saltzman entered the Meeting.

The Board Meeting recessed at 4:09 p.m.

The Board Meeting reconvened in open session at 4:10 p.m.

Directors present: Director Radulovich.

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

Vice President Radulovich announced that the Board had concluded its closed session under Items 11-A, 11-B, and 11-C and that there were no announcements to be made.

The Meeting was adjourned at 4:10 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,747th Meeting
December 10, 2015

A special meeting of the Board of Directors was held December 10, 2015, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, McPartland, and Radulovich entered the Meeting later.

President Blalock called for Public Comment on Item 3 only. No comments were received.

President Blalock announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the 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 Keller, Mallett, Murray, Raburn, Saltzman, and Blalock.

Absent: None. Directors Josefowitz, McPartland, and Radulovich entered the Meeting later.

Director McPartland entered the Meeting.

Director Radulovich entered the Meeting.

Director Josefowitz entered the Meeting.

Director Josefowitz exited the Meeting.

The Board Meeting recessed at 12:03 p.m.

The Board Meeting reconvened in open session at 12:41 p.m.

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

Absent: Director Josefowitz.

President Blalock announced that the Board had concluded its closed session under Item 3-A of the Special Meeting agenda, and that there were no further announcements to be made.

President Blalock called for Public Comment on Item 4 only. No comments were received.

President Blalock brought the matter of Compensation and Benefits for General Manager, General Counsel, District Secretary, and Independent Police Auditor before the Board. Ms. Jeana Peterson, Office of the General Counsel, read the following motions.

1. That the base salaries of the General Manager and Independent Police Auditor be increased by 3.7214 percent, effective July 1, 2016, when their Public Employees' Retirement System (PERS) contribution will also increase by 1 percent of the pensionable compensation.
2. That the General Manager and Independent Police Auditor receive the \$1,000 conditional lump sum payment that was received by other non-represented employees on July 1, 2015.
3. That the Board President be authorized to execute on behalf of the Board any necessary changes to the Board Appointees' employment agreements to incorporate these changes.

Director Murray moved the above motions as a unit. Director McPartland seconded the motions, which carried by roll call vote. Ayes – 7: Directors Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0. Abstain – 1: Director Mallett. Absent – 1: Director Josefowitz.

Ms. Peterson read the following motion.

1. That in order to help offset the impact on the General Manager of the limit on pensionable compensation under the Internal Revenue Code Section 401(a)(17), effective for the 2016 plan year, the Board wishes to provide annual contributions to the Money Purchase Pension Plan equal to \$36,000 per year for five years. These contributions will be made for each payroll period. The additional contributions to the Money Purchase Pension Plan will be conditioned on the General Manager making the maximum deferral contributions to the District's 457(b) Plan under Internal Revenue Code Sections 457(e)(15) and (18). The Board reserves the right to modify the annual contributions to the Money Purchase Pension Plan.

The actuarial impact upon future annual costs to the District will not exceed \$36,000 per year in 2016 and for four years thereafter.

The Board will work with the Office of the General Counsel and District staff to take the necessary steps to amend the Money Purchase Pension Plan to provide for such increased benefits, including compliance with Government Code Section 7507.

Director Murray moved the above motion. Director McPartland seconded the motion, which carried by roll call vote. Ayes – 5: Directors Keller, McPartland, Murray, Raburn, and Blalock. Noes – 3: Directors Mallett, Radulovich, and Saltzman. Absent – 1: Director Josefowitz.

The Meeting was adjourned at 12:46 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,748th Meeting
December 17, 2015

A regular meeting of the Board of Directors was held December 17, 2015, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Blalock welcomed and introduced his wife, Gail Blalock, and Ms. Shirley Sisk and Mr. Harold Colon, Special Guests from the League of Volunteers, Newark, the District's 2015 Holiday Toy Drive recipient. Ms. Sisk and Mr. Colon addressed the Board.

President Blalock noted that there were no items for Consent Calendar, Administration, Engineering and Operations, or Planning, Public Affairs, Access, and Legislation Committees.

President Blalock called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken, activities and meetings she had participated in, recent noteworthy District achievements, and open Roll Call for Introduction items.

President Blalock brought the matter of Resolution to Amend the Money Purchase Pension Plan to Provide for Additional Contributions for the General Counsel. Director Keller moved adoption of Resolution No. 5306, In the Matter of an Amendment to the Money Purchase Pension Plan. Director Raburn seconded the motion, which carried by roll call vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 1: Director Mallett.

President Blalock called for Board Member Reports.

Director McPartland reported he had attended an opening ceremony for an affordable housing complex for veterans at the Millbrae Station.

Director Raburn reported he had attended the Charles Houston Bar Association's annual gala, the BART Police Department's annual awards ceremony, and the Shop with a Cop event.

Director Saltzman reported she had attended the Labor Negotiations Review Ad Hoc Committee meeting.

Alan Smith addressed the Board.

President Blalock reported he had attended the annual BART Accessibility Task Force reception, the San Joaquin Joint Powers Authority meeting, the South Hayward BART Station Access

Authority meeting, the annual Moose Feed, and a meeting with representatives from the Metropolitan Transportation Commission.

President Blalock called for Roll Call for Introductions.

Director Josefowitz requested a staff report to the Board on how BART measures the air quality throughout the system, whether the air quality at Embarcadero Station and throughout the system meets applicable legal and safety thresholds for riders and workers, and if it does not meet applicable legal and safety thresholds what steps can be taken to improve the air quality to meet those legal and safety thresholds, and that staff publish the measurements of air quality, for the past four years and on an ongoing basis, on BART.gov in machine readable format. Director Saltzman seconded the request.

President Blalock brought the matter of Election of Officers before the Board.

President Blalock shared his comments on the events of the past year of his Presidency.

President Blalock opened the floor for nominations for President. Director Josefowitz nominated Director Radulovich for President of the Board of Directors. President Blalock closed nominations. Director Josefowitz moved that Director Radulovich be elected Board President for 2016. Director Saltzman seconded the motion, which carried by unanimous voice vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0.

President Radulovich assumed the gavel and shared comments on the upcoming year.

President Radulovich opened the floor for nominations for Vice President. Director Keller nominated Director Murray for Vice President of the Board of Directors. Nominations were closed. Director Keller moved that Director Murray be elected Board Vice President for 2016. Director Blalock seconded the motion, which carried by unanimous voice vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes – 0.

Director Murray shared comments on the upcoming year.

President Radulovich called for Public Comment. No comments were received.

The Board Meeting was adjourned at 9:42 a.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 8, 2016
FROM: President Tom Radulovich
SUBJECT: 2016 Standing Committee and Special Appointments

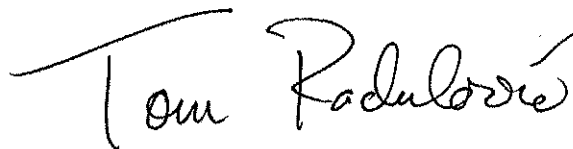
Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, I am bringing the 2016 Standing Committee and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on January 14, 2015.

In addition to membership adjustments, I am proposing the following:

- Most of the Special and Ad Hoc Committees are redesignated Policy Committees, since that is more descriptive of what they do. Two of those policy committees are given new names but will have generally the same purview and membership, and a new committee is proposed (Core Capacity).
- The Labor Negotiations Review Committee is renewed and extended to December 31, 2016.
- Special, Ad Hoc, and Policy Committees are given job descriptions (attached).

Should you have any questions about the recommended appointments, please contact me or the District Secretary at your convenience.



Tom Radulovich

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MOTION:

That the Board of Directors ratifies the proposed Standing Committee and Special Appointments for 2016 (attached).

Standing Committees

Administration Committee.

Engineering and Operations Committee.

Planning, Public Affairs, Access, and Legislation Committee.

(Refer to the Rules of the Board of Directors, Chapter III Board Meetings and Committees, Section 3 Committees, for descriptions of the Standing Committees.)

Special and Ad Hoc Committees

Personnel Review Special Committee. Advise the Board of Directors on terms of employment, performance assessment, compensation, and benefits for BART's Board Appointed Officers – Controller/Treasurer, District Secretary, General Counsel, General Manager, and Independent Police Auditor.

Personnel Recruitment Ad Hoc Committee. Advise the Board of Directors on the recruitment and selection of BART's next Controller/Treasurer.

Board Communications and Technology Modernization Special Committee. Work with the District Secretary and other BART staff on initiatives to modernize the boardroom, board correspondence, posting of agendas and other public documents, and advise the Board of Directors and staff on data, document retention, and related policies.

Policy Committees

Capital Reinvestment Committee. Advise the Board of Directors and BART staff on priorities and strategies for capital reinvestment and maintaining a state of good repair, and the development of new capital funding sources.

Strategic Finance Committee. Advise the Board of Directors and BART staff on financial planning, investment, reserve, and audit policies.

Environmental Sustainability Committee. Advise the Board of Directors and BART staff on policies for achieving environmental sustainability, and on establishment of BART's Environmental Management System.

Labor Negotiations Review Committee. Advise the Board of Directors and BART staff on changes to policy and practice to improve BART's labor negotiations process.

Core Capacity Committee. Advise the Board of Directors and BART staff on policies and strategies to improve and manage BART's passenger capacity, including the inter-agency Bay Area Core Capacity Transit Study and its implementation.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

STANDING COMMITTEES

ADMINISTRATION COMMITTEE */**

Rebecca Saltzman, Chairperson Joel Keller, Vice Chairperson

ENGINEERING AND OPERATIONS COMMITTEE */**

John McPartland, Chairperson Thomas M. Blalock, Vice Chairperson

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE */**

Robert Raburn, Chairperson Zakhary Mallett, Vice Chairperson

SPECIAL COMMITTEES

PERSONNEL REVIEW SPECIAL COMMITTEE**

Tom Radulovich, Chairperson Gail Murray Rebecca Saltzman

PERSONNEL RECRUITMENT AD HOC COMMITTEE

Thomas M. Blalock, Chairperson Nicholas Josefowitz Joel Keller Tom Radulovich

BOARD COMMUNICATIONS AND TECHNOLOGY MODERNIZATION COMMITTEE

Nicholas Josefowitz, Chairperson Joel Keller Rebecca Saltzman

POLICY COMMITTEES

CAPITAL REINVESTMENT COMMITTEE

Nicholas Josefowitz (Co-Chair) Joel Keller (Co-Chair) Gail Murray Robert Raburn

STRATEGIC FINANCE COMMITTEE

Gail Murray, Chairperson Nicholas Josefowitz Rebecca Saltzman

ENVIRONMENTAL/SUSTAINABILITY COMMITTEE

Robert Raburn, Chairperson Nicholas Josefowitz Rebecca Saltzman

LABOR NEGOTIATIONS REVIEW COMMITTEE (Sunset 12/31/16 unless extended)

Rebecca Saltzman, Chairperson Zakhary Mallett Gail Murray

CORE CAPACITY COMMITTEE

Tom Radulovich Nicholas Josefowitz Zakhary Mallett

SPECIAL APPOINTMENTS - LIAISON

AMERICANS WITH DISABILITIES ACT (ADA) LIAISON

Robert Raburn, Primary John McPartland, Alternate

CONTRA COSTA TRANSPORTATION AUTHORITY LIAISON**

Gail Murray, Primary Joel Keller, Alternate

SAN FRANCISCO TRANSPORTATION AUTHORITY LIAISON**

Nicholas Josefowitz, Primary Tom Radulovich, Alternate

LIAISONS TO STATIONS IN SAN MATEO COUNTY

Daly City Station	Nicholas Josefowitz
Colma Station	Robert Raburn
South San Francisco	John McPartland
San Bruno Station	Zakhary Mallett
San Francisco International Airport Station	Nicholas Josefowitz
Millbrae Station	Tom Radulovich

* All Directors are members of this Committee (Thomas M. Blalock, Nicholas Josefowitz, Joel Keller, Zakhary Mallett, John McPartland, Gail Murray, Robert Raburn, Tom Radulovich and Rebecca Saltzman)

** Brown Act Committee, subject to public meeting requirements.

*** Brown Act Board, subject to public meeting requirements.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

SPECIAL APPOINTMENTS – EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION **

Rebecca Saltzman, Primary Thomas M. Blalock, Alternate

**ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
BOARD OF DIRECTORS**

Thomas M. Blalock

BART AND AC TRANSIT COORDINATING COMMITTEE

Rebecca Saltzman (Co-Chair) Robert Raburn Tom Radulovich

CAPITOL CORRIDOR JOINT POWERS BOARD***

Nicholas Josefowitz, San Francisco County Tom Radulovich, San Francisco County
Zakhary Mallett, Contra Costa County Rebecca Saltzman, Alameda County
Gail Murray, Contra Costa County Joel Keller, Alternate Contra Costa County
Robert Raburn, Alameda County John McPartland, Alternate Alameda County

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)**

Thomas M. Blalock

EMERYVILLE-BERKELEY-OAKLAND TRANSPORTATION STUDY POLICY ADVISORY COMMITTEE**

Zakhary Mallett Rebecca Saltzman, Alternate

OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY***

Tom Radulovich

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS**

Joel Keller Gail Murray

**SILICON VALLEY RAPID TRANSIT CORRIDOR/WARM SPRINGS BART EXTENSION POLICY ADVISORY
BOARD****

Thomas M. Blalock John McPartland

SOUTH HAYWARD BART STATION ACCESS AUTHORITY**

Thomas M. Blalock John McPartland Rebecca Saltzman, Alternate

TRI-VALLEY REGIONAL RAIL ADVISORY GROUP**

Tom Radulovich John McPartland, Alternate

TRI-VALLEY REGIONAL RAIL POLICY WORKING GROUP**

John McPartland, Chairperson Gail Murray

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)**

Zakhary Mallett, Primary Joel Keller, Alternate

** Brown Act Committee, subject to public meeting requirements.

*** Brown Act Board, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Sharon Moore</i>		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 1/7/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sharon Moore Dept. Office of Civil Rights <i>Sharon C. Moore</i> Signature/Date: 1/7/16	General Counsel <i>[Signature]</i> 1/7/16	Controller/Treasurer <i>[Signature]</i> 1/7/16	District Secretary <i>[Signature]</i> 01/07/2016	BARC <i>[Signature]</i> 1-7-16
Status: Approved		Date Created: 12/22/2015		

TITLE:

Adoption of Revised Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies

NARRATIVE:

Purpose:

To request that the Board of Directors formally adopt the following revised Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies for the District:

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

Discussion:

Equal Employment Opportunity (EEO)

Recipients and sub-recipients of Federal Transit Administration (FTA) financial assistance that employ 50 or more transit-related employees are required to adopt a formal EEO Policy.

The Board of Directors initially adopted an Affirmative Action Program and District-wide goals for minorities and women in September 1974. The most recent adoption of the District's EEO Policy was on August 25, 2011.

The proposed EEO Policy incorporates revisions to the following protected categories for consistency with the categories protected from harassment and discrimination in employment under the State of California Department of Fair Employment and Housing (DFEH):

- **Sex;**
(Expanded to include "gender" and "gender expression.")
- **National origin;**
(Expanded to include "language use restrictions.")
- **Disability;**

(Clarifies disability category. Includes both mental and physical disabilities, including HIV and AIDS.)

- **Medical condition;**
(Expanded to include "genetic characteristics and information.")
- **Age;**
(Clarifies that the protected age is "40 and above.")
- **Military status;** and
(Expanded to also include "military" status.)
- **Request for leave for an employee's own serious health condition.**
(Adds a new category to prohibit discrimination based on leaves protected under the Americans with Disabilities Act, as amended to include an employee's own condition.)

The proposed EEO Policy also adds new language regarding protected leaves and rights under the Americans with Disabilities Act, as amended, for consistency with the protections for California workers under the DFEH providing that District employees are entitled to:

- Guaranteed leave if disabled because of pregnancy;
- Guaranteed reasonable accommodation for pregnancy;
- Guaranteed leaves for birth or adoption of a child for the employee's own serious health condition, or to care for a "family member" (as defined by law) with a serious health condition;
- Protection from harassment because of a protected category;
- Protection from retaliation; and
- It further specifies that District employees with disabilities are entitled to reasonable accommodation when necessary in order to perform the job.

Prevention of Sexual Harassment in the Workplace

The Prevention of Sexual Harassment in the Workplace Policy affirms the District's commitment to maintaining a workplace that is free of sexual harassment, in keeping with our long-standing EEO Policy. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA).

The Board adopted the District's Prevention of Sexual Harassment in the Workplace Policy in December 1980. Subsequently the Board reiterated, reinforced and expanded the District's Policy on September 24, 2009.

The proposed Policy includes the following language regarding the required prevention of harassment training as required by California Government Code Section 12950.1:

- Training which requires all California employers with 50 or more employees provide two or more hours of sexual harassment training to supervisors/managers within six months of hire or promotion, and every two years thereafter.
- Training which also requires employers to include a training component on the

prevention of “abusive conduct.” “Abusive conduct” has been defined as conduct of an employer in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest.

Fiscal Impact:

There is no fiscal impact.

Alternatives:

Adopt amended or modified Policy statement(s).

Recommendations:

Adopt the following motion.

Motion:

The Board of Directors adopts the revised Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies.



EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District) is committed to providing a work place free of discrimination, harassment and retaliation for filing a complaint. It is also the District's policy and practice to assure equal employment opportunity in all personnel transactions including hiring, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment without regard to race, color, marital status, sexual orientation, religion, national origin (including language use restrictions), ancestry, age (40 and above), sex (gender, gender identity, gender expression), disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics and information), request for family care leave, request for pregnancy disability leave, request for leave for an employee's own serious health condition, or military or veteran status.

District employees who meet state and federal eligibility requirements are:

- Guaranteed leave if disabled because of pregnancy;
- Guaranteed reasonable accommodation for pregnancy;
- Guaranteed leaves for the birth or adoption of a child, for the employee's own serious health condition, or to care for a "family member" (as defined by law) with a serious health condition;
- Protected from harassment because of their sex, race, or any other category covered under the law; and/or
- Protected from retaliation for filing a complaint, for participating in the investigation of a complaint, or for protesting possible violation of the law.

District employees with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job.

The District recognizes and values the diversity of its workforce and the benefits to the District programs and services that are promoted by diverse viewpoints, life experiences, and cultural perspectives. The District supports and encourages diversity and provides education and training related to the benefits and challenges of working productively in a culturally diverse environment.

Implementation

The District's commitment to implementing its Equal Employment Opportunity (EEO) Policy extends to officials at the highest level. The policy is implemented through its Equal Employment Opportunity Program (EEOP). The Department Manager of the

Equal Employment Opportunity Program (EEO). The Department Manager of the Office of Civil Rights is the designated EEO Officer responsible for daily management of the District's EEO Policy and EEO. The General Manager is responsible for the implementation of the EEO Policy and EEO.

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

All District personnel, including Board members, are responsible for and required to comply with the EEO Policy and EEO. District personnel are accountable for evaluating a diverse pool of candidates in a manner that is free of artificial impediments to the selection of any qualified individual. Managers' and supervisors' performance will be evaluated on the implementation of the EEO Policy and EEO in the same way as their performance is evaluated on other District goals.

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

Reporting

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

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



PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE

Statement of Policy:

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

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

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

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

Definition

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

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

Reporting

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

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

California Government Code Section 12950.1 Training

California employers with 50 or more employees must provide two hours of interactive sexual harassment training to supervisors within six months of hire or promotion, and every two years thereafter. Employers are also required to include a training component on the prevention of "abusive conduct" in its mandatory harassment prevention training.

For more information on the District's Prevention of Sexual Harassment training, contact the Office of Civil Rights.

Enforcement

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

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

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

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



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Walter DeBurger</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 1/6/15		BOARD INITIATED ITEM: No	
Originator/Prepared by: Khawaja Zubair Dept: <i>for K. Zubair</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Signature/Date: 1-5-16	1/5/16 []	1/5/16 []	1/6/16 []

Status: Routed	Date Created: 12/18/2015
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TITLE:

AWARD OF CONTRACT NO. 79NK-210A, UNINTERRUPTIBLE POWER SUPPLY PROCUREMENT FOR TRAIN CONTROL ROOMS

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 79NK-210A for the procurement of Uninterruptible Power Supply (UPS) for Train Control Rooms to Power Innovations International, Inc. of Linton, Utah.

DISCUSSION:

The Train Control Room Uninterruptible Power Supply (UPS) systems provide emergency power to all the computers and control devices that are essential for train operations when utility power is not available. The existing UPS systems are old, are not reliable and they are failing. These UPS systems are difficult to repair as spare parts are not readily available as they are now obsolete. If the UPS fails and the utility power also fails, train control will lose automatic operations, and the trains will have to operate in the manual mode.

The majority of the UPS systems in the train control rooms are at the end of their useful life and require replacement. Contract 79NK-210A is for the procurement of fifty three (53) UPS systems to replace existing systems within five (5) years.

The District provided advance notice to forty-one (41) prospective Bidders and plans were sent to twenty-two (22) Plan Rooms. The Contract was advertised on October 7, 2015 in local publications. This Contract is a 2-step procurement contract, the first step is to evaluate the technical qualifications of the bidder with Pass/Fail basis. Step 2 is the price bid evaluation phase; the price bids will be opened only for the bidders who passed the technical qualifications evaluation in step 1. A pre-bid meeting was held on October 21, 2015 with eleven (11) prospective Bidders in attendance. The Bid due date was November 10, 2015. The District received four (4) Bids as follows:

1. Gutor Schneider Electric
2. Borri Power US, Inc.
3. Emerson Network Power
4. Power Innovation International, Inc.

The Minimum Technical Requirements Bid evaluation was conducted on November 13, 2015 by the evaluation committee. Only the following two bidders met the technical qualifications requirements.

1. Borri Power US, Inc.
2. Power Innovation International, Inc

Next the Price Bids were opened as follows:

<u>BIDDER</u>	<u>BID PRICE</u>
Borri Power US, Inc; Houston, TX	\$1,697,296.37
Power Innovations International, Inc; Linton, UT	\$1,546,183.00
Engineer's Estimate	\$1,450,000.00

The apparent low Bid, submitted by Power Innovations, Inc. has been determined to be responsive to the solicitation requirements. Upon review of the Bidder's business and financial capabilities, Staff has determined that the Bidder is responsible and that its Bid of \$1,546,183.00 is fair and reasonable.

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

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 10% for Minority Business Enterprises (MBEs) and 12% for Women-owned Business Enterprises (WBEs). The Bidder will not be subcontracting any work and will perform all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

FISCAL IMPACT:

Funding of \$1,546,183 is included in the total project budget for FMS #79NK100 – Train Control Room UPS Replacement. 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.

As of December 29, 2015, \$3,875,000 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Funded Amount
8529	FY15 Capital Allocation	BART	2,400,000
8530	FY16 Capital Allocation	BART	1,475,000
Total			3,875,000

BART has expended \$84,657, committed \$80,254, and reserved \$0 to-date for other actions. This action will commit \$1,546,183 leaving an available fund balance of \$2,163,906 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is not to procure the train control room UPS at this time. This would leave the entire BART system, including train operation, vulnerable to power failure and could potentially result in operational shutdown.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 79NK -210A, Procurement Contract of Train Control Room Uninterruptible Power Supply (UPS), to Power Innovations International, Inc. for the Bid price of \$1,546,183.00, and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaune</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tera Hankins-Stokes Dept: Transportation Signature/Date: <i>Tera Hankins</i> 12/16/15	General Counsel <i>[Signature]</i> 12/18/15	Controller/Treasurer <i>Christi Grant</i> 12/18/15	District Secretary []	BARC <i>[Signature]</i> 1/4/16

TITLE:

Award of Invitation for Bid No. 8942, STATION AGENT AND FOREWORKER UNIFORMS

NARRATIVE:

PURPOSE:

To request Board Authorization to Award Invitation for Bid (IFB) No. 8942 to Murphy and Hartelius (M&H) Uniforms of San Mateo, CA for the Bid price of \$1,368,852.10, including all applicable sales tax, for the purchase of Station Agent and Foreworker Uniforms.

DISCUSSION:

The District's current collective bargaining agreement with Amalgamated Transit Union Local 1555 requires that the District provide station agents and foreworkers with uniforms on a yearly basis. The uniform items requested in the IFB reflect items chosen by the joint union/management uniform committee.

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity Contract, the District is required to purchase a minimum of fifty percent (50%) of the Contract bid price during the term of the Contract. Upon Board approval of this Contract, the General Manager will have authority to purchase up to one hundred and fifty percent (150%) of the Contract Bid price, subject to available funding.

A notice requesting Bids was published on September 10, 2015 and Bid requests were mailed to six (6) prospective bidders. Step One is the qualification Bid evaluation phase, two (2) qualification Bids were received. Step Two is the price Bid phase in which qualified Bidders' price Bids are opened and evaluated. Only those Bidders whose qualification Bid was determined by the District to be acceptable was opened in Step Two. Bids were opened on November 10, 2015 and one qualified price Bid was received.

<u>Bidder</u>	<u>Grand Total (Including 10% Sales Tax)</u>
M&H Uniforms San Mateo, CA	\$ 1,368,852.10

Independent cost estimate by BART staff: \$1,245,237.38

Pursuant to the Special Provisions, Bids were evaluated on the basis of the total Bid Price. Staff determined that the apparent low Bidder, M&H Uniforms submitted a responsive Bid. Staff also determined that the Bid pricing is fair and reasonable based on Bid competition and comparison to the independent cost estimate.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the Availability Percentages for this Contract are 10% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder will not be subcontracting any work and will perform 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% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsible Bidder is not a certified Small Business and therefore is not eligible for the 5% Small Business Prime Preference.

FISCAL IMPACT:

The following table depicts anticipated procurement in the referenced project.

FY16	\$587,812.50
FY17	\$390,519.80
FY18	<u>\$390,519.80</u>
	\$1,368,852.10

Funding of \$587,812.50 for FY16 is provided for in the approved FY16 Transportation Department budget. The Controller-Treasurer certifies that funds are available to cover the expenditures in FY16. Expenditures for FY17 and FY18 will be included in the future operating budgets of the Transportation Department, which are subject to future Board adoption.

ALTERNATIVE:

Reject all Bids and re-advertise the Contract. This, however, is not likely to lead to increased competition or lower prices and will result in a delay in the District meeting its obligation to provide uniforms per the collective bargaining agreement.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award IFB No. 8942 for the procurement of Station Agent and Foreworker Uniforms, to M&H Uniforms for the Bid price of \$1,368,852.10, including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 1/6/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Kimberly White Dept. RS&S Signature/Date: <i>[Signature]</i> 12/31/2015	General Counsel <i>[Signature]</i> 1/5/16	Controller/Treasurer <i>[Signature]</i> 1/4/16	District Secretary BARC <i>[Signature]</i> 1/4/16
Status: Routed		Date Created: 12/21/2015	

Invitation for Bid No. 8981 – Purchase of C-Car Cab Hinged Windows

NARRATIVE:

Purpose: To obtain Board authorization to award Invitation for Bid (IFB) No. 8981 to John Marron & Associates of Danville, California in the amount of \$329,422.50 including sales tax, for the purchase of Hinged Cab Window assemblies for the District’s C-Car revenue vehicles.

Discussion: The District’s revenue vehicle fleet currently consists of 230 C-Cars which are equipped with two vertically sliding cab windows. Train Operators are required to open these windows to perform the required ‘look back’ of the platform at each station stop. Due to inherent design issues and obsolescence of the original parts, the mechanical reliability of these windows has deteriorated over time, making routine use increasingly difficult for Train Operators. As part of the C-Car cab retrofit project, new hinged cab windows will be installed in place of the existing vertical sliding cab windows.

The hinged window design was the result of years of effort that explored multiple options, and is considered the best compromise. Staff implemented a pilot program that retrofitted 10 C cars with hinged cab windows, which have been in revenue operation for approximately one year. As part of the C-Car cab retrofit project, with input from Rolling Stock & Shops (RS&S) and the Amalgamated Transit Union (ATU), new hinged cab windows will be installed in place of the existing vertical sliding cab windows. The retrofit scope includes (a) removal of existing vertical sliding cab windows and install new hinged cab windows, (b) relocate the door controls on the Train Operator (T/O) side to the console, and (c) replace the woven T/O seat cushions with vinyl cushions. Note that scope items (b) and (c) are not part of IFB No. 8981 and will be procured separately.

This Contract is for the purchase of ninety (90) window assemblies, consisting of forty five (45) left side (Automatic Train Control or ATC) and forty five (45) right side (T/O) window assemblies. Forty three (43) rehabilitated C-Cars, which will likely remain in service for the longest period of time, were selected for these new window assembly installations. Two ATC side and two T/O side window assemblies each will be set aside as spare parts.

The current plan is to commence installation of the C-Car cab windows in April 2016 at an

average rate of two cars per week with an estimated completion date of October 2016.

A notice requesting bids for this IFB was published on November 9, 2015 in various industry publications. Bids were opened on December 8, 2015 and three bids were received.

<u>Bidder</u>	<u>Unit Price Each</u>	<u>Quantity</u>	<u>Total Bid Price Including 10% Sales Tax</u>
Annex Precision, Santa Clara, CA	ATC Side Window \$5,775.90	45	\$546,422.09
	T/O Side Window \$5,262.93	45	
John Marron & Associates, Danville, California	ATC Side Window \$3,465.00	45	\$329,422.50
	T/O Side Window \$3,195.00	45	
Professional Plastics, Santa Clara, CA	ATC Side Window \$11,915.00	45	\$1,154,043.00
	T/O Side Window \$11,399.00	45	

Independent Cost Estimate by BART Staff: \$422,280.00

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there were no certified Small Businesses available for bidding this Contract. Therefore, no Small Business prime preference was set for this Contract.

The District's Non-Discrimination for Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts and Contracts under \$50,000.00 or to any Invitation for Bid. Thus, pursuant to the Program, the Office of Civil Rights did not set availability percentages for this Contract.

John Marron & Associates of Danville, California submitted the low bid of \$329,422.50 including sales tax. After a review, Staff has determined that John Marron & Associates's bid is responsive and responsible and that its bid price is fair and reasonable based upon the

Independent Cost Estimate.

Pursuant to the IFB provisions, John Marron & Associates shall submit First Articles of the window assemblies to the District for approval within seventy five (75) days following a Notice of Award of this Contract. Upon approval of the First Articles, the initial delivery of these window assemblies to BART shall take place within thirty (30) days.

Fiscal Impact: Funding of \$329,422.50 including sales tax, for the award of IFB No. 8981 is included in the total project budget for FMS # 43KC001 – C-Car Cab Windows. The Office of the Controller-Treasurer certifies that funds are currently available to meet this obligation.

The Board has authorized \$600,00.00 for project FMS #43KC001 for Fiscal Year FY 2016. As of December 23, 2015, a total of \$556,879.44 is available under this project budget. The District has expended \$6,342.61, committed \$36,777.95, and reserved \$0.00 to date for other actions under this project. This proposed action will commit \$329,422.50 including sales tax, leaving an available fund balance of \$227,456.94 in the project budget.

This proposed action will not have any fiscal impact on available unprogrammed District Reserves.

Alternative: The alternative to awarding this Contract would be to reject the bids received and re-advertise the Contract. Staff does not believe that this will result in a better price or increased competition.

Recommendation: Staff recommends that the Board adopt the following motion.

Motion: The Board of Directors authorizes the General Manager to award Invitation For Bid No. 8981 to John Marron & Associates of Danville, California for the bid price of \$329,422.50 including 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: <i>Marcia DeVaugen</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 1/6/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Ed Yee Dept: M & E Engineering Signature/Date: <i>Ed Yee</i> for E. Yee	General Counsel <i>[Signature]</i> 1/5/16 []	Controller/Treasurer <i>[Signature]</i> 1/4/16 []	District Secretary BARC <i>[Signature]</i> 1/4/16 []
Status: Routed		Date Created: 11/23/2015	

TITLE:
**REJECT BID FOR CONTRACT NO. 09DJ-140,
 REPAIR AND MAINTENANCE OF ANODE CABLES, ANODE ARRAY ASSEMBLIES,
 AND CATHODIC PROTECTION SYSTEM**

NARRATIVE:

PURPOSE:

To request that the Board reject the Bid for Contract No. 09DJ-140, REPAIR AND MAINTENANCE OF ANODE CABLES, ANODE ARRAY ASSEMBLIES, AND CATHODIC PROTECTION SYSTEM

DISCUSSION:

This Contract is intended to provide on-call services to repair and maintain the Cathodic Protection System that protects the Transbay Tube (TBT) from corrosion and to prolong the useful life of the TBT.

This Contract was advertised on September 16, 2015 as Contract No. 09DJ-140 for the Repair & Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System in two construction publications. The District provided advance notice to seven (7) prospective bidders as well as to a prior interested parties list. Contract Books were distributed to 24 Bay Area Planrooms.

A pre-Bid meeting was conducted on October 06, 2015, with five prospective bidders in attendance. No Addenda were issued for this Contract. Only one Bid was received. That Bid was from Manson Construction of Richmond, CA and publicly announced on October 27, 2015. The following is the Bid and Engineer's estimate:

<u>BIDDER</u>	<u>BID PRICE (Lump Sum)</u>
Manson Construction, Richmond, CA	\$4,376,200.00
Engineer's Estimate	\$900,000.00

After a careful analysis of the Bid received, Staff has determined that the Bid is unreasonably

high, and greatly exceeds the project budget. The Bid price is 486% higher than the engineer's estimate. It appears that there was confusion regarding the Contract Specifications with respect to the use of diving crews and special equipment during the Base year. While Contract Specifications were written to reflect a single Base year of 25 days of Work, the Bid item referring to diving crews and special equipment reflected the Base year plus three additional one-year options to extend, or 100 days. Apparently, this resulted in confusion and a significant increase of the Bid price for diving crews and special equipment, leading to an unreasonably high Bid price.

Staff believes that with clarification of this item, the District could receive Bids at a lower, more reasonable price in line with the available budget. A re-advertised Contract book would be revised to clarify the contract scope and bid schedule.

Staff recommends that the Board reject this Bid and permit Staff to correct this ambiguity and re-advertise the Contract.

FISCAL IMPACT:

There is no fiscal impact resulting from rejection of the Bid.

ALTERNATIVES:

The alternative is to award this Contract to Manson Construction Company at a cost of \$4,376,200.00. Awarding the Contract is not financially feasible at this time.

RECOMMENDATION:

Adoption of the following Motion.

MOTION:

The single Bid tendered for 09DJ-140, Repair and Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System, is rejected and the General Manager is authorized to re-advertise the Work.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delgado</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 1/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Raul Millena Dept. Maintenance & Engineering, Ext. 6552	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: 12/24/15	<i>[Signature]</i> 1/6/16 []	<i>[Signature]</i> 1/6/16 []	[]	<i>[Signature]</i> 1/6/16 []

TITLE:

Award of Invitation for Bid No. 8960A, Antenna's MUX

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid (IFB) No. 8960A to LeeMAH Electronics, Inc., for the Bid Price of \$3,138,660.00, plus applicable taxes, for purchase of MUX Antenna Equipment.

DISCUSSION:

The MUX Antenna equipment is made up of Transmitter Loops and Receiver Coils. The Antenna are the wayside portion of the MUX and Speed Encoding System and are a safety critical, fail-safe system that transmits and receives a continuous set of speed codes sent from the train control room equipment to the trains. The Antenna are installed between the running rails and make up the transmitter and receiver ends of the track circuit.

Existing Transmitter Loops and Receiver Coils are more than 45 years old and have reached the end of their useful life. Failures have resulted in track circuit false occupancies causing system delays.

This Contract provides equipment for the replacement of 50% of the legacy Transmitter Loops and Receiver Coils in service throughout the District.

This is a two (2) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase fifty percent (50%) of the Contract Bid price. Upon Board approval of this 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 availability funding.

A notice requesting Bids for IFB No. 8960A was published on October 5, 2015, and Bid requests were mailed to three (3) prospective bidders. Bids were opened on October 27, 2015 and only one (1) Bid was received.

<u>Bidder</u>	<u>Base Price</u>
LeeMAH Electronics, Inc	\$3,138,660.00
Independent Cost Estimate	\$3,900,000.00

Staff has determined that LeeMAH Electronics, Inc, submitted a responsive Bid. Staff also determined that the Bid pricing is fair and reasonable based on the independent cost estimate. Furthermore, examination of LeeMAH Electronics, Inc.'s business experience and financial capabilities demonstrates that LeeMAH Electronics, Inc., is also a responsible bidder.

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

FISCAL IMPACT:

Funding of \$3,436,832.70 (\$3,138,660 plus 9.5% tax) is included in the total budget for Project 20LT000 – STATION SPEED ENCODING MUX REPLACEMENT. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

The following table depicts funding assigned to the referenced project since March 2006, 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.

Budgetary Source Group Description	Amount Awarded
FTA Capital Assistance - Various	30,227,740.60
MTC Local Bridge Tolls Various	4,514,448.57
BART Capital Allocations & Sales Tax Revenue Bonds	3,730,515.81
Grand Total	38,472,704.98

As of January 05, 2016, \$38,472,704.98 is the total budget for this project. BART has expended \$17,005,177.92, has committed \$6,812,914.72 and has reserved \$163,467.58 to date for other actions. This action will commit \$3,436,832.70, thus leaving an available balance of \$11,054,312.18 remaining in fund resources for this project.

ALTERNATIVES:

The alternative is to reject the Bid and re-advertise the Contract. This, however, is not likely to lead to increased competition or lower prices and will result in severe operational delays within the District. Maintenance costs will also increase as the equipment further ages.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award IFB No. 8960A for the procurement of MUX Antenna Equipment, to LeeMAH Electronics, Inc., for the not to exceed price of \$3,138,660.00, plus applicable taxes, pursuant to notification to be issued by the General Manager.

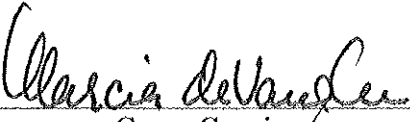
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 8, 2016
FROM: General Manager
SUBJECT: PPAAL Item #5.A: Resolution Regarding Funding for Additional BART Vehicles -
For Information

At the request of Directors Murray and Keller, staff has prepared the attached draft Resolution for discussion at the January 14, 2016 Board of Directors meeting. The next step will be for the Board to consider adoption of the Resolution at its meeting on January 28, 2016.

Please contact Kerry Hamill at (510) 464-6153, if you need additional information.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deBorja</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>1/6/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Deldre Heitman Dept: <i>Deldre Heitman</i> Signature/Date: <i>1-4-16</i>	General Counsel <i>[Signature]</i> <i>1/5/16</i> []	Controller/Treasurer <i>Chris Cron</i> <i>1/5/16</i> []	District Secretary []	BARC <i>Powers</i> <i>4 Jan 2016</i> []

TITLE:

Adoption of Resolution Regarding Funding for Additional BART Vehicles

NARRATIVE:

PURPOSE: To update the Board on the status of BART staff's efforts to secure funding for an additional 306 BART rail vehicles and to request that the Board adopt a Resolution setting forth BART's expectation that the congestion management agencies (CMAs) in the three BART counties each provide funding for approximately 75% of the cost of 102 additional vehicles.

DISCUSSION: Under direction of the BART Board, staff has been working on developing a strategy to secure funding for 306 rail vehicles beyond the commitment of 775 cars currently funded. Although BART is considering placing a general obligation (GO) bond on a future ballot for consideration by Bay Area voters, proceeds from that bond could not be used for the purchase of the vehicles because of limits in the California Constitution requiring such proceeds to be spent on the acquisition or improvement of real property. Staff, therefore, must look for other funding sources for the additional 306 vehicles.

Because BART is a major regional transportation provider, funding for large capital projects, such as the purchase of new rail vehicles, must come from a variety of sources. Staff proposes a strategy that would call for the CMAs in the three BART counties- the Contra Costa Transportation Authority (CCTA), the San Francisco County Transportation Authority (SFCTA) and the Alameda County Transportation Commission (ACTC)- to each provide funding, in an estimated amount of \$400 million, for approximately 75% of the cost of 102 cars. BART would seek regional and state funding sources for the remaining 25% funding needed to complete the purchase. Staff has initiated discussions toward this end.

The CCTA is in the process of developing an expenditure plan to add a half-cent to its existing half-cent sales tax measure, called Measure J. It is anticipated that this proposed new measure will be placed on the November 2016 ballot. BART Board members and staff have been working with the CCTA, the sub-regional transportation planning groups in Contra Costa County, as well as the CCTA's Expenditure Plan Advisory Committee, to have the expenditure plan provide for a substantial portion of the new funding to be used for BART projects and programs including the funding of 102 new rail cars. The CCTA is expected to release a draft expenditure plan sometime in early 2016.

In addition, staff has been working with the SFCTA to include funding for 102 BART cars on a future revenue-generating ballot measure, such as a vehicle license fee or sales tax measure.

Adoption of Resolution Regarding Funding for Additional BART Vehicles

Discussions have also been held with staff of the ACTC about potential future funding opportunities.

Given BART's need to expand its capacity and the limitations of the GO bond to fund new rail cars, working with county partners is critical and BART is committed to doing so. Fully funding the cost of the additional 306 vehicles will require contributions from all regional partners. It should also be noted that any additional rail vehicles beyond the 775 in the current contract will have to be procured through a new competitive procurement process.

FISCAL IMPACT: If successful, BART could receive up to \$1.2 billion for the additional rail vehicles from the three BART counties with the remaining funding from regional, state and/or federal sources.

ALTERNATIVES: Amend staff recommended Resolution as appropriate.

RECOMMENDATION: That the Board approve the following motion:

MOTION: The BART Board of Directors approves adoption of the attached Resolution In the Matter of Support For the Funding of Additional BART Rail Vehicles By the County Congestion Management Agencies in Contra Costa, Alameda and San Francisco Counties.

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

**In the Matter of Support For the Funding
Of Additional BART Rail Vehicles By the
County Congestion Management Agencies
in Alameda, Contra Costa and
San Francisco Counties _____ /**

Resolution No. _____

WHEREAS, the number of BART riders is expected to grow by nearly 50 percent (50%) over the next 25 years and capacity and system improvements will be needed to maintain quality and service standards for BART customers in light of that growth in demand; and

WHEREAS, in order to meet the growing demand for BART service, BART needs 306 additional rail vehicles beyond the current commitment of 775 vehicles; and

WHEREAS, BART is unable to fund the additional 306 needed rail vehicles with existing fund sources, and transit vehicles cannot be funded by a potential general obligation bond that BART is considering placing on the November 2016 ballot; and

WHEREAS, BART acknowledges that its unmet capital need, such as rail vehicles, is a regional issue requiring a partnership among local and regional agencies; and

WHEREAS, BART has initiated discussions with its regional funding partners to develop a collaborative funding solution; and

WHEREAS, BART has proposed that the congestion management agencies (CMAs) in the three BART counties- the Alameda County Transportation Commission (ACTC), the Contra Costa Transportation Authority (CCTA), and the San Francisco County Transportation Authority (SFCTA) - each provide funding, in an estimated amount of \$400 million, to provide approximately 75% of the cost of 102 vehicles; and

WHEREAS, the ACTC may have additional funding sources in the future that could be used for new additional rail vehicles;

WHEREAS, the CCTA is considering placing on the November 2016 ballot a new 25-year, ½-cent transportation sales tax; and

WHEREAS, the SFCTA is also considering future revenue-generating measures for transportation projects and programs; and

WHEREAS, BART will seek regional, state and federal funding sources for the remaining 25% funding needed to complete the purchase of these additional rail vehicles;

NOW THEREFORE BE IT RESOLVED, that BART requires funding from the ACTC, CCTA, SFCTA, and other regional and local partners, to purchase additional rail vehicles so that BART may continue to provide high levels of service to the residents of the District; and,

BE IT FURTHER RESOLVED, that BART will request the ACTC, the CCTA, and the SFCTA to each fund 75% of the cost of 102 additional BART rail vehicles and

BE IT FURTHER RESOLVED, that BART will seek other regional, state and federal fund sources to close the gap in funding for the additional 306 vehicles; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the ACTC, the CCTA, and the SFCTA.

###

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 8, 2016
FROM: General Manager
SUBJECT: PPAAL Item #5.B: Late Night Bus Service Update - Research Plan – For Information

Background

The Late Night Bus Pilot project operated from December, 2014 to December, 2015; and consisted of the following enhancements to Late Night Bus service:

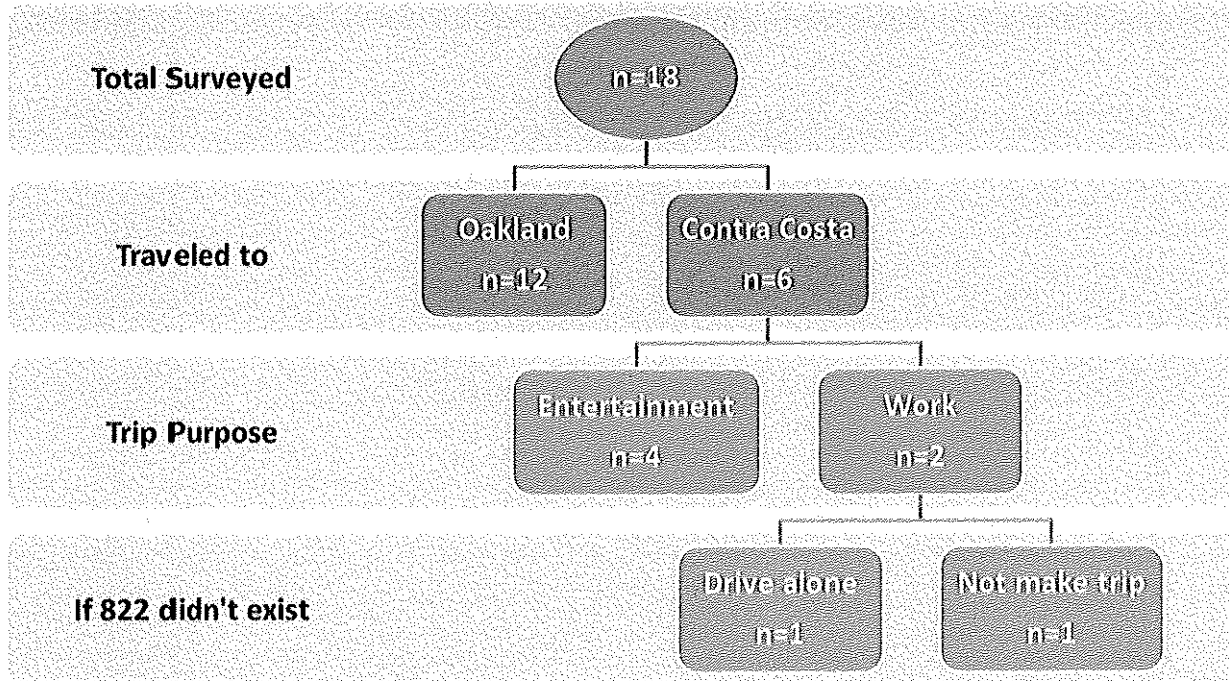
- Route 800 San Francisco (24th St/Mission St) to Richmond trips with 20-minute frequencies late Friday and Saturday nights.
- Route 801 downtown Oakland to Bay Fair trips are at 20-minute frequencies late Friday and Saturday nights. In September 2015, Route 801 trips between Bay Fair and Fremont were returned to 60 minute headways.
- Route 822 (San Francisco-Pittsburg/Bay Point) trips start at 24th St/Mission St, with three runs per night on late Friday and Saturday nights at 30-minute frequencies.

In November 2015, the Board authorized a one-year agreement with AC Transit for the Late Night Bus Core Service, to continue the enhancements to Routes 800 and 801. Route 822 service was discontinued in December 2015. The Board also asked staff to prepare a scope of work and budget to survey Contra Costa County residents in order to understand why Route 822 did not attract more riders, and whether a different service (e.g., early morning instead of late night) might be utilized by more riders. This Memorandum complies with the Board's request, provides recommendations for the survey, and provides updates on related items.

Current Analysis of Route 822 Riders

First, staff conducted further analysis on 822 Line riders. The chart on the following page shows the breakdown of the 18 riders on the 822 Line surveyed in June 2015. Out of the 18 riders, the 822 bus was a lifeline service to work for only one Contra Costa rider. The balance of riders either got off in Oakland, used the service for entertainment purposes, or had the choice of driving to work if bus service were unavailable.

Results from the on-board survey on bus #822
Drill down on riders



Staff also explored options for additional market research for the late night bus service, should the Board want to have staff expend additional time and effort on research. The options explored are:

1. Email invitation to a random sample of BART riders to take an on-line survey.
 Source for invitation list: all BART on-board survey respondents from the last five years who agreed to be contacted for future research. This would include riders from the entire BART service area, including Contra Costa County.
2. Email invitation to a purchased sample of Bay Area residents to take an on-line survey.
3. On-board survey of (a) Friday/Saturday night and (b) Saturday/Sunday early morning BART riders.
4. Survey through third-party channels: CalWORKs recipients, college students, etc.
5. Predict demand via the MTC regional travel model.

The time and costs required for Options 1-3 are shown in the table on the next page.

Option	Description	Estimated # Completed Surveys	Incremental Cost & Time	Recommended?
1	BART rider survey	100 - 500	\$29,000 10 weeks	Yes
2	Purchased sample of Bay Area residents	300 – 1,500	\$10,000 2 weeks	Yes
3a	Supplemental on-board survey of Friday/Saturday night BART riders	500 – 2,000	\$43,000 8 weeks	No
3b	Supplemental on-board survey of Saturday/Sunday early morning BART riders	500 – 2,000	\$35,000 8 weeks	No

If additional research is desired, proceeding with both options 1 and 2 is recommended. Given the incremental cost and time required for options 3a and 3b, staff does not recommend it.

Option 4 does not appear to be feasible within a reasonable time frame due to the challenges of obtaining permission to contact clients of third party organizations. Staff had multiple discussions with CalWorks officials to explore feasibility, but was unable to secure a commitment from them. Staff inquired with MTC about Option 5, but was informed that the regional travel model is not capable of estimating demand for late night travel.

If staff completes options 1 and 2, the total time required would be 12 weeks and the total cost would be \$39,000, leaving approximately \$140,000 available for allocation to late night services and/or additional marketing.

Options 1-4 rely on stated preference surveys, which are imperfect methods for estimating demand and may overestimate ridership. The ratio of predicted vs actual ridership on the 800 and 801 lines, however, may be used to help refine estimates along possible new routes. To ensure that the survey is inclusive, it would be administered in English, Spanish, and Chinese.

Current Marketing Update

In November 2015, the Board also authorized a \$50,000 expenditure on marketing for Routes 800 and 801. The scope of work includes the tasks outlined below.

- New posters for A-frame sandwich boards.
- New 2-sheets and/or car cards.
- New flyers and/or postcards with stylized map.
- Street teams to distribute postcards in the Mission, downtown Oakland, and UC Berkeley on Friday and Saturday nights, over six weekends.

This effort will start in January and wrap up in March, 2016.


Late Night Transportation Working Group Update

In parallel to BART's efforts, the Late Night Working Group convened by San Francisco Supervisor Scott Wiener has been planning its next steps, which include, among other tasks:

- A review of the regional All-Nighter network and service provision, including recommendations for service changes as appropriate, but with a focus on San Francisco.
- An information campaign to better communicate transit services to the public. This campaign would promote the entire All-Nighter network, which includes Routes 800 and 801. The San Francisco County Transportation Authority (SFCTA), which is leading this effort, has allocated \$50,000 for the information campaign, to be conducted by a consultant by June 2016.

The information campaign runs the risk of duplicating BART's marketing efforts and vice-versa. Rather than promoting Routes 800 and 801 in isolation, BART staff will look for opportunities to pool resources and coordinate efforts with SFCTA once their materials become available. A coordinated campaign would be more effective than two separate efforts.

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



Grace Crunican

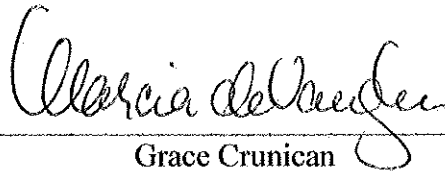
cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** January 8, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item #5.C: BART Accessibility Task Force Annual Report – For Information

At the BART Board of Directors meeting on January 14, 2016, the Chair of the BART Accessibility Task Force (BATF) will provide the Board with an update on the activities and accomplishments of the BATF in 2015. A copy of the report attached for your review.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**BART ACCESIBILITY TASK FORCE
REPORT TO BART BOARD OF DIRECTORS**

January 14, 2016

Note: This is the fourth report to the BART Board of Directors from the BART Accessibility Task Force (BATF). The report's purpose is to outline BATF's major accomplishments and activities during 2015. Directors are most welcome to attend any BATF meeting.

1. Fleet of the Future

An issues/resolution questionnaire was developed from BATF members' questions. Staff resolved most of the issues, while others are part of the test plan. Staff and BATF members are having a series of discussions on how blind and visually impaired riders will be able to detect the third door during the mixed fleet period.

2. Construction Tours

The chair and vice chair toured Warm Springs/South Fremont station to confirm that accessible features were included as staff had agreed. Also, many members toured the Oakland Airport Connector, including the wheelhouse.

3 eBART

Public pay phones with TTY capability will be added to the transfer platform and the two stations. There will be a direct, toll free number to eBART's Control Center, which will be displayed near the phone. However, advanced technology may result in further requests.

4. Hearing Loops

Many BATF members, along with several members of the public participated in a test of "Hearing Loops" at the Colma station, both on a platform and at a station agent booth. This technology allows people with T-coil hearing aids to hear announcements much more clearly. An additional test was done at 19th St. station to determine if it worked on a multi-level station. This was an outgrowth of BATF members' requesting hearing loops at the new stations at the station agent booth. As a result of the overwhelming positive response, BART plans to go out to bid in January 2016 to install the equipment later that year at the Fremont station. Assuming it works as well as expected, staff intends to roll it out throughout the system provided funding availability.

5. Station Tours

During the past several months, BATF members have toured with staff the downtown San Francisco stations, Downtown Berkeley and Balboa Park. Many have also participated in outreach events at other stations (e.g. El Cerrito del Norte etc.) The purpose has been for members to understand the planned upgrades and provide input to the proposals along with other desired upgrade features.

- 6. Joint BATF/BBATF (BART Bicycle Advisory Task Force) Joint Meeting**
In July both task forces met and learned that both share very similar goals for station access. A joint letter was developed and presented to the Board on November 19, 2015.

Summary: 2015 has been another solid year of accomplishments in working closely with staff to make BART more accessible. We believe 2016 will be at least as productive.

Prepared by: Alan B. Smith, Chair; Clarence Fischer, Vice Chair

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: January 4, 2016

FROM: Jeana Zelan Peterson, Attorney
Office of the General Counsel

SUBJECT: Amendment to Money Purchase Pension Plan

Attached please find a resolution to amend the District's Money Purchase Pension Plan to provide for additional contributions on behalf of the General Manager in accordance with the Board's direction at its December 10, 2015 meeting.



Jeana Zelan Peterson

cc: Board Appointed Officers (w/attachments)
Deputy General Manager (w/attachments)
AGM, Employee Relations (w/attachments)

Motion: Adoption of the attached resolution "In the Matter of An Amendment to the Money Purchase Pension Plan."

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

In the Matter of An
Amendment to the Money
Purchase Pension Plan

Resolution No. _____

WHEREAS, at its December 10, 2015 meeting, the Board expressed its wish to provide additional contributions to the Money Purchase Pension Plan on behalf of the General Manager equal to \$36,000 per year for five years, provided the General Manager makes the maximum deferral contributions to the District's Deferred Compensation Plan under Internal Revenue Code Sections 457(e)(15) and (18); and

WHEREAS, California Government Code Section 7507 requires that adoption of a retirement benefit change occur no less than two weeks after the actuarial impact upon future annual costs is made public at a public meeting; and

WHEREAS, at the December 10, 2015 meeting it was publicly disclosed that the actuarial impact upon future annual costs to the District of this change will not exceed \$36,000 in 2016 and for four years thereafter; and

NOW, THEREFORE, BE IT RESOLVED that the Board approves the attached Amendment No. 12 to the February 1, 2013 Restatement of the Money Purchase Pension Plan which replaces Subsection (d) to current Section 3.01 and authorizes the Board President to sign the amendment on behalf of the Board; and

BE IT FURTHER RESOLVED that the Board reserves the right to modify this annual contribution to the Money Purchase Pension Plan in the future.

Adopted: _____

**AMENDMENT NO. TWELVE TO THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MONEY PURCHASE PENSION PLAN
(As restated effective February 1, 2013)**

The San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (as restated effective February 1, 2013) (the "Plan") is hereby amended as follows:

Effective January 1, 2016 Section 3.01 of the Plan, "Determination of Contribution," is hereby amended to state in its entirety as follows:

Section 3.01 Determination of Contribution. With respect to each Plan Year the Employer shall pay to the Trustee as its contribution to the Plan an amount equal to the sum of the following:

- (a) 6.65% of the Compensation of each Participant for such Plan Year, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:
 - (i) Compensation on or after January 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Managers Association;
 - (ii) Compensation on or after July 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Officers Association; and
- (b) 1.627% of Payroll, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:
 - (i) \$37 per month on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021 and who participate in a District medical plan;
 - (ii) \$37 per month on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993 and who participate in a District medical plan;
 - (iii) An additional .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021;

- (iv) An additional .0888% of Payroll on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993;
 - (v) Payroll of Participants who are members of the BART Police Officers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (vi) Payroll of Participants who are either the BART Chief of Police or are represented by the BART Police Managers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (vii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are members of the BART Police Managers Association, other than sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (viii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are represented by the BART Police Officers Association other than sworn police officers with full peace officer powers pursuant to the California Penal Code;
 - (ix) .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for non-represented Participants; and
- (c) From October 1, 2001, until the Employer's account within CalPERS ceases to be "superfunded," as determined by CalPERS, 3.5% of the Reportable Compensation of non-represented Participants (other than the Chief of Police as of April 25, 2002) and of Participants who are members of the Amalgamated Transit Union, Local No. 1555, the Service Employees International Union, Local No. 790, the American Federation of State, County and Municipal Employees, Local No. 3993, the BART Police Officers' Association, or the BART Police Managers' Association, provided such members of the BART Police Officers Association and BART Police Managers' Association are also local miscellaneous members of CalPERS, provided further, however, that in determining this portion of the contribution Reportable Compensation on or after July 1, 2003 and before July 1, 2004 of the following Participants shall not be taken into account: the General Manager, the Controller-Treasurer, the General Counsel, the District Secretary, the Deputy General Manager, the Executive Assistant to the General Manager, the Assistant General Managers of Administration and Operations, the Executive Managers of External Affairs, Planning & Budget, Transit System Compliance and Transit System Development, the Managing Director, Capitol Corridor, and members of the Service Employees International Union, Local 790, whose classifications are in the Clerical Subunit, but are not in the Professional Chapter; and

- (d) On behalf of the General Manager, for the five-year period beginning January 1, 2016 and ending December 31, 2020 (the "Payment Period"), an additional amount equal to \$36,000 per year. The Employer contribution described in this subsection (d) shall be contributed to the General Manager's Plan Account ratably for each payroll period occurring during the Payment Period. Furthermore, such contribution is conditioned on the General Manager electing to defer to the San Francisco Bay Area Rapid Transit District's Deferred Compensation Plan, for each Plan Year, the maximum annual applicable dollar amount described in Internal Revenue Code Sections 457(e)(15) and (18) (the "Maximum Deferral Amount"). In the event the General Manager does not, for any Plan Year, defer to the Deferred Compensation Plan the Maximum Deferral Amount, then any Employer contribution described in this subsection (d), for such Plan Year, shall be forfeited from the General Manager's Plan Account.
- (e) On behalf of the General Counsel, additional contributions equal to 2.7214 percent of Payroll, on or after July 1, 2016.

The contributions shall be paid in cash and allocated as described in Article IV of the Plan. The Trustee shall not be responsible for the collection of any contributions to the Trust Fund.

IN WITNESS WHEREOF, this Amendment No. Eleven to the Plan has been executed on this _____ day of January, 2016.

SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

By: _____
Its: Board President