

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

BOARD MEETING AGENDA

June 8, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 8, 2017, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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](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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> 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 Meeting of May 25, 2017.\* Board requested to authorize.
- B. Change Order to Agreement No. 6H3098, General Engineering Services - Warm Springs Extension Project, with WSP USA, Inc., for Period of Performance Time Extension C.O. No. 35).\* Board requested to authorize.
- C. Appointment of BART Police Citizen Review Board Members.\* Board requested to ratify.

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, WORKFORCE, AND LEGISLATION ITEMS

Director McPartland, Chairperson  
NO ITEMS.

5. FINANCE, BUDGET, AND BOND OVERSIGHT ITEMS

Director Josefowitz, Chairperson

- A. Title VI Fare Equity Analyses.\*
  - a. Possible Changes to the Fare Discount Offered Youth Riders.
  - b. Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes Effective January 1, 2018.Board requested to approve.

6. OPERATIONS AND SAFETY ITEMS

Director Keller, Chairperson

- A. Change Orders to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc.
  - a. Vierendeel Frame Revisions (C.O. No. 67, Part 2).\*
  - b. Added Costs to Remove Existing Coating on SFTS (C.O. No. 75).\*Board requested to authorize.

- B. Ordinance No. 2017-1, Repealing All Enactments Adopted into Law by Ordinance No. 2016-1, Which Sought to Prohibit Patrons from Utilizing More Than One Seat in a Train During Commute Hours.\* First Reading. (President Saltzman's request.)

7. PLANNING ITEMS

Director Raburn, Chairperson

- A. Lease Rider and Estoppel Agreements for Affordable Housing Projects.\* Board requested to authorize.

8. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 21, 2017.\* For information.
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

9. BOARD MATTERS

- A. Proposed Revision to Rules of the Board of Directors, Section 3, Committees, Number and Functions.\* For discussion. (President Saltzman's request.)
- 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.)

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; PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Agency Negotiators: Directors Saltzman, Raburn, and Keller  
Titles: General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor  
Gov't. Code Sections: 54957 and 54957.6

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; and Carol Isen, 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

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 1,788th Meeting  
May 25, 2017

A regular meeting of the Board of Directors was held May 25, 2017, convening at 9:00 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, McPartland, Raburn, Simon, and Saltzman.

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

Director Saltzman called for Introduction of Special Guests. Director Saltzman welcomed members of the Police Citizens Review Board and BART Accessibility Task Force.

President Saltzman brought the matter of Oath of Office: Carlos Rojas, BART Chief of Police, before the Board. General Manger Grace Crunican administered the Oath of Office to Chief Rojas.

Chief Rojas addressed the Board.

President Saltzman announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on Fiscal Year 2018 Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Mr. Rob Umbreit, Department Manager, Budget Department and Pamela Herhold, Manager Financial Planning, presented the item.

Directors Josefowitz and Allen entered the Meeting

The following individuals addressed the Board:

Mr. James Robinson

Mr. Alan Smith

Ms. Aleta Dupree

There being no further public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 11, 2017.
2. Fiscal Year 2018 Proposition 4 Appropriations Limit.

3. Professional Services Agreement with Cubic Transportation Systems, Inc. to Modify Addfare Machine Software to Implement Credit Card Processing Functionality on East Contra Costa Extension.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2017 Third Quarter Financial Report.

Director Blalock made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

1. That the Minutes of the Meeting of May 11, 2017, be approved.
2. That the Board adopt Resolution No. 5343, In the Matter of the Establishment of the Fiscal Year 2018 Appropriations Limit.
3. That the General Manager is authorized to enter into direct negotiations and to execute a professional services agreement with Cubic Transportation Systems, Inc. to modify Addfare Machine (AFM) Software for credit card processing functionality, in an amount not to exceed \$240,000, subject to certification by the Controller/Treasurer that funding is available.

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

Mr. Darrel Carey  
Mr. Cephus Johnson  
Mr. Rick Perez  
Ms. Jetta Robertson  
Ms. Kat Brooks

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

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Safety, Reliability and Traffic Relief Program: Bond Oversight Committee Membership, before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs and Ms. Maisha Everhart, Division Manager of Government and Community Relations, presented the item.

Ms. Alexandra Starr addressed the Board.

The item was discussed.

Director Blalock moved that the Board establish Bond Oversight Committee and appoint the following people to serve a two-year term, which will begin on July 1, 2017:

1. Darren Gee
2. Mike McGill
3. Michael Day

4. Marian Breitbart
5. John Post
6. Anu Natarajan
7. Christine Johnson

Director McPartland seconded the motion which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

President Saltzman announced that the Board would enter into closed session under Item 5-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 9:58 a.m.

---

---

The Board Meeting reconvened in closed session at 10:07 a.m..

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

Absent: None.

The Board Meeting recessed at 11:30 a.m.

---

---

The Board Meeting reconvened in open session at 11:34 a.m.

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

Absent: None. Director Dufty entered the meeting later.

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

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Fiscal Year 2018 Annual Budget before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, Mr. Rob Umbreit, Department Manager, Budget Department and Pamela Herhold, Manager Financial Planning, presented the item. The item was discussed.

Director Dufty entered the meeting.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, brought the matter of State and Federal Legislative Update, before the Board. Mr. Roddrick Lee,

Department Manager, Government and Community Relations, and Ms. Amanda Cruz, Acting Program Manager of Legislative Affairs, presented the item.

The item was discussed.

President Saltzman moved that the Board support Assembly Bill (AB) 399 (Grayson – Autonomous Vehicles: Contra Costa Transportation Authority: Pilot Project), AB 1444 (Baker – Livermore Amador Valley Transit Authority: Demonstration Project), SB 22 (Hill – Firearms: Law Enforcement Agencies: Agency Firearm Accounting), SB 595 (Beall – Metropolitan Transportation Commission: Toll Bridge Revenues), S. 862 (Klobuchar – The American Apprenticeship Act) and House Resolution 1670 (Delaney – The Infrastructure 2.0 Act). Director Allen seconded the motion, which carried by voice vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

President Saltzman moved that the Board support Assembly Bill (AB) 54 (de Leon – Law Enforcement: Data Sharing). Director Raburn seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen.

Directors Dufty and Keller exited the meeting.

Director McPartland brought the matter of Amendment to Concession Permit M342-12 with Imperial Parking Corporation for Administration of Parking Permit Programs, before the Board. Mr. Robert Franklin, Department Manager, Customer Access and Mr. Ravri Misra, Chief Information Officer, presented the item.

Director Blalock moved that the General Manager or her designee be authorized to execute an amendment to Concession Permit M342-2 with Imperial Parking Corporation extending the term of the permit for up to two years and establishing new rates for the provision of services during the extension term. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 2: Directors Dufty and Keller.

Director Josefowitz Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Alameda County Transportation Affordable Student Transit Pass Pilot Report, before the Board. Ms. Kerry Hamill Assistant General Manager, External Affairs and Ms. Donna Lee, Principal Planner, presented the item.

Directors Dufty and Keller entered the meeting.

The item was discussed.

Director Saltzman moved that the General Manager is authorized to execute an agreement with Alameda County Transportation Commission for BART to participate in the Affordable Student Transit Pass Pilot for the 2017/18 and 2018/19 school years. Director Dufty seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen.



Directors Saltzman moved that the vote authorizing the General Manager to execute an agreement with Alameda County Transportation Commission for BART to participate in the Affordable Student Transit Pass Pilot for the 2017/18 and 2018/19 school years be rescinded. Director Dufty seconded the motion which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0.

Mr. Jerry Grace addressed the Board.

Director Saltzman moved that the General Manager be authorized to execute an agreement with Alameda County Transportation Commission for BART to participate in the Affordable Student Transit Pass Pilot for the 2017/18 and 2018/19 school years. Director Dufty seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen.

Director Simon exited the meeting.

Director Josefowitz brought the matter of the Revised Investment Policy before the Board. Ms. Rosemarie Poblete, Controller/Treasurer presented the item. The item was discussed. Director Raburn moved the adoption of the revised Investment Policy. Directors Blalock and McPartland seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director Simon entered the meeting.

Director Josefowitz brought the matter of the Independent Auditor's Report on Audit of Federal Awards under the Office of Management and Budget Uniform Guidance for the Fiscal Year Ended June 30, 2016, before the Board. Ms. Rosemarie Poblete, Controller/Treasurer presented the item. The item was discussed.

Directors Dufty, McPartland, and Simon exited the meeting.

Director Josefowitz brought the matter of the Title VI Fare Equity Analysis of Potential Changes to the Fare Discount Offered Youth Riders and the Title VI Fare Equity Analysis of Proposed Productivity-Adjusted Inflation-Based Fare Increase and FY18 Fare Changes Effective January 1, 2018, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Ms. Sharon Moore, Program Manager, Workforce and Policy Compliance; and Ms. Pam Herhold, Manager Financial Planning, presented the item. The item was discussed.

Directors Dufty and McPartland entered the meeting.

Mr. Jerry Grace addressed the Board.

Director McPartland exited the meeting.

Ms. Aleta Dupree addressed the Board.

Director Blalock exited the meeting.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2017 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations and Mr. Jeffrey Jennings, Deputy Chief of Police, presented the item. The item was discussed.

President Saltzman exited the meeting.

Mr. Jerry Grace addressed the Board.

Vice President Raburn called for the General Managers Report. Mr. Robert Powers, Deputy General Manager, reported on the steps taken by the General Manager and activities and meetings she had participated in and reminded the Board of the thirteen outstanding Roll Call for Introductions items.

Vice President Raburn called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Dufty reported he participated in the Policy Committee for Lead San Francisco to address low-level drug offense and criminal activity behavior around the Powell and Civic Center BART Stations for a 26-month Diversion program.

Director Simon exited the meeting.

Director Raburn reported attendance at the Silicon Valley leadership group, Hayward Maintenance Complex Tour for Cal State East Bay Environmental Studies students and the Transit Oriented Development celebration for the 24<sup>th</sup> Street Tower in the City of Oakland.

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

The Board meeting adjourned at 2:08 p.m.

Kenneth A. Duron  
District Secretary



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>31 May 2017</i> <i>Robert M. Pevan</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 5/9/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Medved Dept: PD&C <i>Paul Medved</i> Signature/Date: <i>5/22/17</i>	General Counsel <i>[Signature]</i> <i>5/24/17</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>5/24/17</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>5/30/17</i> [ ]

## PROFESSIONAL SERVICES AGREEMENT No. 6H3098, GENERAL ENGINEERING SERVICES FOR BART'S WARM SPRINGS EXTENSION PROJECT, CHANGE ORDER NO. 35 FOR PERIOD OF PERFORMANCE TIME EXTENSION

### PURPOSE:

To authorize the General Manager to execute a Change Order to Agreement No. 6H3098 with WSP USA, Inc. extending the period of performance to June 30, 2018. This Change Order will ensure continued support to the BART Warm Springs Extension Project.

### DISCUSSION:

On October 25, 2001, the Board authorized the award of Agreement No. 6H3098 with Parsons Brinckerhoff Quade & Douglas, Inc. (currently WSP USA, Inc. ) to provide General Engineering Services for BART's Warm Springs Extension Project (WSX Project) for a period of performance of ten years and in the amount not to exceed \$75 Million.

On November 17, 2011, the Board authorized Change Order No. 29 extending this Agreement's period of performance for approximately five years. This extension was necessary due to the slower than anticipated emergence of full funding for construction of the WSX Project. The current annual work plan under this Agreement covers services through June 30, 2017.

The WSX Project was completed sufficiently to commence revenue service on March 25, 2017, however technical support provided by WSP USA, Inc., with their uniquely in-depth knowledge of the WSX Project, remains critical to the successful completion and close out of the WSX Design-Build Line, Track, Station and Systems Contract. Thus, a further extension to June 30, 2018 is necessary.

It is anticipated that less than \$72 Million will have been committed to this Agreement through the end of FY17. No additional funding authorization is requested at this time. The remaining \$3 Million from the original Board authorization of \$75 Million is considered sufficient for the support services currently envisioned.

**FISCAL IMPACT:**

None. Time extension only.

**ALTERNATIVES:**

One alternative to the proposed Change Order would be to utilize existing On Call consultants for General Engineering Services on the WSX Project. However, this alternative would involve a significant loss of project background, understanding and continuity and risk displacing and delaying other pressing District needs for On Call services.

A second alternative would be to utilize BART staff to perform the work. There exists insufficient BART staff resources available to provide adequate technical support given the magnitude and complexity of the WSX Extension Project and the on-going demands of other District activities.

**RECOMMENDATION:**

It is recommended that the Board adopt the following Motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 35 to Agreement No. 6H3098 with WSP USA, Inc. extending the period of performance through June 30, 2018.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## Memorandum

**TO:** Board of Directors **DATE:** June 2, 2017  
**FROM:** Independent Police Auditor  
**SUBJECT:** Appointment of BART Police Citizen Review Board Members

In accordance with Chapter 2-02 of the BART Citizen Oversight Model (Model), those members of the BART Police Citizen Review Board (BPCRB) appointed by Directors from Districts 2, 4, 6, and 8, as well as the member appointed by the BART Police Associations (BPMA/BPOA), shall have their terms of service expire on June 30, 2017. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

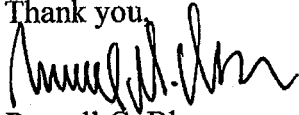
According to Chapter 1-05(G) of the Model, the Office of the Independent Police Auditor (OIPA) will facilitate the application process for seats on the BPCRB and will coordinate the selection process with the Office of the District Secretary and the Board of Directors (Board).

The Directors from Districts 2, 4, 6, and 8 have indicated an intention to reappoint each of their current BPCRB appointees, respectively, and each of those current BPCRB appointees has indicated acceptance of such reappointment. The same is true of BPMA/BPOA and their appointee.

Attached to this memorandum is a motion which, if adopted by the Board, will ratify the appointments of the Directors from Districts 2, 4, 6, and 8, as well as the appointment of BPMA/BPOA.

Please contact me at (510) 874-7477 or [oipa@bart.gov](mailto: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 APPOINTMENTS**

### **MOTION:**

That the Board of Directors ratifies the BART Police Citizen Review Board reappointment of the following members for the term of 2 years, beginning on July 1, 2017 and expiring on June 30, 2019:

Cathryn Freitas – District 2  
Darren White – District 4  
Les Mensinger – District 6  
David Rizk – District 8  
Richard Knowles – BPOA/BPMA

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors

DATE: June 2, 2017

**FROM:** General Manager

**SUBJECT:** FY18 Fare Change Options & Youth Discount Title VI Fare Equity Analyses

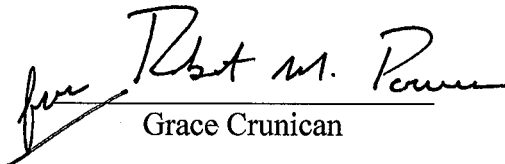
At the March 9th Board meeting, staff presented potential fare modifications for FY18 to get Board input on which of these modifications should be brought to the public for comment as part of BART's Title VI process. At the May 25th Board meeting, staff made an informational presentation on both this item and a second equity analysis previously completed on extending BART's youth fare discount to age 18. The Board will be asked to approve the following two equity analyses at the June 8th Board meeting:

1. Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018; and
2. Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders.

Both analyses were previously emailed to the Board in PDF form on May 31<sup>st</sup>, and also are now available on BART's Title VI website via the following link: <https://www.bart.gov/guide/titlevi>. Included in this mail-out packet is a copy of the PowerPoint presentation and an EDD for the June 8th Board meeting.

Meeting notices and agendas are available for review on BART's website at <http://www.bart.gov/about/bod/meetings.aspx>. For instructions on how to access attachments, please click on the following link: <https://www.bart.gov/sites/default/files/how-to-view-bart-board-agenda-attachments.pdf>.

If you have any questions or would like to request hardcopies of the analyses, please contact Wayne Wong, Department Manager, Office of Civil Rights at (510) 464-6134.

  
Grace Crunican

Enclosures

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Chet M. Kow</i> 2 June 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/26/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charlotte Barham Dept: Budget	General Counsel <i>[Signature]</i> 6/1/17 [ ]	Controller/Treasurer <i>[Signature]</i> 6/2/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 6-1-17 [ ]
Signature/Date: <i>Charlotte Barham</i> 6/1/17				

## Fare Equity Analyses: Youth Discount and FY18 Fare Changes

### PURPOSE

To request Board approval of the “Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders” and “Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018.”

### DISCUSSION

To ensure compliance with federal Title VI regulations, BART is required to perform an analysis of any proposed fare change to determine if the change could potentially place a disparate impact on minority riders or a disproportionate burden on low-income riders. A fare change equity finding is made based on a demographic assessment of affected riders and public outreach that is inclusive of minority, low-income, and Limited English Proficient (LEP) populations. Should a disparate or disproportionate impact be found, then in accordance with BART’s Disparate Impact/Disproportionate Burden Policy and the Title VI Circular, BART is required to take steps to mitigate such impacts.

Staff has prepared two Title VI fare equity analyses for possible fare changes. Below is an analysis for each fare change option analyzed for disparate or disproportionate impacts along with mitigation measures identified if applicable.



<b>1. Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders</b>		
<b>Option</b>	<b>Disproportionate Impact?</b>	<b>Mitigation Required?</b>
<b>A. 50% discount for youth through age 18</b>	<b>Yes: Youth riders age 5-12 are disproportionately minority and low-income</b>	<b>Yes, for minority and low-income youth riders age 5-12</b>
<b>B. 62.5% discount for youth 5-12 and 50% discount for youth 13-18</b>	<b>No</b>	<b>No</b>
<b>C. 62.5% discount for youth through age 18</b>	<b>No</b>	<b>No</b>

<b>2. Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018</b>		
<b>Option</b>	<b>Disproportionate Impact?</b>	<b>Mitigation Required?</b>
<b>A. Fares increase by inflation-based 2.7%</b>	<b>No</b>	<b>No</b>
<b>B. Surcharge applied to paper ticket fares</b>	<b>Yes: Paper ticket users are disproportionately low-income</b>	<b>Yes, for low-income paper ticket users</b>
<b>C. Discount reduced for seniors, people with disabilities and youth age 5-12 to 50% from 62.5%</b>	<b>Yes: Riders with disabilities are disproportionately low-income and youth riders age 5-12 are disproportionately minority and low-income</b>	<b>Yes, for minority and low-income youth riders age 5-12; discount reduction for people with disabilities is no longer under consideration</b>

For each Title VI Analysis, Attachment A provides detail on the analysis and public outreach results, equity findings, and mitigation where applicable.

## **FISCAL IMPACT**

There is no fiscal impact associated with approving the Title VI Analyses. The FY18 Budget includes the following estimated revenue impacts of implementing certain changes for the second half of FY18:

Inflation-based fare increase of 2.7%: Estimated to generate approximately \$4.9 million (M).

Youth discount of 50% offered to riders through age 18: Estimated to reduce revenue by \$1.5M based on approximately 75% of eligible full fare riders age 13 through 18 getting a 50% discount.

Paper ticket surcharge of a flat \$0.50: Estimated to generate approximately \$5.6M.

Discount reduction for riders age 5-12: Estimated to generate \$0.1M.

**ALTERNATIVES**

Do not approve or defer approval of one or both of the Title VI Analyses. If the Title VI Analyses are not approved or if approval is deferred, the fare changes identified in the Fiscal Impact section cannot be approved as part of the FY18 budget. The Board could adopt an unbalanced budget and direct staff to pursue other revenue increases or expense reductions to balance the FY18 budget.

**RECOMMENDATION**

Approval of the following Motions.

**MOTION**

1. The Board of Directors approves the attached "Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders."
2. The Board of Directors approves the attached "Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018."

**ATTACHMENT A**

**1. Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders (“Title VI Youth Discount Analysis”)**

BART currently offers youth age 5 through 12 years a 62.5% discount to the full fare. Students at participating middle and high schools receive a 50% discount by using a ticket color-coded orange, and children under the age of 5 ride for free.

Staff has prepared the Title VI Youth Discount Analysis in response to Board direction in Resolution No. 5208 to study fare options in addition to BART’s inflation-based fare increase program. Other regional transit operators, such as Muni (as of January 1, 2017), AC Transit, Caltrain, Golden Gate Transit, SamTrans, and VTA offer youth discounts to riders to age 18. As part of a regional effort to make discounts consistent among operators, staff is now bringing the Title VI Youth Discount Analysis to the Board for approval.

Staff developed the following options for extending the eligibility age for a youth discount to either age 17 or age 18, and each option could replace the student discount program:

<b>Option A</b>	All youth ages 5-17 or 18 would receive a 50% discount on BART.
<b>Option B</b>	The discount for youth ages 5-12 would remain the same at 62.5%. Youth ages 13-17 or 18 would receive a 50% discount on BART.
<b>Option C</b>	All youth ages 5-17 or 18 would receive a 62.5% discount on BART.

Each option would constitute a change to a fare type, the discount offered to youth riders. Impacts are considered disproportionate when the difference between the affected fare type’s protected ridership share and the overall system’s protected ridership share is greater than 10%, per BART’s Disparate Impact/Disproportionate Burden Policy (DI/DB Policy). To make this determination, staff used 2016 BART Customer Satisfaction Survey data for youth riders over the age of 12 and gathered additional survey data on middle and high school “Orange” ticket riders and riders age 5 through 12.

The table below summarizes analysis results of the three options:

	<b>Regular Fare 13-18 Year-Old Riders</b>	<b>Orange Ticket 13-18 Year-Old Riders</b>	<b>5 through 12 Year- Old Riders</b>
<b>Option A</b>	No Disp Impact	No Fare Change	<b>Disp Impact</b>
<b>Option B</b>	No Disp Impact	No Fare Change	No Fare Change
<b>Option C</b>	No Disp Impact	No Disp Impact	No Fare Change

Only Option A, which would raise fares for 5 through 12 year-old riders by reducing their discount from 62.5% to 50%, exceeds the 10% threshold established in the DI/DB Policy and so could result in an adverse impact on this disproportionately minority and low-income rider group.

BART also performed outreach to receive public input from protected populations on the proposed fare change options. Surveys administered in fall 2014 asked respondents to rate the

three options as either *Excellent, Good, Only Fair, Poor* or *Don't Know*, and included space for respondents to provide comments.

Generally, respondents rated all options favorably. When “Excellent” and “Good” ratings are combined, Options A and B received the most support. Comments were received from 446 survey respondents, and 186 or almost 42% supported the discounts unconditionally. Based on general categorization of these comments, the respondents who welcomed the discount unconditionally were in favor of any percentage discount that could be offered to all youths. An example of these comments is, *“Many youth in Oakland rely on BART and discounted fares give them access to schools and opportunities that would not otherwise be affordable. Youth fares encourage our youth to use BART, learn the system and incorporate using public transit into a lifelong habit.”*

Comments from 159 respondents, about 35% of the total, supported the discounts, with conditions. Comments included ensuring that the discounts would not affect services, fares, or the disabled/senior populations. As one respondent commented, *“Youth discounts should be allowed, but not excessively. Very generous discounts negatively affect seniors, disabled, etc.”* About 6% of respondents, or 26 people, did not want discounted youth fares, for example, because they felt that it could increase their fares.

Input was also provided by BART’s Title VI/Environmental Justice and BART’s Limited English Proficiency Advisory Committees, whose members voiced widespread support for extending the discount age to 18 years, but some wanted to know where the funds would be coming from to pay for the program.

### **Youth Discount Equity Findings**

An equity finding is made after considering both the fare change analysis results and public comment received. The equity findings for these options are as follows:

- **Option A:** Survey results show that 5 through 12-year-old BART riders are disproportionately minority and low-income. As discussed above, adoption of Option A may result in an adverse impact on disproportionately minority and low-income youth riders. Option A, however, was rated as “Excellent” or “Good” by almost two-thirds of surveyed parents of 5 through 12-year-old protected riders, while fewer than one-third of these respondents rated it as “Only Fair” or “Poor.”

When considered together, the fare change analysis results and public comment indicate that a reduced discount, if offered through the age of 18, would be acceptable to parents of protected youth riders. However, in its equity finding, BART considers the finding of the fare change analysis to take precedence. Therefore, pursuant to applicable Title VI regulatory guidance, BART should take steps to avoid, minimize, or mitigate disparate impacts from the proposed change.

- As **Option B** and **Option C** are not projected to result in disproportionate adverse impacts on minority and low-income riders, and public comments received were in support of these options, Options B and C are found to be implementable as proposed.

### **Youth Discount Mitigation Proposal**

Extending the youth discount to age 18 is proposed as sufficient mitigation of any adverse impact that the discount reduction may cause, as children age 5 through 12 who are now

receiving the 62.5% discount will benefit from a significant 50% discount for six additional years. As noted above, most parents of protected riders support this option as do the Title VI/Environmental Justice and LEP Advisory Committees.

**2. Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018 (“Title VI Fare Change Analysis”)**

The Title VI Fare Change report analyzes the following possible fare changes:

- A. Implementing a productivity-adjusted inflation-based fare increase of 2.7%.
- B. Increasing fares paid for with magnetic stripe paper tickets; fares paid with Clipper would be unchanged. The following two options have been analyzed:
  - 1. A flat surcharge on paper ticket fares of up to \$0.50
  - 2. A percentage increase to paper ticket fares of up to 10%.
- C. Reducing the discount offered to seniors, people with disabilities, and youth age 5 through 12 from 62.5% to 50%.

Revenue from the planned 2.7% inflation-based fare increase would go, per Board direction, to BART’s highest priority capital needs (new train cars, a new automated train control system, and the Hayward Maintenance Complex). Options B and C have been proposed to generate revenue to help address BART’s operating budget shortfall of \$31 million forecast for Fiscal Year 2018 (FY18). If adopted, the Option(s) would take effect January 2018.

**Option A. Inflation-Based Fare Increase**

Analysis Findings. Option A is an across-the-board fare change. Weighted average fares with the increase were calculated for protected and non-protected riders, and the percentage increases are virtually identical. Thus, the difference between increased fares paid by protected and nonprotected riders does not exceed the DI/DB Policy’s threshold for across-the-board changes of 5%.

	<b>Minority Disparate Impact</b>	<b>Low-Income Disproportionate Burden</b>
<b>A. 2.7% CPI-Based Fare Increase</b>	No	No

Public Outreach. Survey Question 1 asked “Do you have any comments about the planned fare increase?” More than half (55%) of survey respondents, or 734 respondents, chose not to comment regarding the inflation-based fare increase. Approximately 68% of the 602 respondents who did give feedback directly concerning this increase expressed opposition, while approximately 32% were in favor.

A commenter against the increase wrote:

- *“Please don't increase the fare, BART is already expensive and even parking is expensive. Instead please control costs”*

A respondent commented supporting the increase with a stipulation:

- *“With the fare increase, the budget needs to be redirected towards maintenance”*

Equity Finding. The equity analysis shows that Option A is not projected to have a disproportionate impact on protected riders. In addition, the majority of survey respondents did not express concerns about this proposed fare change.

### **Option B. Paper Ticket Surcharge**

Below are the two options analyzed for a paper ticket surcharge:

#### **B1. Flat rate of up to \$0.50**

For example, a fare of \$2.00 or \$3.50 paid with Clipper would be, respectively, \$2.50 or \$4.00 when paid for with a paper ticket.

#### **B2. Percentage increase of up to 10%**

For example, a fare of \$2.00 or \$3.50 paid with Clipper would be, respectively, \$2.20 or \$3.85 when paid for with a paper ticket.

Analysis Findings. The assessment for changes to a fare media is to determine whether protected riders are disproportionately more likely to use that fare media. Per the DI/DB Policy, impacts are considered disproportionate when the difference between the protected ridership using the affected fare media and the protected ridership of the overall system is greater than 10%. Applying the threshold to survey data shows that paper ticket users are disproportionately low-income.

	<b>Minority Disparate Impact</b>	<b>Low-Income Disproportionate Burden</b>
<b>B. Paper Ticket Surcharge</b>	No	Yes

Public Outreach. Survey respondents were asked to rate the option by indicating their level of agreement with it by selecting a number from 1 (Strongly Disagree) through 5 (Strongly Agree). Respondents expressed similar levels of agreement and disagreement for an up to \$0.50 flat surcharge, but a greater percentage of respondents expressed disagreement with an up to 10% increase. Almost 130 comments were received that gave a preference about the surcharge, and of those, approximately 59% were not in favor.

A commenter who did not support a paper ticket surcharge wrote:

- *“Increasing the cost of paper tickets would unfairly disadvantage low income residents.”*

A respondent expressed support, as follows:

- *“I use a Clipper card, and think that it is better for the environment for everyone to use a re-loadable card; hence I agree with the idea to add a fee to paper cards.”*

Equity Finding. The analysis shows that a paper ticket surcharge would likely place a disproportionate burden on low-income riders. Survey respondents were generally not in favor of this fare proposal. Per BART’s DI/DB Policy and the Title VI Circular, if low-income

populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable and describe alternatives available.

Mitigation Proposal Low-income riders can avoid the paper ticket surcharge by paying their fares with Clipper instead of a paper ticket. As of January 2018, Clipper cards will be available at ticket vending machines at all BART stations. The one-time \$3 Clipper card acquisition fee, however, could be a barrier to low-income riders.

To mitigate this potential barrier, BART staff will work with BART's Title VI/Environmental Justice Advisory Committee (Title VI/EJ Advisory Committee) and Limited English Proficiency Advisory Committee (LEP Advisory Committee), as well as service area counties and cities as needed, to develop and implement an action plan to ensure that low-income riders have access to free Clipper cards. Assistance in this effort will also be sought from the Metropolitan Transportation Commission, which oversees the Clipper card.

The action plan will include a strategy to determine who qualifies as a low-income BART rider, the best way to provide Clipper cards to these riders, and an education component on how to use Clipper. This action plan will be implemented by December 1, 2017, and will be provided to the Board by November 2017. The action plan may include, but not be limited to, collaborating with community-based organizations serving low-income riders to hand out free Clipper cards and distributing free Clipper cards at stations that have more low-income riders than the systemwide average. BART shall make these free Clipper cards available for at least the first three months of 2018, and during that time, will evaluate if additional time is needed to continue distributing free Clipper cards.

Members of the Title VI/EJ and LEP Advisory Committees have expressed support for this mitigation proposal, emphasizing that the most effective and efficient way to get free Clipper cards to low-income riders would be for BART to collaborate with community-based organizations, especially those located near BART stations that have higher low-income ridership. Some members also noted that educating low-income riders about how to use Clipper, and the fare savings available with Clipper, would be very important.

### **Option C. Discount Reduction for Seniors, People with Disabilities, and Youth 5-12**

This option would reduce the current 62.5% discount to 50%, which is equivalent to a 33% fare increase. For example, a \$3.50 regular fare at a 50% discount would be \$1.75 instead of \$1.30 (rounded down to the nearest nickel) at a 62.5% discount. Other Bay Area transit agencies already offer a 50% discount.

Analysis Findings. Applying the DI/DB Policy's 10% threshold for changes to a fare type or fare media to survey data shows that people with disabilities are disproportionately low-income and youth age 5-12 are disproportionately minority and low-income.

	Minority Disparate Impact	Low-Income Disproportionate Burden
<b>C. 62.5% Discount Reduced to 50%</b>		
Seniors	No	No
People with Disabilities	No	Yes
Youth 5-12	Yes	Yes

**Public Outreach.** Survey respondents were asked to rate the option by indicating their agreement with it by selecting a number from 1 (Strongly Disagree) through 5 (Strongly Agree). Of the 403 commenters, 87% were opposed.

A respondent against the discount reduction wrote:

- *“These won't necessarily affect me financially I worry that 12.5% increase for some seniors and those with disabilities could be detrimental to other areas of their lives.”*

This commenter expressed support:

- *“The rate increases are justified in order to keep the system operating.”*

**Equity Finding.** The discount reduction could potentially place a disproportionate burden on low-income riders with disabilities and have a disproportionate impact on youth age 5 through 12 who are disproportionately minority and low-income. Should BART find that a fare change results in a disproportionate impact on both minority and low-income riders, then BART must follow the mitigation requirements for addressing a finding of disparate impact on minority riders, which is to take steps to avoid, minimize, or mitigate such impacts. Per the Title VI Circular, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

**Mitigation Proposal.** After this Title VI analysis and outreach was initiated, BART was informed by the State of California that it would receive additional funding in FY18, and so the option to reduce the discount for people with disabilities is no longer needed to generate revenue to help address the projected FY18 budget shortfall. Thus, this proposal addresses mitigating adverse impacts on riders age 5 through 12 who are disproportionately minority and low-income.

BART is considering offering a 50% discount to riders through age 18, as documented in the “Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders,” described above. Should the BART Board approve the Title VI Youth Discount Analysis and subsequently implement a 50% discount for riders through age 18, BART is proposing that this extension of the age at which youths receive the discount is sufficient mitigation of the adverse impact of the discount reduction, as children age 5 through 12 who now get the 62.5% discount will benefit from a significant 50% discount for an additional six years.

The Title VI Youth Discount Analysis reports that almost two-thirds of surveyed parents of 5 through 12-year-old protected riders expressed support for an option that would increase fares when their children were age 5 through 12 but would also, once these children turned 13, provide a benefit to them of six additional years of a significant 50% discount. In addition, staff has consulted with members of the Title VI/EJ and LEP Advisory Committees; members expressed support for the proposed mitigation, including noting that offering a 50% discount through age 18 would benefit youth.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Peura</i> 31 MAY 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 3/29/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP <i>Anthony Hitchings</i> Signature/Date: 5-17-17	General Counsel <i>[Signature]</i> 5/18/17 [ ]	Controller/Treasurer <i>[Signature]</i> 5/17/17 [ ]	District Secretary [ ]	BARC <i>Paul [Signature]</i> 5/30/17 [ ]

## Contract No. 79HM-120 SFTS MB, Change Order No. 67 Part 2, Vierendeel Frame Revisions

### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 67 Part 2, Vierendeel Frame Revisions, to Contract No. 79HM-120, in an amount not to exceed \$754,467.

### DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. was authorized by the Board on February 12, 2015; Notice to Proceed was issued on May 19, 2015. Change Order No. 67 Part 2 for Vierendeel frame revisions will be issued for an amount not to exceed \$754,467. Change Order No. 67 Part 1 was previously issued for the amount not to exceed \$199,000. The following table summarizes the District's financial commitments for all elements of Change Order No. 67.

Change Order No. 67 Part 1	\$199,000	Issued
Change Order No. 67 Part 2	\$754,467	Pending Approval
Total Commitment	\$953,467	

The original Contract for the SFTS MB assumed that the SFTS was constructed as shown on the Contract Drawings. In the field, staff determined that a differing site condition exists; all the walls and skin of the SFTS are out of plumb and shaped differently than shown on the Contract Drawings. The work of Change Order No. 67 increases the length and breadth of the new MB structure in order to ensure that it fits around the actual shape of the SFTS and includes field drilling of the primary bolted supports.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

**FISCAL IMPACT:**

Funding of \$754,467 for Contract No. 79HM-120 Change Order No. 67 Part 2 will come from project budget 79HM000 Transition Barriers. 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, and is included in its totality to track funding history against spending authority. As of April 27, 2017, \$98,957,617 is available for this project from the following sources:

Fund Group	Amount
FEDERAL	\$81,835,233
BART	\$182,793
REGIONAL	\$4,434,499
STATE	\$12,505,092
<b>Total</b>	<b>\$98,957,617</b>

BART has expended \$71,029,725 and committed \$24,143,621 to date for other actions. This action will commit an additional \$754,467 leaving an uncommitted balance of \$3,029,804 in this project. There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVES:**

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

**RECOMMENDATION:**

Recommend that the Board approve the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 67 Part 2, Vierendeel Frame Revisions, in the not to exceed amount of \$754,467 to Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**EXECUTIVE DECISION DOCUMENT**

**4/20/2017**

**ATTACHMENT No 1  
CONTRACT 79HM-120**

**CO No. 67.1**

**CHANGE ORDER SUMMARY**

**BACKGROUND**

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 4/30/17	71.48%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	5.56%	\$ 2,764,142	
Other Than Board Authorized COs <i>see note *</i>	4.21%	\$ 2,091,852	
This Change Order No. 67.1	1.52%	\$ 754,467	
Subtotal of all Change Orders	11.29%	<u>\$ 5,610,461</u>	
<u>Revised Contract Amount</u>			<u>\$ 55,296,461</u>

**SCHEDULE**

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	94	days
Time Extension Due to this CO 67.1	0	days
Revised Contract Duration	824	days

**DBE PARTICIPATION**

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	15.36%
Projected DBE Participation excluding this Change Order	13.98%
This Change Order No. 67.1	0.03%
Contract 79HM-120 DBE Participation Commitment	1.95%



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Rouse</i> 31 MAY 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/19/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP Signature/Date: <i>Anthony Hitchings</i> 5/26/17	General Counsel <i>[Signature]</i> 5/26/17 [ ]	Controller/Treasurer <i>[Signature]</i> 5/26/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 5/30/17 [ ]

### Contract 79HM-120 SFTS MB, Change Order No. 75, Additional Costs to Remove Existing Coating on SFTS

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 75 to Contract No. 79HM-120 for Additional Costs to Remove Existing Coating on SFTS, in the amount not to exceed \$388,861.

#### DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB to Manson Construction Co., Inc. was authorized by the Board on February 12, 2015; Notice to Proceed was issued on May 19, 2015. This proposed Change Order No. 75 is for additional costs to remove an existing coating on the SFTS exterior will be issued for an amount not to exceed \$388,861.

The Contract for SFTS MB provided for removal of the original coal tar epoxy coating on the SFTS exterior. In 1982, the District had recoated the SFTS exterior with a thicker glass flake polyester coating. The Contract Documents failed to reference the glass flake polyester coating; the latter being much harder to remove than the original, thinner, coal tar epoxy coating. Change Order No. 75 will compensate the Contractor for the extra costs associated with the greater difficulty in removing the glass flake polyester coating.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

**FISCAL IMPACT:**

Funding of \$388,861 for Contract No. 79HM-120 Change Order No. 75 is included in the total project budget for FMS #79HM000 - Transition Barriers. 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, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of March 29, 2017, \$98,955,723 is available for this project from the following fund sources:

<b>Fund Group</b>	<b>Amount</b>
FEDERAL	\$81,835,233
BART	\$99,672
REGIONAL	\$4,434,499
STATE	\$12,586,319
<b>Total</b>	<b>\$98,955,723</b>

BART has expended \$74,734,476 and committed \$20,525,408 to date for other actions. This action will commit an additional \$388,861 leaving an uncommitted balance of \$3,306,978 in this project. There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVES:**

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

**RECOMMENDATION:**

Recommend that the Board approve the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 75, Additional Costs to Remove Existing Coating on SFTS, in the not to exceed amount of \$388,861 to Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

5/15/2017

ATTACHMENT No 1  
CONTRACT 79HM-120

CO No. 75

## CHANGE ORDER SUMMARY

### BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 4/30/17	71.48%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	5.56%	\$ 2,764,142	
Other Than Board Authorized COs <i>see note *</i>	4.21%	\$ 2,091,852	
This Change Order No. 75	0.78%	\$ 388,861	
Subtotal of all Change Orders	10.56%	\$ 5,244,855	
<u>Revised Contract Amount</u>			\$ 54,930,855

### SCHEDULE

Original Contract Duration	730	days
Time Extension to Date		
Time Extension Due to Approved Cos	94	days
Time Extension Due to this CO 75	0	days
Revised Contract Duration	824	days

### DBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	15.36%
Projected DBE Participation excluding this Change Order	13.98%
This Change Order No. 75	0.00%
Contract 79HM-120 DBE Participation Commitment	1.95%

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**MEMORANDUM**



**TO:** Board of Directors

**DATE:** June 2, 2017

**FROM:** General Manager

**SUBJECT:** Proposed Ordinance No. 2017-1

At the June 8, 2017 Board meeting, the Board will consider the attached Ordinance (No. 2017-1) which is being brought forward by President Saltzman. This proposed ordinance would repeal Board Ordinance No. 2016-1 passed in April 2016 which sought to prohibit patrons from utilizing more than one seat on BART trains during commute hours. If you have any questions about this item please contact Paul Oversier at 510-464-6710 or [poversi@bart.gov](mailto:poversi@bart.gov).

  
\_\_\_\_\_  
 Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

ORDINANCE NO. 2017-1

AN ORDINANCE OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT REPEALING ALL ENACTMENTS ADOPTED INTO LAW BY ORDINANCE NO. 2016-1 WHICH SOUGHT TO PROHIBIT PATRONS FROM UTILIZING MORE THAN ONE SEAT IN A TRAIN DURING COMMUTE HOURS IN THE COUNTIES OF ALAMEDA, CONTRA COSTA, AND THE CITY AND COUNTY OF SAN FRANCISCO, AND WHICH WAS DULY AND REGULARLY INTRODUCED, PASSED, AND ADOPTED BY THE BOARD ON THE 14<sup>TH</sup> DAY OF APRIL, 2016

WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in promoting the ease and comfort of its patrons in utilizing BART as a means of transportation; and

WHEREAS, the San Francisco Bay Area Rapid Transit District desires to make its services available to the widest ridership possible and to do so while facilitating the greatest degree of ease, and comfort possible; and

WHEREAS, the Board adopted Ordinance No. 2016-1 to facilitate this objective; and

WHEREAS, the Board has determined that the adoption of Ordinance No. 2016-1 (that sought to prohibit patrons from utilizing more than one seat during commute hours in the counties of Alameda, Contra Costa and the City and County of San Francisco) is, after further study and reflection, unnecessary;

NOW THEREFORE, be it enacted by the Board of Directors of the San Francisco Bay Area Rapid Transit District: (Public Utilities Code Section 29795)

SECTION I. All enactments adopted into law pursuant to Ordinance No. 2016-1, including Sections 9.10 through Section 9.80, inclusive, of Chapter 9 of the San Francisco Bay Area Rapid Transit District Ordinance Code, are hereby duly **repealed** in their entirety and shall no longer be enforceable and shall have no legal effect upon the effective date of this ordinance.

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation published in the Counties of the District. (Public Utilities Code Sections 28794)



In regular session of the Board of Directors of the San Francisco Bay Area Rapid Transit District introduced on the \_\_\_ day of June, 2017, and finally passed and adopted this \_\_\_ day of July, 2017, on regular roll call of the members of said Board by the following vote:

Directors:

Allen: Keller: Saltzman: Raburn: McPartland: Blalock: Simon: Josefowitz: Dufty:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

---

President, Board of Directors

(Public Utilities Code Section 28796)

ATTEST:

---

Ken Duron

District Secretary

(Public Utilities Code Section 28796)



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 10 MAY 2017		GENERAL MANAGER ACTION REQ'D: No		
DATE: 5/1/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development <i>Abigail Thorne-Lyman</i> Signature Date: May 10 2017	General Counsel <i>[Signature]</i> 5/10/17	Controller/Treasurer <i>Chris Gan</i> 5/10/17	District Secretary	BARC <i>[Signature]</i> 5.10.17

## Authorization for General Manager (or her designee) to Execute State Required Lease Rider and Estoppel Agreements for Affordable Housing Projects

### PURPOSE:

To obtain Board authorization for the General Manager to enter into State-required agreements in connection with current and future affordable housing projects.

### DISCUSSION:

BART's Affordable Housing Policy, Transit-Oriented Development (TOD) Policy, and Transit-Oriented Development (TOD) Performance Targets were adopted by the Board of Directors in 2016. These policies require a minimum of 20% of units built on BART property at each station to be affordable, with a District-wide target of 35% of all units in BART's portfolio affordable, with a preference for low- and very-low income households and transit dependent populations.

Currently BART has completed four fully affordable housing projects and produced 764 units. Three of these projects (located at the MacArthur, South Hayward, and San Leandro Stations) were completed and occupied within the last year. One project, at the Castro Valley Station, was completed prior to 2005. Additionally the Board has approved lease option agreements for a project at the Coliseum station and a second phase project at the San Leandro Station. The developer of the second phase San Leandro project recently exercised its lease option, and the developer of the Coliseum project is expected to do so in the near future. In both cases, the developers intend to commence construction shortly.

As is typical for affordable housing production in California, BART's development partners

use multiple sources of financing to advance individual projects, including the Low Income Housing Tax Credit program, which is administered by the State Tax Credit Allocation Committee (TCAC), and the State's Multifamily Housing Program and Affordable Housing and Sustainable Communities program, which are administered by the Housing and Community Development Department (HCD). More than half of all subsidy to affordable projects in the Bay Area comes from these sources, with tax credits comprising the largest funding source for affordable housing.

The developers of the affordable housing projects at the MacArthur, Coliseum and San Leandro Stations have asked BART, as the landlord for these projects, to execute a Lease Rider and Estoppel Agreement ("Rider") with the respective projects' developer and TCAC. TCAC is requiring execution of the Riders as a precondition to providing federal Low Income Housing Tax Credits to affordable housing projects.

Additionally, staff understands that HCD will also require developers of affordable housing projects and the owners of the property on which those projects are constructed to execute agreements similar to the Rider. Staff has not, at this time, received a copy of an HCD agreement, however anticipates that any such agreement will be substantially similar to the TCAC Rider.

In order to receive these tax credits and funds, developers enter into agreements with the appropriate state entity. The agreements are generally intended to ensure that the projects remain affordable and comply with other requirements for the duration of the agreement. The Riders, and the anticipated HCD agreements are intended to protect the State's rights under those regulatory agreements, in part by requiring landlords to agree that the terms of the Riders (and the anticipated HCD agreements) will control over contradictory provisions contained in the lease agreements between the landlord and developer.

Although the General Manager and staff are typically authorized to execute lease option agreements and supporting documents and agreements when TOD projects are approved by the Board – as all of the aforementioned projects have been – the proposed TCAC Rider, and the anticipated HCD rider would, if executed by BART, materially change BART's rights, remedies and administrative burdens under the affected ground leases compared to what BART has agreed to in the past. The primary impacts of the Riders are as follows:

- A. Under the terms of the Rider, BART would be prohibited from mortgaging or transferring the leased property unless any mortgagor or transferee agreed to be subject to the terms of the Rider.
- B. BART would be required to undertake due diligence actions that it would not typically perform under a normal ground lease in order to represent and warrant the facts of agreements between the developer and state. These facts are not typically within BART's knowledge.
- C. The Rider effectively extends the period of time in which breaches of a lease must be

cured before BART can utilize its remedies for breach under the lease. Even when the time to cure has passed, BART may not declare a breach of the lease agreement without the State's consent.

- D. In some circumstances where a ground lease has been terminated by BART, BART would be obligated to enter into a new lease with an entity selected by the State or pursuant to a court order, even if the original lease was breached, and even after TCAC had been given notice of, and an opportunity to cure that breach.
- E. BART would be required to consent to certain transfers or assignments of the lease to a transferee selected by the State or, in the case of litigation to enforce the regulatory agreements between the State and the developers, pursuant to a court order. Typically, and except for certain standard enumerated exceptions, transfers and assignments of ground leases are subject to prior written approval by BART.

BART staff have attempted to negotiate with TCAC to modify these terms in the Rider, but have not been successful. In discussions with TCAC, BART staff were informed that TCAC views the Rider as a "living document" that may be subject to change over time. BART has not yet engaged in discussions with HCD, as it has not formally asked BART to review and enter into a rider and estoppel agreement or provided BART with the proposed form for such an agreement. BART staff are continuing to attempt to negotiate changes to the TCAC Rider, and as discussed at the Standing Committee meeting on May 26, staff will provide an informational update to the Board on this matter.

Given developers' reliance on Low Income Housing Tax Credits and State funds to build affordable housing, choosing not to sign the Rider or a similar agreement required by HCD would limit future affordable housing projects on BART's property. This would effectively mean BART could not meet the BART adopted requirements and goals in its Affordable Housing and TOD policies.

If the Board accepts staff's recommendation and adopts the proposed motion, BART will likely be asked to execute agreements that would impact both existing and future ground leases connected to affordable housing projects.

**FISCAL IMPACT:**

If the motion is not approved, the developers of the Mural project at the MacArthur Station, and the Marea Alta project at the San Leandro Station would face severe financial consequences as they are expecting tax credits to subsidize a large share of the costs of development over the period of the ground lease. Tax credit funding is typically received after a project is occupied and is used to pay back construction loans, and both of these projects are nearly at this stage. The approved Coliseum Transit Village project would likely not be built without tax credits and state funds. The San Leandro Senior Housing project would be delayed and possibly not built. The fiscal impacts of these changes to completed and approved BART TOD projects are unknown, but it is likely that BART would

Authorization for General Manager (or her designee) to Execute State Required Lease Rider and Estoppel Agreements for Affordable Housing Projects

experience some loss of revenues from ground lease and other financial agreements associated with these projects.

**ALTERNATIVES:**

1. Do not authorize General Manager to execute rider and estoppel agreements required by the State in connection with affordable housing projects. However, without major subsidies from sources other than Tax Credits and HCD funds, this may render the TOD projects infeasible, and make it difficult to comply with the Affordable Housing and TOD Policy .
2. Authorize the General Manager or her designee to execute lease rider and estoppel agreements and similar agreements required by the State in connection with ground leases that include an affordable housing component.

**RECOMMENDATIONS:**

Adopt the following Motion.

**MOTION:**

The General Manager or her designee is authorized to execute State-required rider and estoppel agreements for the following Board approved projects: the Mural Project at the MacArthur Station, the Marea Alta Project at the San Leandro Station, the Coliseum Transit Village Project at the Coliseum Station, the San Leandro Senior Housing Project at the San Leandro Station, and the Millbrae Transit Village at the Millbrae Station.



# CAPITOL CORRIDOR JOINT POWERS AUTHORITY

## MEETING OF THE BOARD OF DIRECTORS

Wednesday June 21, 2017

10 a.m.  
 BART Boardroom  
 Kaiser Center 20<sup>th</sup> Street Mall  
 344–20<sup>th</sup> Street, 3<sup>rd</sup> Floor  
 Oakland, CA 94612  
 (see attached map)

Simultaneous teleconference calls will take place at:

San Jose City Hall – Tower Building  
 200 E. Santa Clara Street, Room #T1853  
 San Jose, CA

---

Placer County Transportation Planning Agency  
 299 Nevada Street  
 Auburn, CA

### DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Consent Calendar *Action*
  - 1. Minutes of February 15, 2017 Meeting
  - 2. Budget Update: Capitol Corridor Station Signage Program – Phase 1
- V. Action and Discussion Items
  - 1. Legislative Matters/Governor’s May Revise State FY 17-18 Budget *Action*
  - 2. Overview of Draft FY 17-18 CCJPA Budget [Operations, Administration, Marketing] *Info*
  - 3. Update: Programmed Capital Projects and New Rail Vehicle Deliveries *Info*
  - 4. December 7, 2016 Capitol Corridor 527 Incident: Amtrak Investigation and Subsequent Actions *Info*
  - 5. Managing Director’s Report *Info*
  - 6. Work Completed *Info*
    - a. Business Plan Update (FY 2017-18 – FY 2018-19)
    - b. Addition of Tier 4 Charger Locomotives to Capitol Corridor Service/Northern California Rail Fleet
    - c. May 22, 2017 Timetable Update (Connecting Buses only)
    - d. Marketing Activities (February – May 2017)
  - 7. Work in Progress *Info*
    - a. Sacramento-Roseville 3<sup>rd</sup> Track Project
    - b. Travel Time Savings Project
    - c. Positive Train Control Update
    - d. Station Signage and Platform Safety Upgrades
    - e. Capitol Corridor Bike Access Program
    - f. Vision and Service Planning Ad-Hoc Subcommittee: Vision Communications Plan
    - g. On-Board Information System Project
    - h. CCJPA Renewable Fuels Pilot Program
    - i. Proposed Extension of Capitol Corridor Trains to Salinas
    - j. Upcoming Marketing Activities
- VI. Board Member Reports
- VII. Public Comments
- VIII. Adjournment. Next Meeting Date: 10:00 a.m., September 20, 2017, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**MEMORANDUM**

**TO:** Board of Directors **DATE:** June 2, 2017  
**FROM:** District Secretary  
**SUBJECT:** Proposed Revision to Rules of the Board of Directors: Chapter III, Section 3. Committees

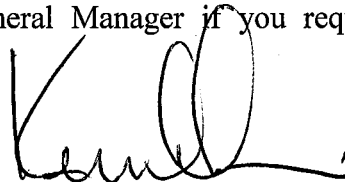
The attached document is a Board Rules revision initially proposed by President Saltzman and presented for discussion at the December 15 Regular Board Meeting. The proposed Committee structure was adopted for the period of February through June 2017, at the January 12 Regular Board Meeting.

President Saltzman recommends the Board of Directors discuss the proposed Committee structure at the June 8 Regular Board Meeting and consider adoption of the proposed revisions or potential options at the June 22 Regular Board Meeting.

The Committee structure adopted in January 2017 affects several subsections of the Rules of the Board of Directors: Chapter III Board Meetings and Committees, Section 3. Committees (attached) including:

- 3-3.1 Number
- 3-3.2 Recording of Committee Meetings
- 3-3.3 Membership
- 3-3.4 Attendance at Meetings
- 3-3.6 Nature and Responsibilities of Committees
- 3-3.7 Functions of the Standing Committees

Should the Board permanently adopt the proposed revisions, staff will conform the applicable Board Rules sections. Please contact the General Manager if you require any additional information.



Kenneth A. Duron

**Attachments**

cc: Board Appointed Officers  
Deputy General Manager

## Proposal Objective

This proposal seeks to make more efficient use of Directors' and staff's time, generate more Board consensus, and give clearer direction to staff. It also seeks to facilitate the Board, as a whole, meeting its responsibilities to the district and the public. Toward this objective, this proposal includes recommendations for an updated committee structure. The proposed committee structure should facilitate more detailed policy discussion which will free Board meeting time for higher level discussion and remove most policy development from the RCI process.

## Proposed Committee Structure

The Board shall have four standing committees as follows in order to provide the opportunity for Directors to work through the majority of policy issues and concerns prior to full Board meetings:

1. Finance, Budget & Bond Oversight
  - Budget
  - Financial Planning & Policy
  - Audit
  - Fares & Revenue
  - Bond Oversight
2. Administration, Workforce & Legislation
  - Board Rules
  - Board Technology
  - Workforce
  - Administration
  - Legislation
3. Operations & Safety
  - Operations
  - Rider experience
  - Police
  - Safety & Security
4. Planning
  - Planning
  - Real Estate
  - Stations
  - Station Access
  - System Expansion
  - Sustainability

**Committee Agendas:** Items may be placed on a Committee Agenda by a Board Appointed Officer, with the consent of the Committee Chair, or by two members of the committee. Questions about which Committee has jurisdiction of a particular item shall be resolved by the President of the Board of Directors. Committee agendas shall be posted with the same notice as Board agendas.



**Committee Membership:** Each Director shall be a member of two committees, except the President and Vice-President who shall be a member of one committee. Directors shall submit their Committee preferences to the Board President. The Board President shall make committee assignments taking into account Director preferences. Each Committee shall have four members.

**Agendizing Committee Items to Board:** Items that receive at least three affirmative votes in committee shall be forwarded to the full Board for consideration a full Board meeting.

**Bypassing Committees:** No action item that falls under the jurisdiction of a committee, other than procurement and contracting, shall come before the full Board of Directors without receiving at least three votes in Committee unless one of the following conditions is met:

- The General Manager and the President together determine that an item requires the timely attention of the board.
- At least three Directors ask the President to bring the item before the full Board.

**Committee Meeting Schedule:**

Board committees shall meet once a month for up to two hours on a regular to be determined schedule. The committee meetings shall take place in the board room, with audio recording.

**Committee Chairs:** The President shall appoint Committee chairs and vice-chairs. The Committee chairs shall be responsible for the orderly functioning of their committees.

**3-2.9 Pledge of Allegiance**

The Pledge of Allegiance to the Flag shall be made at meetings of the Board.

**3-2.10 Reading of Resolutions**

It shall be unnecessary for the District Secretary to read aloud any portion of a written resolution submitted to the Board for action in the absence of a request by a Director for such a reading.

**3-2.11 Display of Electronic Voting**

Votes taken using electronic voting system shall display the vote only after all Directors have completed voting. Votes taken in compliance with Brown Act requirements (i.e. roll call vote for teleconferenced meeting) are exempt from this rule.

New Rule, Adopted  
March 10, 2016

**SECTION 3. COMMITTEES**

**3-3.1 Number**

Committees of the Board shall consist of the following:

**(a) Standing Committees:**

- (1) Administration.**
- (2) Engineering and Operations.**
- (3) Planning, Public Affairs, Access, and Legislation.**

**(b) Special Committees:**

Such special committees as may be authorized by the Board from time to time. A special committee shall cease to exist when the Board determines that the committee is no longer needed.

Special Committees shall adhere to the Brown Act.

Special Committees shall be noticed 72 hours in advance.

All agendas will be distributed, posted and published on-line before the meeting.

The meetings will normally be held in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall, 344 20<sup>th</sup> Street, Third Floor, at 9:00 a.m. on the first Thursday of each month, unless otherwise directed by the Chairperson.

Materials provided to members in advance of the meeting will be available on the District's website at [www.bart.gov](http://www.bart.gov). Materials distributed at the meeting will be made available to the public during the meeting and by request to the District Secretary following the meeting.

Special committee meetings shall be recorded and such recordings shall be available through the District Secretary's office.

Revised and Adopted  
July 23, 2015

(c) Ad Hoc Committees:

The Board may create such Ad Hoc Committees as it deems necessary and proper. It is the intent of the Board that such Ad Hoc Committee meetings be open to the public and noticed as such in a manner consistent with the Brown Act.

New Rule, Adopted  
July 23, 2015

3-3.2 Recording of Committee Meetings

The District shall record all meetings of committees except portions not open to the public. Such recordings shall be available through the District Secretary's Office. Recording method (i.e.: audio, video, minutes, notes, etc.) may be determined by staff supporting the committee.

New Rule, Adopted  
March 10, 2016

3-3.3 Membership

The President shall make appointments to all Committees and designate the Chairperson and Vice Chairperson thereof. Any appointment by the President of any Committee or liaison member or Committee Chairperson or Vice

Chairperson of any Committee shall be ratified by a majority vote of all members of the Board. Such appointments shall be submitted directly to the Board for ratification.

Revised and Adopted  
July 23, 2015

- (a) The Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees shall be composed of three (3) members. No business of these Committees shall be conducted unless a quorum of the Committee is present. A quorum of the Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees shall be two (2) members of the Committee.

Revised and Adopted  
June 23, 2011

#### 3-3.4 Attendance at Meetings

All Board members are authorized to be compensated in accordance with Resolution Nos. 4739 and 5044 for attendance at Board, standing and special committee meetings.

Revised and Adopted  
March 13, 2008

No Director shall be compensated for a meeting from which the Director was absent while on official District business unless that Director provides a timely, brief written explanation of the official business conducted to the District Secretary.

New Rule, Adopted  
November 19, 1998

For purposes of this Rule, "official District business" shall mean acting in one's capacity as Director on behalf of the District. Examples of official District business include, but are not limited to: meeting with legislators and other public officials and their representatives on matters concerning the District; making or attending presentations on behalf of the District; traveling to and attending other meetings as District representatives; and participating in activities related thereto.

New Rule, Adopted  
January 28, 1999

**3-3.5 Term of Office**

The term of office for members of the committees shall be from the date of appointment until their successors are appointed. It is understood that the committees are reappointed annually, following the election of officers. Whenever a vacancy occurs on a standing or special committee, the President shall make either a temporary or a permanent appointment to fill the vacancy, subject to Board ratification.

Revised and Adopted  
June 11, 1998

**3-3.6 Nature and Responsibilities of Committees**

- (a) All Committees are advisory only.
- (b) Tape recordings shall be kept of each committee meeting. These tapes will be available for listening by each Director or member of the public through the District Secretary's Office.
- (c) Committees may initiate consideration of any problem or measure relating to the general or specific functions assigned to that committee.
- (d) Matters coming to committees which require action by the Board of Directors may be recommended to the Board by the vote of a majority of the committee members present at a committee meeting. If a matter receives a tie vote in a committee, it shall be forwarded to the Board without recommendation from the committee.
- (e) At the request of three Directors, any matter will be placed directly on the agenda of an upcoming regular Board Meeting regardless of whether it has been assigned to a specific committee, provided applicable meeting notice and agenda requirements are met. Similarly, at the request of three Directors, any topic will be scheduled for a Board workshop, provided applicable meeting notice and agenda requirements are met. Such requests shall be directed to the Secretary.

Revised and Adopted  
June 23, 2011

**3-3.7 Functions of the Standing Committees**

- (a) Administration Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Financial planning and budgets.
2. Insurance.
3. Personnel.
4. Employee relations.
5. Supply.
6. Rules of the Board of Directors.
7. General policy.
8. Real estate, except space acquisition.
9. Audit review.
10. Strategic funding initiatives.
11. Small/Minority/Women owned Businesses.

To aid Directors in undertaking and fulfilling their responsibilities for financial reporting to the general public, the Administration Committee will, periodically, convene as a special Audit Review Group. Meetings of this group may be called by the Chairperson or any members of the Administration Committee.

When acting in this capacity, the group will recommend to the full Board the appointment of independent outside auditors. They shall also review the annual financial statements of the District prior to their submission to the Board of Directors and may examine and consider such other matters in relation to the internal and external audit of the District's accounts and in relation to the financial affairs of the District and its accounts as the group may, in its discretion, determine to be desirable.

(b) Engineering and Operations Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Engineering and construction.
2. Space acquisition.
3. Transportation service planning and operations.
4. Equipment and communications facilities.
5. Maintenance.
6. Research and development.
7. Physical design.
8. Safety, security and emergency management.
9. Sustainability and "Green" initiatives.

(c) **Planning, Public Affairs, Access, and Legislation Committee**

This committee shall make recommendations to the Board concerning the following subjects:

1. Public information.
2. Passenger information.
3. Advertising.
4. Marketing.
5. Public relations.
6. Legislation.
7. Station access.
8. Station area development.
9. Strategic planning.

Strategic planning issues addressed by this committee shall concern the following subjects:

1. Approach, direction and roles for the strategic plan process.
2. Responsibilities and tasks for subcommittees, task forces or work groups, as needed, to further the development of and updates to the strategic plan.
3. Review and revision of BART's mission and objectives, as needed.
4. Identification of key issues and strategies to respond to changing conditions and needs in the future as related to the strategic plan.
5. Develop strategies that define how BART will realize its mission and achieve its vision of the future.
6. Review the BART strategic plan on at least an annual basis.

**Revised and Adopted  
June 23, 2011**