

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

BOARD MEETING AGENDA

April 12, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 12, 2018, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

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

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

Patricia K. Williams
Interim District Secretary

Please note:
Although the address of the Board Room has changed, it is still in the same location.

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 Meeting of March 22, 2018.* Board requested to authorize.
- B. Resolution Consolidating 2018 District Elections.* Board requested to adopt.
- C. OIR Recommendations for Improvement to the BART Police Oversight Structure.* Board requested to ratify.
- D. Appointment of BART Police Citizen Review Board Member.* Board requested to ratify.
- E. Award of Invitation for Bid No. 9043, Train Control Cables.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Extension of Time for Agreement No. 6M2066, Insurance Brokerage Services.* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Award of Invitation for Bid No. 9044, 35kV Cables for Traction Power.* Board requested to authorize.
- B. Valley Transportation Authority/Bay Area Rapid Transit Silicon Valley Phase II Extension Project: Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report.* For information.

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

Director Blalock, Chairperson

- A. State Legislation for Consideration.* Board requested to authorize.
- B. City of Livermore: Isabel Neighborhood Plan Update.* For information.

7. GENERAL MANAGER'S REPORT

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

8. CONTROLLER/TREASURER'S REPORT

- A. (CONTINUED from March 22, 2018, Board Meeting)
Quarterly Report of the Controller/Treasurer for the Period Ending December 31, 2017.* For information.

9. BOARD MATTERS

- A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer

- Employee Organizations:
- (1) Amalgamated Transit Union, Local 1555;
 - (2) American Federation of State, County and Municipal Employees, Local 3993;
 - (3) BART Police Officers Association;
 - (4) BART Police Managers Association;
 - (5) Service Employees International Union, Local 1021; and
 - (6) Service Employees International Union, Local 1021, BART Professional Chapter
 - (7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT

Title: District Secretary

Government Code Section: 54957(b)(1)

C. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Keller, Raburn, and Simon

Title: District Secretary

Government Code Section: 54957.6

12. 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 1,810th Meeting
March 22, 2018

A regular meeting of the Board of Directors was held March 22, 2018, convening at 9:01 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Josefowitz, Keller, Saltzman, Simon, and Raburn.

Absent: Director McPartland. Director Dufty entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 8, 2018.
2. Side Letters of Agreement.
 - a. American Federation of State, County, and Municipal Employees (eBART), Local 3993, SL 17-01, Clarification of Special Pay Provisions
 - b. American Federation of State, County, and Municipal Employees, Local 3993, SL 18-01, Contract Reorganization, Modification of Disciplinary Procedures, Clarification of Special Pay Provisions, and Special Provisions for Operations Supervisor Liaison
 - c. Amalgamated Transit Union, Local 1555, SL 17-02, Clarification of Special Pay Provisions
 - d. BART Police Managers' Association SL 1-17 Clarification of Special Pay Provisions
 - e. BART Police Officers' Association SL 2-17 Clarification of Special Pay Provisions
 - f. Service Employees International Union, Local 1021, SL 18-01 Clarification of Special Pay Provisions
 - g. Service Employees International Union (eBART), Local 1021, SL 18-01 Clarification of Special Pay Provisions
3. Resolution Authorizing Execution of the Additional Rail Cars Project Application for the Fiscal Year 2018 Low Carbon Transit Operations Program (LCTOP).

Director Saltzman requested that Item 2-A, Approval of Minutes of March 8, 2018, be removed and voted on separately. Director Allen requested that Item 2-B, Side Letters of Agreement, be removed and voted on separately.

Director Saltzman moved that the Board adopt Resolution No. 5367, In The Matter of Authorizing Execution of a Project Application and Filing Related Forms for the FY 2017-18 Low Carbon Transit Operations Program (LCTOP) for \$5,635,855 in Funding for the LCTOP

Additional Rail Car Project. President Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes - 0. Absent – 2: Directors Dufty and McPartland.

Director Saltzman moved approval of Item 2-A, Approval of the Minutes of March 8, 2018, with the correction to the Minutes of the Board of Directors taking a position to support Senate Bill 827 if amended by working with the authors to address the concerns of the Board related to tenant protections, affordability, labor provisions, incentives for developers, and prevailing wages. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 0. Absent – 2: Directors Dufty and McPartland.

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

Robert S. Allen
Clarence Fischer
Roland LeBrun

Director Dufty entered the meeting.

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

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Officer-Involved Shooting: Process and Update, before the Board. General Manager Grace Crunican and Deputy Chief Jeffrey Jennings presented the item. The item was discussed.

Afiyah Chambers addressed the Board.

Discussion continued.

President Raburn brought the matter of Item 2-B, Side Letters of Agreement before the Board. Mr. Michael Jones, Assistant General Manager, Administration; Mr. Martin Gran, Chief Labor Relations Officer; and Ms. Shana Dines, Assistant Chief Labor Relations Officer, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute Side Letters of Agreement:

- a. American Federation of State, County, and Municipal Employees (eBART), Local 3993, SL 17-01, Clarification of Special Pay Provisions
- b. American Federation of State, County, and Municipal Employees, Local 3993, SL 18-01, Contract Reorganization, Modification of Disciplinary Procedures, Clarification of Special Pay Provisions, and Special Provisions for Operations Supervisor Liaison
- c. Amalgamated Transit Union, Local 1555, SL 17-02, Clarification of Special Pay Provisions
- d. BART Police Managers' Association SL 1-17 Clarification of Special Pay Provisions
- e. BART Police Officers' Association SL 2-17 Clarification of Special Pay Provisions
- f. Service Employees International Union, Local 1021, SL 18-01 Clarification of Special Pay Provisions
- g. Service Employees International Union (eBART), Local 1021, SL 18-01 Clarification of Special Pay Provisions

Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

Director Allen, Chairperson of the Administration Committee, brought the matter Financial Outlook for Fiscal Year 2019 before the Board. Ms. Pamela Herhold, Acting Assistant General Manager, Administration and Budgets; Mr. Dennis Markham, Department Manager, Operating Budgets; and Mr. Michael Eiseman, Manager of Financial Planning, presented the item. The item was discussed.

Director Simon, brought the matter of Award of Invitation for Bid No. 9041, C55 Interlocking, before the Board. President Raburn moved that the General Manager be authorized to award Invitation for Bid No. 9041, for the procurement of turnouts, to Voelstalpine Nortrak, Inc., Seattle, Washington for the bid price of \$2,125,806.94, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

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

Director Simon brought the matter of Santa Clara County BART Extension: Update on Phase I and Phase II, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Robert Mitroff, Chief Transit System Development Officer; and Ms. Leyla Hedayat, Planning and Program Manager of the Santa Clara Valley Transportation Authority, presented the item. The item was discussed.

Roland LeBrun addressed the Board.

Director Simon brought the matter of Station Wayfinding Signage/Real-time Display Improvement Update before the Board. Mr. Oversier, and Mr. Tian Feng, District Architect, presented the item. The item was discussed.

Director Simon brought the matter of Service Plan for Transbay Tube Earthquake Safety Project before the Board. Mr. Oversier; Ms. Tamar Allen, Chief Maintenance and Engineering Officer; Ms. Rachel Russell, Senior Planner; and Mr. Thomas Tumola, Manager of Schedules and Services, presented the item.

Director Keller exited the meeting.

The item was discussed.

Karen Heisler addressed the Board

Discussion continued.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorization of Payment to Scoop Technologies for Federal Transit Administration Grant before the Board. Mr. Carl Holmes, Assistant General Manager of Planning and Development, and Ms. Jumana Nabti, Manager of Access Programs presented the item. The item was discussed. President Raburn moved that the General Manager be authorized to pay Scoop Technologies in an amount not to exceed \$153,000.00 for services rendered under the Integrated Carpool to Transit Project Agreement, and all funding is included in the budget for the Federal Transportation Administration Mobility on Demand Sandbox Grant. Director Allen seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon, and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Blalock brought the matters of Station Access Program Update and Bicycle Program Update before the Board. Mr. Tim Chan, Manager of Planning, and Mr. Steve Beroldo, Manager of Access Programs, presented the items. The items were discussed.

President Raburn announced that the Board would enter into closed session as listed on today's regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:08 p.m.

The Board Meeting reconvened in closed session at 1:18 p.m.

Directors present: Directors Allen, Blalock, Dufty, Saltzman, Simon and Raburn.

Absent: Directors Keller and McPartland. Director Josefowitz entered the Meeting later.

Director Josefowitz entered the Meeting.

Directors Saltzman and Simon exited the Meeting.

Director Blalock exited the Meeting.

The Meeting was adjourned at 3:02 p.m. for lack of quorum.

President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made.

Patricia K. Williams
Interim District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 April 2018</i> <i>Thant M. Paine</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/27/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Williams Dept: District Secretary <i>Patricia Williams</i> Signature/Date: <i>4-2-18</i>	General Counsel <i>[Signature]</i> <i>4/4/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>4/4/18</i> []	District Secretary <i>Patricia Williams</i> <i>4-2-18</i> []	BARC <i>[Signature]</i> <i>4/4/18</i> []

Consolidation of 2018 District Elections

PURPOSE: To receive Board approval of a resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of the District election of members of the Board of Directors with the State of California general election to be held on November 6, 2018. The election districts are 2, 4, 6, and 8.

DISCUSSION: In order to conform to the California State Elections Code, the District must request the Boards of Supervisors of the Counties of Alameda, Contra Costa and San Francisco to consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election. The attached resolution has been drafted to accomplish this.

FISCAL IMPACT: Funding in the amount of \$1,500,000 will be allocated in the Fiscal Year 2019 Operating Budget to cover both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements. Some of the costs for the candidates' statements will be reimbursed to the District. The Fiscal Year 2019 Operating Budget allocation covers both Election Consolidation and Candidates' Statements of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997, (attached) establishes rules governing candidates' Statements of Qualifications for District elections.

ALTERNATIVES: None.

RECOMMENDATION: That the Board of Directors adopt the attached resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the

City and County of San Francisco to provide for the consolidation of the District election with the State of California general election, to be held on November 6, 2018.

MOTION: Adoption of the attached resolution.

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

Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit District
requesting the Boards of Supervisors of Alameda
County, Contra Costa County, and the City and
County of San Francisco to provide for the
consolidation of a District election, electing
members of the Board of Directors,
with the State of California general election, to
be held on November 6, 2018 /

Resolution No.

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date”; and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the Board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law”; and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected”; and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county election official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county election official. After the official canvass has been taken, the county election official shall report the returns, by election district number, to the board”; and

WHEREAS, a State of California General Election will be held on Tuesday, November 6, 2018; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county election official of each affected County a certified copy of Resolution No. 5184 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 2, 4, 6, and 8 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties");

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said district elections with said general election to be held on Tuesday, November 6, 2018, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify to the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county election official of each of the counties.

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

Resolution of the Board of Directors of
the San Francisco Bay Area Rapid Transit
District Establishing the District Rules
Governing Candidates' Statement of
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.
2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 6, 2018

FROM: Independent Police Auditor

SUBJECT: BART Citizen Oversight Model Evaluation

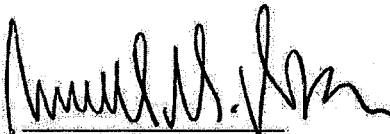
Pursuant to Chapter 3-01 of the BART Citizen Oversight Model (Model), the Board of Directors (Board), with input from the BART Police Citizen Review Board (BPCRB), Independent Police Auditor (IPA), BART Police Associations (BPOA and BPMA), complainants, and the public will evaluate the BART Police citizen oversight structure after the first year of implementation to determine whether the need exists to make changes and/or otherwise make adjustments to the system to improve its continued performance. Chapter 3-01 further provides that this evaluation shall in no way be intended to eliminate the BART Police citizen oversight structure.

In order to facilitate the review and evaluation required by the Model, and after significant research and extensive discussion, the Office of the Independent Police Auditor (OIPA) engaged the OIR Group to evaluate the system and generate a report for your consideration. The evaluation commenced in January 2017 and a final report was generated and submitted in June 2017 (with an Addendum in July 2017) including a total of 54 recommendations for improvement. The report was distributed and discussed at a July 18, 2017 Operations, Safety and Workforce Standing Committee meeting and again at Board meetings on August 10, 2017 and February 22, 2018. On March 8, 2018, the Board voted to approve and implement 39 of the recommendations.

With regard to the remaining 15 recommendations, BPD Chief Rojas has indicated that he is supportive of moving forward with 11, but has stated that he cannot endorse implementation of 4 at this time. OIPA recognizes that some degree of further research, analysis, and discussion may be necessary with regard to those 4 items (numbered 1, 3, 12, and 22), and that it may be prudent to postpone implementation for the time being. Accordingly, attached to this memorandum is a Motion which, if adopted by the Board, will ratify adoption of the 11 numbered recommendations listed in the Motion.

Both OIPA and Chief Rojas are prepared to respond to your detailed inquiries regarding any of the remaining 15 recommendations.

If you have any questions, please feel free to contact me at (510) 874-7477.



Russell G. Bloom

cc: Board Appointed Officers

**RATIFICATION OF 11 RECOMMENDATIONS FOR IMPROVEMENT TO THE BART
POLICE OVERSIGHT STRUCTURE**

MOTION:

That the Board of Directors ratifies the acceptance, adoption, and implementation as practical by the BART Office of the Independent Police Auditor of the 11 recommendations listed below that were submitted by the OIR Group in its Independent Review of the BART Police Oversight Structure dated June 2017 with an Addendum dated July 2017.

OIR Group Evaluation Report Recommendations:

4, 14, 15, 16, 21, 25, 27, 31, 32, 38, 39.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: April 6, 2018

FROM: Independent Police Auditor

SUBJECT: Appointment of BART Police Citizen Review Board Member

In accordance with Chapter 2-06 of the BART Citizen Oversight Model, vacancies on the BART Police Citizen Review Board shall be filled for the unexpired portion of the term, subject to ratification by the Board of Directors. At present, a vacancy exists in the seat representing BART District 2, which has a term that expires on June 30, 2019. BART District 2 Director Joel Keller has selected a candidate to fill the vacancy for the unexpired portion of the term.

Attached to this memorandum is a motion which, if adopted by the Board of Directors, will ratify Director Keller's appointment.

Please contact me at (510) 874-7477 or oipa@bart.gov at your convenience if you have any questions about this matter.

Thank you,



Russell G. Bloom

Attachment

cc: Board Appointed Officers
Deputy General Manager

RATIFICATION OF BART POLICE CITIZEN REVIEW BOARD DISTRICT 2 APPOINTEE

MOTION:

That the Board of Directors ratifies the appointment of the following individual to the BART Police Citizen Review Board to fill the vacancy that exists in the seat representing BART District 2, with a term that expires on June 30, 2019:

Wade Harper – District 2

Wade Harper

Mr. Harper served as Mayor of the City of Antioch from 2012 to 2016 and was Antioch's first African American mayor. He was elected as vice mayor to the Antioch City Council and served from 2010 to 2012. Prior to this he was an appointed Antioch School Board Trustee serving from 2009 to 2010. Mr. Harper served a total of 24 years in Law Enforcement for the cities of Emeryville and Tracy.

Mr. Harper has spearheaded the city of Antioch's Dr. Martin Luther King Jr. Celebration and Scholarship Program for 6 years. He was also president of the Antioch Community Foundation providing grants to non-profit organizations that support our youth.

He is a minister and former pastor. He holds a Bachelor of Arts Degree in Pastoral Studies from Patten University and was awarded Student of the Year. He also earned his Master of Business Administration in Leadership from John F. Kennedy University and was honored as Alumni of the Year in the School of Management.

As a retired annuitant he worked as a teacher at Antioch High School teaching the subjects of Law Enforcement Careers, and Leadership in the LAPS (Leadership and Public Services) Academy.

In his free time Mr. Harper enjoys spending time with his family, maintaining his fitness and he just published his first book, "Anointed for Leadership: Lessons from Law Enforcement, Politics and Pastoral Ministry."



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Roman</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 2/26/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Heather Fergus Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 4/3/18	General Counsel <i>[Signature]</i> 4/3/18 []	Controller/Treasurer <i>[Signature]</i> 4/3/18 []	District Secretary []	BARC <i>[Signature]</i> 4/7/18 []
Status: Approved		Date Created: 2/26/2018		

Invitation for BID No. 9043 For the Procurement of Switch & Lock Movement Power Control Cables & Train Control MUX Cables

PURPOSE: To authorize the General Manager to award BID 9043 for the Procurement of Switch & Lock Movement Power Control Cables & Train Control MUX Cables.

DISCUSSION:

Cables that provide power, controls and indications to and from Switch Machines and Wayside MUX boxes connect the Train Control Rooms to Wayside equipment. The current cables have been in service for more than 50 years, have reached the end-of-life and are no longer sustainable in a State of Good Repair. This Bid is for services to design, manufacture, and furnish up to 25,000 linear feet of Switch and Lock Movement Power Cables; 20,000 linear ft. of Switch and Lock Movement Control Cables and 20,000 linear ft. of Train Control MUX Cables. The work shall include the manufacturing, assembly, acceptance testing, and delivery of the cables. Installation is not included in this procurement contract.

The District originally advertised Invitation for Bid 9031, for the same services on June 9, 2017, but received no bids.

Calls to potential bidders indicated that the technical specifications were unclear and some vendors were unaware of the advertisement.

The District revised the specifications and re-advertised this Invitation for Bid 9043 on January 24, 2018.

Advance Notices were sent to eight (8) prospective bidders.

The District received a single bid from All Industrial Electric Supply. In accordance with the detailed evaluation procedures developed for this procurement, All Industrial Electric Supply's Technical BID was reviewed and evaluated for the Bid's technical qualifications. The staff deems the Bid responsive, meeting the minimum technical requirements.

Follow-up calls were made to potential bidders asking why they did not bid. Of five (5) plan holders contacted, four (4) responded. In addition to Industrial Electric Supply, one (1) firm, RSCC, prepared a bid but unfortunately mailed it to the wrong address and, therefore, it was not received by BART in a timely fashion. No additional information was received as to why others did not bid.

The sealed Price BID was publicly opened on February 13, 2018. All Industrial Electric Supply's Bid Price of \$226,440.00 was 26% below the Engineer's Estimate of \$304,013.00.

Bidder	Total Bid Price
All Industrial Electric Supply	\$226,440.00
Engineer's Estimate	\$304,013.00

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender-neutral efforts for Invitations for Bid (IFB). Therefore, no DBE goal was set for this IFB.

FISCAL IMPACT:

Funding of \$248,518 (\$226,440 including 9.75% sales tax) for award of IFB 9043 is funded by the projects below. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following sections depict funding assigned to the referenced projects and they are included in the 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.

20CE00 – Switch Machine Replacement: Mainline \$107,024

As of 03/13/2018, \$39,274,577 is the total budget for this project. BART has expended \$35,944,010, committed \$1,552,501, and reserved \$134,000 to date. This action will commit \$107,024, leaving an available fund balance of \$1,537,041 for this project. Below is the funding for project 20CE000:

Fund Group	Amount
Various FTA Grant Sources	\$ 24,019,315
State Prop 1B & Local Area Bridge Toll	\$ 10,968,864
BART Operating Allocation to Capital	\$ 4,286,397
TOTAL	\$ 39,274,577

20CE001 – Switch Machine Replacement: Yards \$23,688

As of 03/13/2018, \$8,692,904 is the total budget for this project. BART has expended \$3,956,304, and committed \$3,579,493 to date. This action will commit \$23,688, leaving an available fund balance of \$1,133,418 for this project. Below is the funding for project 20CE001:

Fund Group	Amount
Various FTA Grant Sources	\$ 4,113,566
State Prop 1B	\$ 1,350,000
BART Operating Allocation to Capital	\$ 3,229,337
TOTAL	\$ 8,692,903

20LN002 – MUX Cable Replacement Cable \$117,806

As of 3/13/18, \$1,309,749 is the total budget for this project. BART has expended \$276 and reserved \$142,600 to date. This action will commit \$117,806, leaving an available fund balance of \$1,049,067 for this project. Below is the funding for project 20LN002:

Fund Source	Amount
F/G 3602 - FY13 Capital Improvements CA-54-0007-00	\$109,025
F/G 3605 - FY15 Capital Improvements CA-54-0041-00	\$938,775
F/G 8529 - FY15 Bart Operating to Capital	\$234,693
F/G 851M - West Dublin/Pleasant Hill Land Sale	\$ 27,256
TOTAL	\$1,309,749

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

ALTERNATIVES:

1. Continue to operate on existing cables which are past end-of-life and are subject to failures. This could have a negative impact to revenue service.
2. Re-bid the Contract. This will delay the work by at least one year while the reliability of our existing cables continues to deteriorate.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The General Manager is authorized to award BID 9043 for the Procurement of Switch & Lock Movement Power Control Cables & Train Control MUX Cables to All Industrial Electric Supply for the not to exceed price of \$226,440.00 plus applicable taxes, pursuant to notification to be issued by the General Manager subject to compliance with the District's Protest Procedures and the FTA requirements related to Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/16/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Terri Hodges Dept: Risk & Insurance Management <i>Michael Snodgrass</i> <i>Terri Hodges</i> Signature/Date: 4/5/18	General Counsel <i>[Signature]</i> 4/5/18 []	Controller/Treasurer <i>[Signature]</i> 4/5/18 []	District Secretary []	BARC <i>[Signature]</i> 4/5/18 []

EXTENSION OF TIME OF PERFORMANCE FOR AGREEMENT 6M2066 INSURANCE BROKERAGE SERVICES

PURPOSE: To obtain Board authorization for the Controller/Treasurer to extend the time of performance under agreement 6M2066 with AON Risk Services Inc, for an additional 4 months to August 31, 2018. An RFP for these services will be issued for contracting of these services.

DISCUSSION: This contract provides Insurance broking services for the various District insurance programs. This includes the casualty, property, workers compensation and other District insurances.

The current agreement is for the period of July 10, 2017 through April 30, 2018. The extension of time will allow for continued services through August 31, 2018.

The extension of these services is necessary as we prepare to place our insurance for the upcoming insurance renewal period. The RFP is being composed and should be completed shortly.

FISCAL IMPACT: Funding for this contract extension in the amount of \$38,750 covering services to be rendered through June 30, 2018 is included in the operating budget of the Insurance Department cost center number 0304331, Account 681300 Professional and Technical services. Funding for services to be rendered in the FY19 is included in the operating budget of the Insurance Department for that year, subject to approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES: The alternative is to allow the agreement to expire.

RECOMMENDATION: Adopt the following motion:

MOTION: The Controller/Treasurer is authorized to extend the time of performance under agreement 6M2066 with AON Risk Services, Inc. for an additional 4 months to August 31, 2018 with additional funds not to exceed \$38,750.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Penn</i> 4 April 2018		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 3/23/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gordon Wong Dept: Maintenance and Engineering <i>Gordon Wong</i> Signature/Date: 3/29/2018	General Counsel <i>[Signature]</i> 3/29/18 []	Controller/Treasurer <i>[Signature]</i> 3/29/18 []	District Secretary []	BARC <i>[Signature]</i> 4/2/18

IFB No. 9044 Purchase of 35kV Cable, 1/C to The Okonite Company

PURPOSE:

To request Board Authorization to Award Invitation for Bid No. 9044 for the purchase of 35KV CABLE, 1/C to THE OKONITE COMPANY, San Ramon, CA.

DISCUSSION:

The cables installed between 34.5kV Traction Power substations in Alameda, Contra Costa and San Francisco Counties were originally installed over 40 years ago, and they urgently need to be replaced due to aging and heavy use. The Traction Power Engineering Department has developed a replacement design for installation. This Invitation for Bid (IFB) is for the purchase of 600,000 linear feet of 35KV 350kcmil cable to facilitate Traction Power Cable replacement projects. This procurement supports the District's goal of achieving a "State of Good Repair" and will enable reliable revenue service.

This is a FIVE (5) 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 a minimum amount of 50% of the contract bid price of \$7,624,771.50 (includes all taxes). Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price (\$11,437,157.20) subject to availability of funding.

Under the terms of this IFB, the price is based on current COMEX pricing of \$3.00 per pound of copper. However, once a Purchase Order is issued the COMEX price may differ due to market conditions. The District will purchase cable based on the formulae provided in the IFB package that provides for daily copper index market pricing. Any change in market pricing will change the IFB total cost, but in no event will the total purchase amount BART disburses be higher than the 150% of the Bid price.

A notice requesting bids was published on January 22, 2018, and at the same time the solicitation was posted on the BART Vendor Portal. Correspondence was sent to FIVE (5) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on February 13, 2018 and three (3) bids were received.

<u>Bidder</u>	<u>Lot Price</u>	<u>Grand Total including</u>
	600,000 feet	<u>9.75% Sales Tax</u>
	(Quantity)	
The Okonite Company San Ramon, CA	\$6,947,400.40	\$7,624,771.50
Draka Cableteq No. Dighton, MA	\$7,164,000.00	\$7,862,490.00
Live Wire Electrical Supply	\$8,179,200.00	\$8,976,672.00
Independent cost estimate by BART staff: <u>\$12,000,000.00</u>		

Staff has determined that the apparent low Bidder, The Okonite Company

(Okonite), submitted a responsive Bid. Staff has also determined that Okonite's Bid price is fair and reasonable based on District Staff's estimate. BART's previous experience is a purchase of 108,000 linear feet of 35KV 350kcmil cable.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Local Small Business Prime Preference for this Invitation for Bid for Local Small Businesses certified by the California Department of General Services located in Alameda, Contra Costa, or San Francisco County. None of the Bidders referenced above were certified Local Small Businesses, so no Bidder was eligible for the 5% Local Small Business Prime Preference.

FISCAL IMPACT:

Funding in the amount of \$7,624,771.50 (including all applicable sales taxes) for award of IFB#9044 is included in the total project budget for FMS#15EJRR1 - 34.5 KV AC Cable Replacement. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Fund #	Fund Description	Funded Amount
802A	2017A Measure RR GOB	\$409,364,368

As of March 23, 2018, \$409,364,368 is the total budget for this project. BART has expended \$9,155,013 and committed \$6,923,832 to date. This action will commit \$7,624,772, leaving an available fund balance of \$385,660,752 in this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The alternative is to reject the Bids and re-advertise the Contract. Staff does not believe that this will result in lower prices or increased competition. In addition, if certain cable sections are not replaced soon, there is a higher likelihood of cable failures resulting in delays or loss of revenue service.

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 motion.

MOTION:

The General Manager is authorized to award IFB No. 9044 for 35KV CABLE, 1/C to The Okonite Company in the amount of \$7,624,771.50 (including all applicable sales taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 6, 2018

FROM: Grace Crunican

SUBJECT: Santa Clara Valley Transportation Authority's (VTA) BART Silicon Valley Phase II Extension Project Environmental Impact Review Update

On April 5th, the Santa Clara Valley Transportation Authority (VTA) Board took the following steps on Phase II of VTA's BART Silicon Valley Extension Project:

1. Certified the Phase II Subsequent Environmental Impact Report (SEIR)
2. Adopted Findings, Facts in Support of Findings and Statement of Overriding Considerations.
3. Adopted a Mitigation Monitoring and Reporting Program
4. Adopted Recommended Project Description and approved the Phase II Project.

As a Responsible Agency under CEQA, the operating agency of the proposed project, and under the terms of the Comprehensive Agreement between the two agencies, the BART Board will also consider taking actions to advance the project.

BART staff will bring an information item to the BART Board on April 12th. At the April 26th BART Board meeting, staff will be recommending that the Board accept the Phase II SEIR, adopt the Findings, and approve the Project.

If you have any questions please contact Bob Powers, Deputy General Manager, at (510) 464-6126.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 6, 2018

FROM: General Manager

SUBJECT: State Legislation for Consideration

At the Board of Directors meeting on April 12, staff will present state legislation for your consideration.

Attached are a bill analysis and bill language for the state legislation.


OPPOSE POSITION

AB 3034 (Low)

Public transit employer-employee relations:
San Francisco Bay Area Rapid Transit District

Following the staff presentation, a request will be made of the Board to consider passing the draft motion shown below.

If you have any questions, please contact Rodd Lee, Department Manager, Government and Community Relations at 510-464-6235.


Grace Crunican

Attachments

cc: Deputy General Manager
Board Appointed Officers
Executive Staff

DRAFT MOTION:

That the Board of Directors opposes AB 3034.



AB 3034 (Low) Analysis and Recommendation

TITLE: AB 3034 – Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District

AUTHOR: Low (D-Cupertino)

SPONSOR: American Federation of State, County and Municipal Employees (AFSCME)

BACKGROUND:

In 1968, the Meyers-Milias-Brown Act (MMBA) was enacted to govern labor-management relationships within California local government entities. The MMBA establishes mandatory rights and duties by which local agencies must abide. It also empowers the California Public Employment Relations Board (PERB) to enforce local rules. The rights and duties established by the act have created a mandatory collective negotiations system for California local government. However, most California transit districts, including BART, are not currently subject to the MMBA but rather are subject to labor provisions contained in the statutes that created each district.

In 1973, the California Department of Industrial Relations established the representation of BART employees and adopted the findings of Arbitrator Sam Kagel that determined which employee classifications fall into which bargaining units, as well as determining which employees would not be represented by unions. BART has followed the Kagel/DIR decision since the adoption of the findings in 1973 with respect to the classification of its employees. The BART Act (California Public Utility Code Section 28500 et seq.) governs employer employee relations generally and provides the obligations to bargain in good faith.

PURPOSE:

AB 3034 seeks to change BART's current employer-employee relations for employees within supervisory units; including without limitation, supervisory, professional, and technical employees. The bill would require BART employer-employee relations with those employees be governed under the provisions of the MMBA. Supervisory employees are, at BART and under the Kagel decision, represented by AFSCME. Under this proposed legislation, labor relations with AFSCME would be governed by MMBA and subject to the exclusive jurisdiction of, and administered by, the PERB.

BART IMPACT:

AB 3034 would have a negative impact on the BART District by potentially delaying the implementation of essential projects and services needed to support operations and maintenance, including BART Board initiatives. Also, significant annual costs may be incurred because of a third party adjudication process. A process that may result in the loss of local control by the BART Board.

Under the BART Act, the parties are required to bargain in good faith on issues subject to bargaining; such as wages and working conditions. Should the BART District reach and declare an impasse, the District can impose its last, best, and final offer then move forward while continuing to discuss the concerns of the union. Under the MMBA, the union within 30 days from the impasse declaration, could request an MMBA fact-finding process, circumventing the bargaining process with the BART Board.

The fact-finding process could take 90 days or more. Each party would need to share in the administrative costs and there is no guarantee of a resolution because it is an advisory process. During the fact-finding process, the BART Board would have no authority to direct staff to implement new projects or services. This impediment could adversely impact train control, safety initiatives and service improvements.

For more than 40 years, BART's employer-employee relations have been governed by the BART Act. However, for one bargaining unit of approximately 275 employees, AB 3034 would require the BART District to operate under the MMBA for mid-contract disputes and potentially both the BART Act and the MMBA during contract negotiations.

Under the MMBA, the BART District would be subject to a different set of rules and case law which would require additional labor relations and legal resources to adequately address the additional processes. The estimated, annual cost for additional resources is up to \$800,000.

AB 3034 could significantly reduce the District's flexibility in implementing essential projects and services, jeopardize meeting Measure RR bond spending obligations, and limit the imposition of additional regulatory requirements.

KNOWN SUPPORT/OPPOSITION:

Support: American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, AFSCME District Council 57, AFSCME Local 3993

Opposition: Unknown at this time.

STATUS:

Bill hearing scheduled in the Assembly Committee on Public Employees Retirement and Social Security on April 18.

RECOMMENDATION:

Support

Neutral

Oppose

Analysis completed on 4/5/18.

AMENDED IN ASSEMBLY MARCH 23, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 3034

Introduced by Assembly Member Low

February 16, 2018

~~An act to amend Section 4000 of the Government Code, relating to public contracts.~~ *An act to add Section 28856 to the Public Utilities Code, relating to public transit.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3034, as amended, Low. ~~Public contracts.~~ *Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District.*

(1) Existing law contains provisions relating to employer-employee relations between the state and its employees, public schools and their employees, local public agencies and their employees, and postsecondary educational institutions and their employees. The Meyers-Milias-Brown Act, in this regard, generally governs employer-employee relations between local public agencies and their employees. Existing laws provide these public employees with the right to form, join, and participate in the activities of employee organizations for the purpose of representation on all matters of employer-employee relations. The selected employee organization has the right to represent its members on all matters of employer-employee relations, including disputes.

Existing law also prescribes the powers and duties of public transit districts, including administering employer-employee relations. The courts have held that the Meyers-Milias-Brown Act, pertaining to employer-employee relations between local public agencies and their

employees, does not apply to public transit districts that have a statutorily prescribed method of administering employer-employee relations that was in existence at the time the Meyers-Milias-Brown Act was enacted.

This bill would give employees within the supervisory units of the San Francisco Bay Area Rapid Transit District the right to form, join, and participate in the activities of employee organizations of their own choosing for the purposes of representation on all employer-employee relations matters and would permit these employees to meet, confer, and enter into memoranda of understanding for these purposes pursuant to the Meyers-Milias-Brown Act. The bill would provide that the act governs these employer-employee relations and that they are subject to the exclusive jurisdiction of, and are to be administered by, the Public Employment Relations Board.

By increasing the duties of local public transit officials, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law requires specified records to be maintained with respect to public work and public purchases. Existing law makes those provisions inapplicable to maintenance work, work occasioned by emergency, and work costing less than \$15,000.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 28856 is added to the Public Utilities
- 2 Code, to read:
- 3 28856. (a) For employees within the supervisory units,
- 4 including, without limitation, supervisory, professional, and
- 5 technical employees, of the San Francisco Bay Area Rapid Transit
- 6 District covered under this chapter, employer-employee relations

1 shall be governed under the Meyers-Milias-Brown Act (Chapter
2 10 (commencing with Section 3500) of Division 4 of Title 1 of the
3 Government Code).

4 (b) Employer-employee relations governed under the
5 Meyers-Milias-Brown Act shall be subject to the exclusive
6 jurisdiction of, and shall be administered by, the Public
7 Employment Relations Board, established pursuant to Section
8 3541 of the Government Code.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.

14 SECTION 1. Section 4000 of the Government Code is amended
15 to read:

16 4000. This chapter does not apply to maintenance work, work
17 occasioned by emergency, and work that costs less than fifteen
18 thousand dollars (\$15,000).

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 6, 2018
FROM: General Manager
SUBJECT: City of Livermore: Isabel Neighborhood Plan Update – For Information

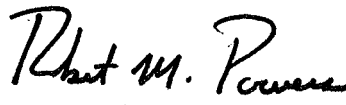
As discussed at the March 8, 2018 BART Board meeting, staff continues to advance the BART to Livermore Extension Project (LVX), with the objective of completing the California Environmental Quality Act (CEQA) process and consideration by the Board for action by the end of June. Consistent with the Board adopted System Expansion Policy, BART staff has been participating in a City of Livermore process to prepare a Ridership Development Plan for the proposed Isabel Station. Livermore has developed a draft Isabel Neighborhood Plan (Plan) for the Conventional BART Alternative. On February 26, 2018, BART submitted a comment letter on the draft Plan and the associated Draft EIR (attached). At the April 12 BART Board meeting, representatives of the City of Livermore will provide an overview of the draft Plan. Livermore is scheduled to consider adopting the Plan on May 14, 2018. The draft Plan and Draft EIR can be found at:

<http://www.cityoflivermore.net/civicax/filebank/documents/17081/> (draft Plan),
http://www.cityoflivermore.net/citygov/cdd/bart/inp_deir.htm (Draft EIR).

Including the Isabel Neighborhood Plan, the Board will have opportunities to discuss LVX-related matters at the following upcoming Board meetings:

1. April 12 (Information): City of Livermore Isabel Neighborhood Plan update
2. April 26 (Information): LVX project update, and summary of public outreach activities
3. May/June (Action): Board to consider certifying the LVX Environmental Impact Report (EIR) and action on LVX project.

Please contact Carl Holmes (510) 464-7592 if you have any questions.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2018

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6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Nicholas Josefowitz
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

February 26, 2016

Ashley McBride
Assistant Planner
City of Livermore, Planning Division
1052 S. Livermore Ave.
Livermore, CA 94550

RE: Isabel Neighborhood Plan and Draft Environmental Impact Report

Dear Ms. McBride:

On behalf of the San Francisco Bay Area Rapid Transit District (BART), we appreciate the opportunity to provide comments on the Isabel Neighborhood Plan (INP) Public Review Draft and the Draft Environmental Impact Report (DEIR). BART appreciates the City of Livermore's willingness to incorporate the BART Board-adopted policies and performance measures for Transit-Oriented Development (2016), Station Access (2016), and Affordable Housing (2016), as well as consideration of the Transit-Oriented Development (TOD) guidelines, and Multimodal Access Design Guidelines (MADG) for the development of the plan.

Considering the potential BART to Livermore extension and BART's position as a primary landowner in the core of the INP, the region has a strong interest in seeing the Isabel Neighborhood become a vibrant transit-oriented development around the BART Station with rich multimodal access options. The vision of the Isabel area as a dynamic new neighborhood of Livermore, offering jobs, housing, retail and community spaces and parks with extensive pedestrian/bike trails and placemaking features, is closely tied to BART's interests and policy goals.

BART looks forward to collaborating with the City to make the INP vision a reality. Thank you for your thoughtful review and consideration of the comments below. If you have any questions, please contact Tim Chan at (510) 287-4705 or at TChan1@bart.gov.

Regards,

Val Menotti
Chief Planning and Development Officer
San Francisco Bay Area Rapid Transit

Draft Isabel Neighborhood Comments

General comments

Parking. BART acknowledges the City's efforts to minimize parking and enhance other multimodal access opportunities. However, BART believes that the INP parking plans and policies can still be improved.

Despite the BART parking garage south of I-580 being sized appropriately for the projected 2040 ridership/parking demand based on the BART to Livermore Extension analysis, the INP plans for additional parking in the neighborhood commercial center. Parking options include a surface, rooftop or underground lot initially to service the retail center. The neighborhood commercial center will be designed to accommodate a future multi-level parking structure for shared commercial and BART parking if the City determines one is necessary in the future. As stated in the INP, any future commuter structure on this site adjacent to BART station area will need to be further analyzed depending on future demand.

BART appreciates the decision not to include a parking structure adjacent to the station entrance from the outset of the plan implementation since demand for parking may decrease in the future if other multimodal access options are successful and/or autonomous vehicle services become prevalent. A parking lot can more feasibly be redeveloped than a garage, if no longer needed for parking.

That said, BART is concerned that the location of the additional parking capacity (as a surface, rooftop or underground lot) in such close proximity to the BART station entrance at a key point of pedestrian and bicycle access to the station will diminish the placemaking features of the development and discourage active and shared-ride modes of transit access, as well as diminish the overall quality of the transit-oriented development. Research indicates that distance from the station, and the quality of the built environment, both influence the use of rail transit and the willingness of a patron to walk to a station, especially for commercial destinations (see attached). This raises another concern that additional parking at a central location could stand between BART and the Innovation Hub, discouraging workers from taking BART to work and encouraging them to drive to work, particularly if parking is free or minimally priced. This would reduce the likelihood that the Isabel Station will contribute to BART's access mode share targets from BART's 2016 *Station Access Policy Performance Measures and Targets*. If the City were to include additional parking, BART would recommend locating it further north, outside the core area but still providing a connection to the retail proposed on Main Street. If a structured garage were eventually deemed necessary, BART suggests that other nearby parking supplies might serve the purpose sufficiently. The Airway Business Park District supplies an abundance of parking just west of and partially within a half-mile radius of the proposed Isabel BART station.

In general, the neighborhood is still over-parked and is not entirely consistent with BART's TOD policy and guidelines which recommend against parking minimums and recommend lower parking maximums (1 space per unit for residential and 2.5 spaces/1,000 square feet for non-residential). All land uses should have parking maximums, and there is currently no maximum for the Business Park designation. Eliminating parking minimums and reducing parking maximums can help reduce the cost of housing, consume less valuable land near transit and reduce associated environmental costs, such as water pollution from increased impervious surfaces.

Station area land use and densities.

BART is pleased with the INP land use plan. The diversity of the residential and non-residential uses has great potential to achieve a vibrant TOD environment. Additionally, land uses are well distributed, minimizing exposure of future residents to Toxic Air Contaminants (TACs) by concentrating office uses along the north side of I-580, near the BART station, while most new residential uses would be located at least 500 feet away from I-580 to meet the Bay Area Quality Management District's (BAAQMDs) regulations.

BART acknowledges the City's efforts to plan for higher densities in the INP area and that the plan will meet the current Plan Bay Area Priority Development Area (PDA) goals and BART's TOD Performance Targets, if the plan is implemented as currently envisioned. However, where possible, it is important to have a more compact footprint within the $\frac{1}{4}$ - (most important) and $\frac{1}{2}$ -mile radius of the station to:

- 1) Generate the highest level of ridership commensurate with a regional transit investment;
- 2) Address our regional housing crisis; and
- 3) Achieve regional greenhouse gas reduction targets.

BART would like to see higher densities as suggested in the detailed comments below.

Pedestrian and bicycle infrastructure. BART acknowledges and supports the multiple pedestrian and bicycle features proposed in the INP, meeting many of BART's Multimodal Access Design Guidelines (MADG) recommendations, including: pedestrian-scale wayfinding, 6' minimum clear sidewalk for all the street types, extensive bike lanes and minimizing lane widths for several street types to enable safer, more inviting space for pedestrians and cyclists.

The plan emphasizes a connected bicycle and pedestrian network to access the BART station, which is consistent with BART's own 2016 Station Access Policy. However, the plan's approach focuses on potentially costly underpasses and overpasses. BART is concerned about ability to create high-quality walking and biking station access for BART riders from the neighborhood, given the high-level of investment needed for grade-separated pedestrian crossings. Nevertheless, these improvements are still less expensive than providing additional structured parking, and BART urges the City to prioritize bicycle and pedestrian infrastructure and conditions over additional parking and to make that priority clear in this plan.

Specifically, BART is concerned about the Isabel Avenue (Isabel Path) undercrossing. Due to increasing incidence of homelessness and drug use in the Bay Area, we are sensitive to potential personal safety and security issues often associated with pedestrian grade-separated crossings. Because of these concerns and higher comfort levels for users, BART recommends an at-grade crossing at this location. If the City does move forward with the Isabel Path however, a full funding plan will be critical, since it serves as the main pedestrian corridor to the station. Additionally, BART urges the City to consider the operating and maintenance costs associated with this type of infrastructure. If the space is not well-maintained and does not provide a high-level of safety and security, it could lead to detrimental effects on BART patron access and usage.

Detailed Isabel Neighborhood Plan comments

Chapter 2: Land Use

1. Figure 2-1: The transition and village uses east of the BART parking structure south of I-580 should be higher density -- this is the area shown as agricultural in the existing uses map, so it can be intensified, and is within the 1/4-mile radius of the station. Suggest all residential within 1/4-mile be designated "Core" and the remainder be designated "Village," except for the parcels backing up on Stetson Way. There doesn't need to be "Transition" up against the park/highway, and Sutter Street should provide enough buffer to densify higher than "Transition."
2. Table 2-2:
 - BART TOD Guidelines calls for a minimum net density 75 du/ac minimum for development on BART parcels (See Section 2.1). The BART parcels within a ¼ do meet the 75 du/ac. However, we recommend that all parcels within ¼ mile also aspire to this requirement.
 - We recommend increasing Village minimum stories to 3
 - We recommend increasing Center minimum stories to 4
 - We recommend increasing Core minimum stories to 4 and maximum to 7 stories
3. Figure 2-5: This figure shows narrow bike facilities and sidewalks, while parking is overabundant (assuming the curb here is meant for parking). Would suggest refining the rendering.
4. Page 2-38: Section 2-5 Airway Business Park Zoning District which is partially within the ½ mile buffer is concerning for the following reasons:
 - Auto-oriented uses (gas stations, auto dealerships, etc.) are allowed
 - Lot coverage is minimal (max 45%), creating a scale of community more amenable to driving than walking, biking, or riding transit
 - The zone is highly parked for any TOD, especially a TOD at least partially within 1/2 mile of the BART station

Chapter 3: Transportation

5. Page 3-7: For Bike Streets, bicycle wayfinding is important, especially since Isabel Ave bisects the area, making BART less visible in the core.
6. Figure 3-8 and Figure 3-9:
 - Elsewhere utility zone is called out as 4-6'. Assuming that is also the case here, the sidewalk is very narrow, especially given the overly generous travel lane width. These measurements would make for a less than ideal pedestrian environment.
 - Given more intense traffic on these streets, Class I bike lanes would be more appropriate.
7. Figure 3-10: Specify Bike Lane typology.
8. Figure 3-12
 - Recommend scaling back the number of undercrossings and pedestrian bridges in the planning area. In particular, BART recommends enhancing an at-grade crossing of the Isabel Path as an alternative to undercrossing C12.
 - Recommend ensure that underpass alignment C2 stays close to trail network so that there aren't any conflicts with the BART access road.
9. Page 3-14: In reference to text "While the Plan envisions the Isabel Path as an under-crossing running beneath Isabel Avenue," part of the sentence appears to be missing.

10. Figure 3-14: Add crosswalk on Portola Avenue east of Isabel Ave.
11. Table 3-3
 - See discussion in general comments and BART TOD Guidelines
12. Page 3-30: Under P-TRA-22, consider including pricing strategies.
13. Page 3-32: Under P-TRA-29, consider removing parking minimums.

Chapter 5: Urban Design

14. Figure 5-4
 - Assuming these retail spaces are quieter at certain parts of the day, this undercrossing could be daunting to pedestrians, particularly if the retail isn't busy at night.
 - Highly recommend a high-quality, at-grade crossing for pedestrians and bicyclists that facilitates access between the community and the BART station while also enhancing the livability of the neighborhood.
15. Figure 5-7:
 - The Figure indicates a parking garage north of the station directly across from the bus station on BART property within an area designated as office core. BART assumes this is an error since is not identified as part of the parking overlay in the land use maps. Please clarify.
 - Has office/retail delivery/garbage been considered? Driveways? How will deliveries/pick up happen in relation to on-street parking, bus needs, off street parking accesses, etc.
16. Figures 5-8 and 5-9
 - Please confirm clearance height of undercrossing as it appears very shallow which can enhance the perception of decreased personal safety and security.
17. Page 5-42: In reference to "Design Guidelines," In general, this section would benefit from a parking map/diagram or table to demonstration total parking.

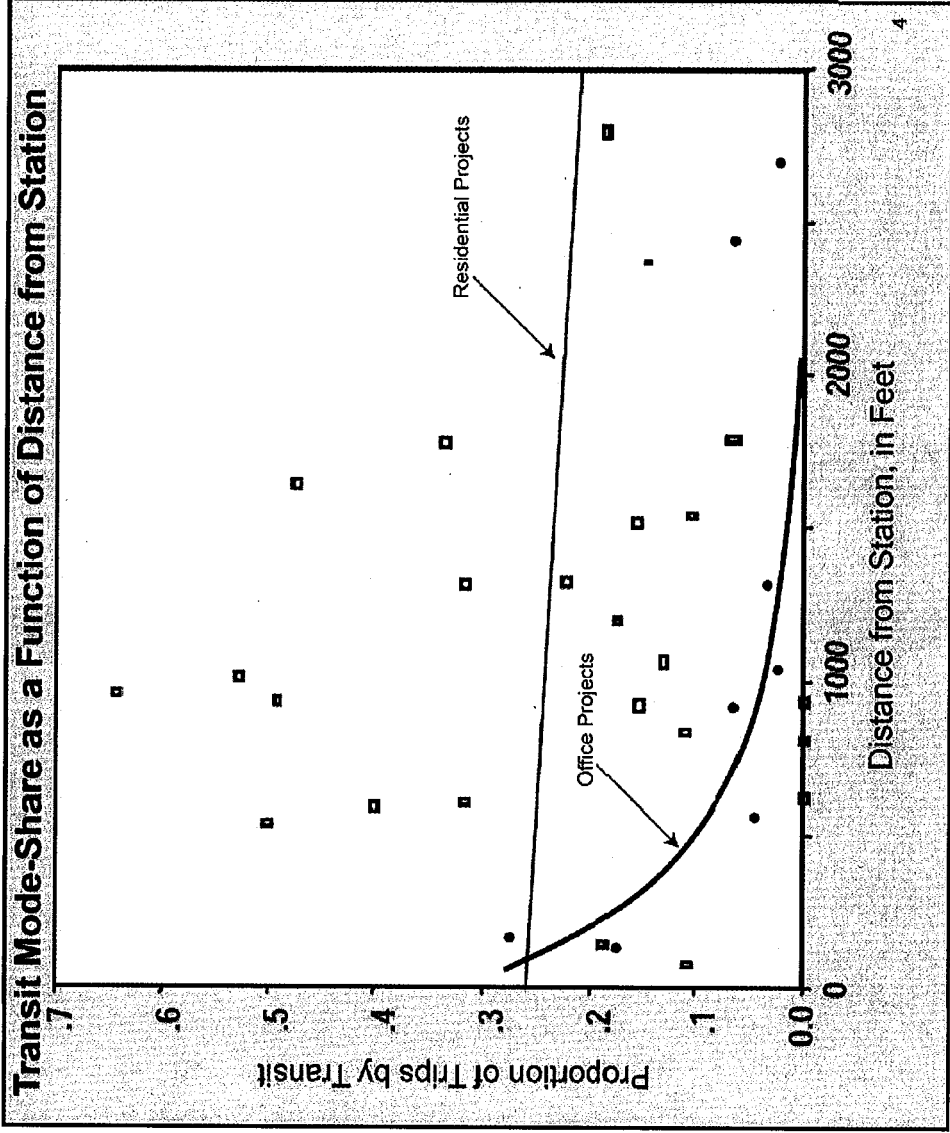
Draft Environmental Impact Report Comments

Chapter 4: Analysis of Alternatives

1. Page 4-4: In reference to the Enhanced Parking Alternative, see parking comments from the INP above.
2. Table 4.2-2: Car-Light Alternative Vehicular and Parking Ratios are more aligned with BART TOD Guidelines.



Sensitivity to Distance from Station



Travel Characteristics of Transit-Oriented Development in California. Lund, Cervero, Willson, January 2004.
https://www.bart.gov/sites/default/files/docs/Travel_of_TOD.pdf


SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** April 6, 2018
FROM: Controller-Treasurer
SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending December 31, 2017 which will be presented to the Board on April 12, 2018.

Please feel free to call me at 510-464-6070 with any questions you may have.


Rosemarie V. Poblete