

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

BOARD MEETING AGENDA

June 22, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 22, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th 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.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of June 8, 2017 (Regular and Special).* Board requested to authorize.
- B. Award of Invitation for Bid No. 9026, Fujitec Escalator Step Assemblies.* Board requested to authorize.
- C. Award of Contract No. 15NL-130, Pleasant Hill Parking Structure Elevator Modernization.* 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, WORKFORCE, AND LEGISLATION ITEMS

Director McPartland, Chairperson
NO ITEMS.

5. FINANCE, BUDGET, AND BOND OVERSIGHT ITEMS

Director Josefowitz, Chairperson

- A. Fiscal Year 2018 Fare Modifications.* Board requested to adopt. (TWO-THIRDS VOTE REQUIRED)
- B. Resolution Approving the Fiscal Year 2018 Annual Budget.* Board requested to adopt.

6. OPERATIONS AND SAFETY ITEMS

Director Keller, Chairperson

- A. Resolution Adopting a Safe Transit Policy.* Board requested to adopt.
- B. Proposed Rescission of Ordinance 2016-1 to Prohibit Patrons from Utilizing More Than One Seat during Commute Hours.* Board requested to adopt. (President Saltzman's request.) (Second reading.)

7. PLANNING ITEMS

Director Raburn, Chairperson

- A. Dublin / Pleasanton and West Dublin / Pleasanton Stations Parking Strategy, Advance Environmental Activities, and Planning for Multimodal Access Projects.* Board requested to authorize.
- B. Lake Merritt BART Transit Operations Facility:
 - a. Project Update.* For information.
 - b. Title VI Siting Analysis.* Board requested to approve.

8. GENERAL MANAGER'S REPORT

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

9. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2017.* For information.

10. BOARD MATTERS

- A. 2017 Schedule of Board Meetings.* For information. (President Saltzman's request.)
- B. Proposed Revision to Rules of the Board of Directors, Section 3, Committees, Number and Functions.* For discussion and possible action. (President Saltzman's request.)
- C. 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.)
- D. 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.)
- E. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

11. 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.)

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

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

District Negotiators: Val Menotti, Acting Assistant General Manager, Planning, Development, & Construction; Sean Brooks, Department Manager, Real Estate and Property Development; and John Rennels, Project Manager, Real Estate and Property Development

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

Under Negotiation: Price and Terms

Gov't. Code Section: 54956.8

13. 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 1,790th Meeting
June 8, 2017

A special meeting of the Board of Directors was held June 8, 2017, convening at 10:26 a.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Simon.

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

President Saltzman brought the matter of Procurement of Preloaded Clipper Cards from Cubic Transportation Systems, Inc., before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Discussion continued. Director Raburn moved that pursuant to Public Contract Code Section 20227, the Board find that Cubic Transportation Systems, Inc., is the single source supplier for the procurement of pre-loaded Clipper® cards; and that the General Manager be authorized to procure pre-loaded Clipper® cards from Cubic Transportation Systems for an amount not to exceed \$1,050,000.00. Director Dufty seconded the motion, which carried by unanimous acclamation by the required two-thirds majority. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

The Meeting was adjourned at 10:44 a.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,789th Meeting
June 8, 2017

A regular meeting of the Board of Directors was held June 8, 2017, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Simon. Director Josefowitz entered the Meeting later.

Director Allen introduced and welcomed Rebecca Patchen.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 25, 2017.
2. 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).
3. Appointment of BART Police Citizen Review Board Members.

Director Keller made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Dufty, Keller, McPartland, Raburn, and Saltzman. Noes - 0. Absent – 2: Directors Josefowitz and Simon.

1. That the Minutes of the Meeting of May 25, 2017, be approved.
2. That the General Manager be authorized to execute Change Order No. 35 to Agreement No. 6H3098, with WSP USA, Inc., extending the period of performance through June 30, 2018.
3. That the Board of Directors ratify the BART Police Citizen Review Board reappointment of the following members for the term of two 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; and Richard Knowles, BART Police Officers' Association/BART Police Managers' Association.

Director Josefowitz entered the Meeting.

President Saltzman called for Public Comment. Aleta Dupree addressed the Board.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, had no report.

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Title VI Fare Equity Analyses before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Ms. Pamela Herhold, Department Manager, Financial Planning; and Ms. Sharon Moore, Program Manager, Workforce and Policy Compliance, presented the item.

Aleta Dupree addressed the Board.

The item was discussed. Director McPartland moved that the Board approve the Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders and the Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018. Director Blalock seconded the motion. (The analyses are attached and hereby made a part of these Minutes.)

President Saltzman requested that the motion be amended to include instruction to staff to return to the Board for approval of an action plan for implementation. The maker and seconder of the motion accepted the amendment. Discussion continued.

John Arantes addressed the Board.

Director Raburn exited the Meeting.

The motion carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, and Saltzman. Noes – 0. Absent – 2: Directors Raburn and Simon.

Director Raburn re-entered the Meeting.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Change Orders to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. Director McPartland moved that the General Manager be authorized to execute Change Order No. 67, Part 2, Vierendeel Frame Revisions, in the not-to-exceed amount of \$754,467.00; and Change Order No. 75, Additional Costs to Remove Existing Coating on SFTS, in the not-to-exceed amount of \$388,861.00, both to Contract No. 79HM-120, SFTS MB, with Manson Construction Company Inc. Directors Blalock and Saltzman 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 Keller brought the matter of 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, before the Board. President Saltzman presented the item. The item was discussed. Director Keller moved that additional options to prohibit utilization of more than one seat be brought back to the Board for discussion at a future meeting. Director Blalock seconded the motion. Discussion continued. The motion carried by electronic

vote. Ayes – 5: Directors Allen, Blalock, Josefowitz, Keller, and McPartland. Noes – 3: Directors Dufty, Raburn, and Saltzman. Absent – 1: Director Simon.

Director Raburn, Chairperson of the Planning Committee, brought the matter of Lease Rider and Estoppel Agreements for Affordable Housing Projects before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development; and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item. President Saltzman moved that the General Manager or her designee be 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. Director Raburn seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 7: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Simon.

President Saltzman announced that the Board Meeting would recess to the Special Board Meeting, and that the Regular Board Meeting would reconvene in open session upon conclusion of the Special Board Meeting.

The Board Meeting recessed at 10:24 a.m.

The Board Meeting reconvened in open session at 10:44 a.m.

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

Absent: Director Simon.

President Saltzman called for the General Manager's Report.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Regular Board Meeting and Special Board Meeting Workshop of June 22, 2017. The report was discussed.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, including the Women's Transportation Seminar (WTS) awards where former Director Gail Murray was honored, ridership, upcoming events, the potential Warriors championship parade, and outstanding Roll Call for Introductions items.

President Saltzman brought the matter of Proposed Revision to Rules of the Board of Directors, Section 3, Committees, Number and Functions, before the Board. The item was discussed.

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

Director Blalock reported he had attended the WTS award event.

Director McPartland reported he had been a keynote speaker at a Memorial Day event.

Director Raburn reported he had attended the Bridge Academy festival and the San Leandro Cherry City festival.

President Saltzman called for Public Comment. Aleta Dupree addressed the Board.

President Saltzman announced that the Board would enter into closed session under Item 11-A (Conference with Labor Negotiators) and Item 11-B (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 11:32 a.m.

The Board Meeting reconvened in closed session at 11:43 a.m.

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

Absent: Director Simon.

The Board Meeting recessed at 2:44 p.m.

The Board Meeting reconvened in open session at 2:51 p.m.

Directors present: Directors Saltzman.

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

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

The Meeting was adjourned at 2:52 p.m.

Kenneth A. Duron
District Secretary

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:

Option A	All youth ages 5-17 or 18 would receive a 50% discount on BART.
Option 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.
Option C	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:

	Regular Fare 13-18 Year-Old Riders	Orange Ticket 13-18 Year-Old Riders	5 through 12 Year- Old Riders
Option A	No Disp Impact	No Fare Change	Disp Impact
Option B	No Disp Impact	No Fare Change	No Fare Change
Option C	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%.

	Minority Disparate Impact	Low-Income Disproportionate Burden
A. 2.7% CPI-Based Fare Increase	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.

	Minority Disparate Impact	Low-Income Disproportionate Burden
B. Paper Ticket Surcharge	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
C. 62.5% Discount Reduced to 50%		
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. Power</i> 14 JUNE 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/27/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Maintenance and Engineering <i>Michael Lemon</i> Signature/Date: 6/5/2017	General Counsel <i>Vivian B. Aug</i> 6/5/17 []	Controller/Treasurer <i>Mark...</i> 6/6/17 []	District Secretary []	BARC <i>Paul...</i> 6/12/17 []

Fujitec Escalator Step Assemblies

PURPOSE: To request Board authorization to award Invitation for Bid (IFB) No. 9026 to Precision Escalator of, Kenilworth New Jersey, for the bid price of \$765,000.00, including all applicable sales tax, for the procurement of Fujitec Escalator Step Assemblies.

DISCUSSION: The District currently owns and operates 28 Fujitec escalators that range in age from 15 to 22 years. The total combined Fujitec escalator step count is 2,631. Annual conveyance permit inspections have identified deficiencies due to wear in several of these step assemblies which now require replacement in order to adhere to the CA Code of Regulation safety code requirements Subsection 3089 (f) of Title 8.

This is a multi-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 from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on January 30, 2017 and bid request were mailed to four (4) prospective bidders. Bids were opened on February 21, 2017 and one bid was received.

Bidder	Material ID #	Quantity	Unit Price	Item Total
Precision Escalator	38-34-80825	510	1,500	\$765,000.00

Independent Cost Estimate by BART staff: \$775,000.00

Staff has determined that the sole bid submitted by, Precision Escalator is responsive. Staff has also determined that the bid price is fair and reasonable based on the independent cost estimate. Further examination of Precision Escalator's business experience and financial capabilities demonstrates that Precision Escalator is responsible.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive Bidder is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

FISCAL IMPACT: Funding for \$765,000.00 for FY2018 will be funded initially by the Materials and Supplies Inventory build-up account in the General Fund. Subsequent funding for this contract will be provided by the Maintenance & Engineering (M&E), Maintenance, Repair and Other account #680-010 as material is ordered from inventory. Any additional orders of Fujitec Escalator Step assemblies over and above the currently available funds of \$765,000.00 for FY2018 will only be placed upon certification by the Controller-Treasurer that funds are available. Expenditures for the out year portions of the contract will be included in the future M&E operating budgets which are subject to future board adoption.

ALTERNATIVES: Reject the Bid and re-advertise the Contract. This, however, is not likely to result in increased competition or lower prices and could potentially put BART in violation of State Permit requirements.

RECOMMENDATION: It is recommended that the Board adopt the following Motion.

MOTION: The General Manager is authorized to award IFB No. 9026, for the purchase of Fujitec escalator step assemblies, to Precision Escalator in the amount of \$765,000.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patrick M. Quinn</i> 14 July 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/24/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrick Quinn Dept: Maintenance and Engineering	General Counsel <i>Jim B. As</i>	Controller/Treasurer <i>Chris Gan</i> 6/13/17	District Secretary	BART <i>Paul</i> <i>Quinn</i> 6/14/17
Signature/Date: <i>Patrick Quinn</i> 6/12/17	[]	[]	[]	[]

Award Contract No. 15NL-130 Pleasant Hill Parking Structure Elevator Modernization

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15NL-130, Pleasant Hill Parking Structure Elevator Modernization, to Ascent Elevator Services Inc., (Ascent), for the Bid amount of \$1,566,000 to refurbish and modernize four (4) elevators at Pleasant Hill Station.

DISCUSSION:

The Work of this Contract includes the refurbishment and modernization of four (4) elevators located in the parking structure at Pleasant Hill Station. These four (4) elevators have had very poor reliability in recent years and are frequently out of service for long periods of time. With the proposed repairs and upgrades, these units should achieve better reliability and improve patron access to and from the Station. The upgrades will also bring these units into compliance with Americans with Disabilities Act, (ADA), standards and allow the elevators to be reclassified as Group 4 conveyances under the State of California, Department of Industrial Relations - Division of Industrial Safety. The Work, in general, includes installation of new code compliant mechanical components, electrical components, communication components, cab flooring, documentation, training, permitting and testing.

Advance Notice to Bidders of this Contract was emailed on February 7, 2017, to fourteen (14) prospective bidders with C11-Elevator Contractor classification and 21 Plan rooms. The Contract was publicly advertised on February 7, 2017, and subsequently posted on the BART Procurement Portal where four (4) Plan Holders downloaded the Contract

Book. A Pre-Bid meeting was held on February 22, 2017 with zero (0) prospective bidders in attendance. Two (2) Bids were received on April 4, 2017 with the following tabulated results shown below.

TOTAL BID AMOUNT:

Ascent Elevator Services Inc.	
(San Francisco Elevator Construction)	\$1,566,000
Excelsior Elevator	\$1,858,400
BART Engineer's Est.	\$1,670,980

Staff has determined that the Bid by Ascent Elevator Services Inc. is responsive and that the Bidder is responsible. The Bid documents submitted by Ascent Elevator Services Inc. are satisfactory and examination of that firm's business experience and financial status show a satisfactory condition. The Bid by Ascent Elevator Services Inc. which is approximately 6.3% below the Engineer's estimate of \$1,670,980 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Office of Civil Rights determined that Ascent Elevator Services, Inc. did not meet either of the MBE or WBE Availability Percentages. Therefore, Ascent Elevator Services, Inc. was required to provide the District with documentation to determine if it had discriminated on the basis of race and gender. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Ascent Elevator Services, Inc. is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The second lowest Bidder, Excelsior Elevator, is a certified Small Business; however, Excelsior Elevator's Bid was deemed non-responsive since it did not comply with the Contract's Technical Specifications.

FISCAL IMPACT:

Funding of \$1,566,000 for the award of Contract # 15NL-130 is included in total project budget for FMS # 15NL003 – Pleasant Hill Parking Structure Elevator Modernization. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of June 6, 2017, \$1,622,906 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
535A	FY10-11 Prop 1B - PTMISEA	State	772,906.00
664E	CCTA Resolution 16-43-P	Local	600,000.00
8524	FY12 Operation Capital Allocation	BART	250,000.00
Total			1,622,906.00

BART has expended \$43,374 committed \$0 and reserves \$0 to date for other action. This action will commit \$1,566,000 leaving an available fund balance of \$13,532 in this Project.

There is no fiscal impact on available unprogrammed District Reserves

ALTERNATIVES:

The alternatives are to reject all bids and either (1) re-advertise the Contract, which is unlikely to result in lower Bid price, or (2) perform the Work with in-house District employees which will greatly impact the District's ability to maintain operational elevators and escalators system wide.

RECOMMENDATION:

Based on the analysis by staff, it is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15NL-130, Pleasant Hill Parking Structure Elevator Modernization, to Ascent Elevator Services Inc. for the Bid Price of \$1,566,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 14 June 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charlotte Barham Dept: Budget Signature/Date: <i>Charlotte Barham</i> 6/14/17	General Counsel <i>[Signature]</i> 6/14/17 []	Controller/Treasurer <i>Chris Gan</i> 6/17/17 []	District Secretary []	BARC <i>PA For CM</i> 6/14/17 []

Fiscal Year 2018 Fare Modifications

PURPOSE:

Adopt a resolution modifying fares as of January 1, 2018 as follows: (1) Apply a \$0.50 surcharge to fares paid with a magnetic stripe paper ticket; (2) Reduce the discount from 62.5% to 50% for youth riders age 5 through 12; and (3) Provide a new 50% discount to youth riders age 13 through 18.

DISCUSSION:

Fare changes have been considered as part of the solution to address the estimated shortfall of \$31 million (M) projected in the Fiscal Year 2018 (FY18) Budget. To ensure compliance with federal Title VI regulations, the District 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.

At the Board's March 9, 2017 meeting, the Board gave direction to staff to perform a Title VI fare equity analysis and public outreach on the following fare modification options:

- Implementation of a surcharge, either at a flat rate or a percentage increase, for fares paid using a magnetic stripe paper ticket; and
- Reduction of the discount for seniors, people with disabilities, and youth age 5-12 from 62.5% to 50%.

After the Title VI equity analysis was begun, the District was informed that the State of California would provide additional funding in FY18 through Senate Bill (SB) 1; with the receipt of this additional revenue, the Board directed staff to remove the discount reduction

for seniors and people with disabilities from the list of potential fare modifications for FY18.

In addition to the above fare change options, a productivity-adjusted inflation-based fare increase of 2.7% is scheduled for January 1, 2018. Pursuant to Board Resolution No. 5208, the General Manager is authorized to implement such productivity-adjusted inflation-based fare increases subject to approval of a Title VI equity analysis of that fare increase by the Board. In accordance with Board direction, revenue generated from these fare increases will be allocated solely to fund BART's highest priority capital needs.

On June 8, 2017, the Board approved the resulting "Title VI Fare Equity Analysis for Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018" ("FY18 Equity Analysis") as well as the "Title VI Fare Equity Analysis of Possible Changes to the Youth Discount" ("Youth Equity Analysis"), which had been previously completed as part of a regional effort to make youth discounts consistent among operators.

The FY18 Equity Analysis determined that magnetic stripe paper ticket users are disproportionately low income, youth riders age 5-12 are disproportionately minority and low-income, and that the implementation of the proposed fare modification options could adversely affect these two groups. In order to implement such options, the District is required to consider various mitigation actions to address potential adverse impacts to each of these user groups caused by the fare changes as described in the FY18 Equity Analysis:

- For riders that may be adversely affected by the proposed surcharge for magnetic stripe paper tickets, the FY18 Equity Analysis discusses various mitigation measures to address potential impacts including the distribution of free Clipper cards to low-income riders. BART's Title VI/Environmental Justice and Limited English Proficiency Advisory Committees will advise staff on development and implementation of a Mitigation Action Plan, which staff will bring to the Board for approval.
- To mitigate potentially adverse impacts to youth riders age 5-12 resulting from the youth discount decrease from 62.5% to 50%, staff has identified a 50% fare discount extension to youth riders ages 13 through 18 as a mitigation measure; this discount extension was originally proposed for purposes of consistency with youth fare discounts offered by other transit operators across the region, as described in the Youth Equity Analysis.

A public hearing was held on May 25, 2017 at a regularly scheduled meeting of the Board to consider these changes to fare rates and charges.

Staff now recommends three fare changes be implemented for the FY18 Budget to take effect on January 1, 2018. These changes would be in addition to the 2.7% inflation-based

increase, implementation of which can proceed as the Board has approved the Title VI Fare Equity Analysis as required by Resolution 5208; the 2.7% fare table is provided for information in Attachment A. The three fare changes are as follows:

- A flat surcharge of \$0.50 on fares paid for with magnetic stripe paper tickets
- A reduction from 62.5% to 50% to the discount offered to youth riders age 5 through 12 years old
- A new 50% discount offered to youth riders age 13 through 18 years

The proposed implementation of the inflation-based fare increase, the magnetic stripe paper ticket surcharge, and the youth discount reduction is exempt from review under the California Public Environmental Quality Act (CEQA) pursuant to the exemption set forth in the California Public Resources Code Section 21080(a)(8) and the CEQA Guidelines 14 Cal.Code.Regs. Section 152723(a) since they are for the purpose of (a) meeting operating expenses, (b) purchasing or leasing supplies, equipment or materials, and (c) meeting financial reserve needs and requirements.

The proposed implementation of the youth discount for riders age 13 through 18 will generate a small number of new passenger trips and will not require any modifications to existing revenue service. As such, the proposed discount is exempt from CEQA per CEQA Guidelines, 14 Cal.CodeRegs. Section 15061(b)(3) since there is no possibility that the activity in question will have a significant effect on the environment.

FISCAL IMPACT:

The FY18 Budget includes the following estimated revenue impacts of implementing the recommended changes for the second half of FY18:

- Magnetic Stripe 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.
- 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.

ALTERNATIVES:

Do not approve one or more of the recommended fare changes, which would require staff to identify additional revenue sources or cost reductions in order to balance the FY18 Budget.

RECOMMENDATION:

Approval of the following motion.

MOTION:

Adopt the attached resolution, "In the Matter of Adopting Modified Fare Rates and Charges: Apply a \$0.50 Surcharge to Fares Paid with Magnetic Stripe Paper Tickets; Reduce the Discount for Youth Riders Age 5-12 from 62.5% to 50%; and Provide a New Discount of 50% to Youth Riders Age 13-18."

Two-thirds vote required.

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

**In the Matter of Adopting Modified Fare
Rates and Charges: Apply a \$0.50 Surcharge
to Fares Paid with Magnetic Stripe Paper
Tickets; Reduce the Discount for Youth Riders
Age 5-12 from 62.5% to 50%; and Provide a
New Discount of 50% to Youth Riders Age 13-18**

Resolution No. _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District (“District”) to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, initial projections for the Fiscal Year 2018 (“FY18”) Budget resulted in a deficit of \$31 million. The projected deficit is due in part to declines in ridership, especially on the weekends, and sales tax revenues; and

WHEREAS, to address the FY18 Budget deficit, District staff has studied and made proposals to this Board concerning possible modifications to the existing rates and charges to be enacted on January 1, 2018 as follows: implement a surcharge, either at a flat rate or a percentage increase, on fares paid for with magnetic stripe paper tickets and reduce the discount for seniors, people with disabilities, and youth age 5-12 from 62.5% to 50%; and

WHEREAS, pursuant to Resolution 5208, the General Manager is authorized to and has also proposed to implement a productivity-adjusted inflation-based fare increase effective January 1, 2018 subject to approval by the Board of a Title VI equity analysis of that increase. Revenue from these increases per Board direction is to be used only to help fund BART’s highest priority capital needs; and

WHEREAS, to ensure compliance with federal Title VI regulations, as directed by the Board at its March 9, 2017 meeting, District staff has performed an analysis of any proposed fare modifications to determine if any change would potentially place a disparate impact on minority riders or a disproportionate burden on low-income riders; and

WHEREAS, after the Title VI equity analysis was begun, the District was informed that the State of California would provide additional funding in FY18 through Senate Bill (SB) 1; with the receipt of this additional revenue, the Board directed that the discount reduction for seniors and people with disabilities be removed from the list of potential fare modifications for FY18; and

WHEREAS, the “Title VI Fare Equity Analysis for Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018” and “Title VI Fare Equity Analysis of Possible Changes to the Youth Discount,” which includes the analysis of

offering a new discount to riders age 13 through 18, were approved by the Board at its June 8, 2017 meeting; and

WHEREAS, to mitigate for potential adverse impacts to minority and low-income passengers projected to result from two of the proposed fare modifications, staff will implement a Board-approved Mitigation Action Plan to distribute free Clipper cards to low-income riders which they can use to avoid the paper ticket surcharge, and has identified the previously proposed extension of the youth discount to passengers age 13 through 18 as a mitigation measure for potential impacts from the aforementioned youth discount decrease to 50% for riders age 5 through 12; and

WHEREAS, the FY18 Budget now includes the following four fare modifications to take effect on January 1, 2018: an across-the-board productivity-adjusted inflation-based increase of 2.7%; a flat surcharge of \$0.50 on fares paid for with magnetic stripe paper tickets; a reduction from 62.5% to 50% to the discount offered to youth riders age 5 through 12 years; and a new 50% discount offered to youth riders age 13 through 18 years; and

WHEREAS, a public hearing was held on May 25, 2017 at a regularly scheduled meeting of the Board to consider these modifications to fare rates and charges; and

NOW, THEREFORE, the Board hereby finds that:

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
 - (a) Pay for the operating expenses of the District;
 - (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
 - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
 - (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.
- (2) The modifications to fare rates and charges set forth in Exhibit A are for the purposes of:
 - (a) Meeting operating expenses including employee wage rates and fringe benefits;

- (b) Purchasing or leasing supplies, equipment or materials;
- (c) Meeting financial reserve needs and requirements; and
- (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

The modifications to fare rates and charges are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines, 14 Cal.CodeRegs. Section 15273.

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

- (1) The rates and charges for BART service set forth in Exhibit A are hereby adopted.
- (2) The proposed surcharge on magnetic stripe paper tickets and the youth discount reduction set forth in Exhibit A to this Resolution are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. § 15273 since the fares are for the purpose of meeting operating expenses and purchasing or leasing supplies, equipment or materials, and staff is authorized to file such documents that may be required by CEQA based on the actions authorized by the Board.
- (3) The proposed implementation of the youth discount for riders age 13 through 18 is not subject to CEQA under California Public Resources Code Section 15061(b)(3) since there is no possibility that the activity in question may have a significant effect on the environment.

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EXHIBIT A: MODIFIED FARE RATES AND CHARGES:

Apply a \$0.50 Surcharge to Fares Paid with Magnetic Stripe Paper Tickets; Reduce the Discount for Youth Riders Age 5-12 from 62.5% to 50%; and Provide a New Discount of 50% to Youth Riders Age 13-18

The new fare rates and charges for BART service shall be as follows:

\$0.50 Surcharge on Magnetic Stripe Paper Ticket Fares

- Effective January 1, 2018, or as soon thereafter as the fare schedule can be implemented, each fare that is paid for with a magnetic stripe paper ticket will increase by \$0.50; and

50% Discount for Youth Riders age 5 through 18 years

- Effective January 1, 2018, or as soon thereafter as the fare schedule can be implemented, the discount offered youth riders age 5 through 12 years will be reduced from 62.5% to 50%, and a new discount of 50% will be offered to riders age 13 through 18 years. The discount will be applied by reducing full fares then in effect by 50%, with the resulting value rounded down to the nearest nickel to ensure these riders receive at least a 50% discount.

The fare schedule for riders paying with a magnetic stripe paper ticket is shown in Attachment 1.

The fare schedule with a 50% discount for youth riders age 5 through 18 is shown in Attachment 2.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Row</i> 15 JUNE 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/8/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept: Budget <i>Robert S. Umbreit</i> Signature/Date: 6/15/17	General Counsel <i>[Signature]</i> 6/15/17 []	Controller/Treasurer <i>Chris Gaud</i> 6/15/17 []	District Secretary <i>[Signature]</i> 06/15/17 []	BARC <i>[Signature]</i> []

ANNUAL BUDGET RESOLUTION FOR FISCAL YEAR 2018

PURPOSE:

To authorize adoption of the Annual Budget Resolution for Fiscal Year 2018 (FY18).

DISCUSSION:

Approval by the Board of Directors is required for the FY18 operating and capital budgets. The total proposed FY18 operating and capital budget is \$1.92 billion. The FY18 operating budget is balanced, with \$920.6 million (M) in uses, and the FY18 capital budget totals \$997.9M.

The proposed FY18 annual budget is summarized in Attachments 1, 2, 3 and Exhibit A. The attachments summarize the budget including proposed initiatives and capital allocations that were reviewed in presentations to the Board of Directors at regular meetings of the Board and Committees from March through June. The capital budget has been updated for the finalized FY18 budgeted positions. The only other changes from the Revised Preliminary Budget are regarding the placeholder for Low Carbon Fuel Standard (LCFS) program funds, and a minor reclassification of revenue between parking and other revenue categories (no impact). The Revised Preliminary Budget had included the \$4.0M placeholder (until a Low Carbon Fuel Standard Policy is approved by the Board) for use of the LCFS revenue in the budget as non-labor expense. The proposed Annual Budget now instead includes the placeholder in the budget as an allocation to operating reserves, pending approval of a policy.

FY18 Operating Budget

The FY18 budget includes funding to open the Silicon Valley Berryessa Extension, estimated to open in early 2018 and the eBART extension, estimated to open in late 2018. Despite a

challenging fiscal picture with declining ridership and slowing sales tax growth that limits available funding, the budget also includes \$4.2M in initiatives including investments in controlling fare evasion, extending a 50% Youth Discount to ages 13-18, and other programs. In addition, per Board policy established in 2013, a portion of parking revenue funds a variety of station and access related projects, including a safety & security initiative, additional (capital) funding for fare evasion efforts, and other stations/access initiatives. The addition to ongoing projects totals \$5.7M in FY18. Budget and stations/access initiatives for FY18 are listed in Attachment 3.

When the proposed FY18 operating budget was first developed, the projections were for a shortfall of \$30.8M and \$3.2M in budget initiatives were proposed, so a \$34M shortfall needed to be addressed. The original Preliminary Budget proposed a variety of solutions, which were modified to the current proposal after the California Legislature passed SB 1 in April and increased State Transit Assistance funding by an estimated \$16.2M. The proposed solutions include reductions in operating expense, a surcharge on magnetic stripe tickets, a one-time reduction in the baseline capital allocation, and usage of prior year Low Carbon Transit Operations Program funds to help meet the FY18 commitment of \$45M in operating funds for the new rail car program. The proposed initiatives were also supplemented by adding initiatives for a Transportation and System Service Department efficiency study and funding the Late Night Bus program for FY18. Other changes from the original Preliminary Budget include adding 5 Police Officer and 4 Community Service Officer positions for the outer C-Line and adding 4 system service workers to the operating portion of the safety and security initiative (while reducing the capital portion of the initiative).

Approval of the FY18 operating budget as proposed is dependent on Board approval of fare changes related to the \$0.50 surcharge on trips taken with magnetic stripe tickets, decreasing the discount for the Youth Discount from ages 5-12 from 62.5% to 50%, and offering a new Youth Discount of 50% to ages 13-18. If these are not approved the budget will need to be modified.

FY18 Capital Budget

The capital budget proposes FY18 expenditures of \$998M and funds 948.5 positions. This is a decrease of \$28M, or 3%, over the Preliminary Budget, with variances due to the ongoing refinement and sequencing of the multi-year Measure RR funded capital improvement program. Compared to the adopted FY17 capital budget, the FY18 proposed budget represents a 12% increase in capital expenditures. This is attributed to expenditure increases in several key capital program categories, including Service and Capacity Enhancement (54% increase to \$74.8M), Earthquake Safety (66% to \$100.6M), System Renovation and Reinvestment (15% increase to \$673.1M), and Safety and Security (4% to \$70.4M). Reflecting the “wind down” of Warm Springs and eBART extensions, System Expansion will be the only program category experiencing an expenditure decrease in FY18 (a 39% reduction from FY17 to \$73.5M) Railcar replacement (\$287M) and the Hayward Maintenance Complex (\$71M) represent the largest individual project expenditures in the

capital budget. Other major expenditures reflect the renewed emphasis on system reinvestment, including mainline rail and power distribution projects (\$175M), train control and fare collection (\$64M) and station modernization and renovation projects (\$67M).

In November 2016, the capital program was provided with a substantial source of support with the passage of Measure RR and its authorization to issue up to \$3.5B in general obligation bonds to fund certain capital improvements. As the Measure RR program gets under way, this source will become more prominent in the mix of federal, regional and local funds, which also includes a sizable commitment of BART operating allocations. The ongoing commitment of BART funds is an essential component of the capital program, particularly in meeting the long-term commitments required to deliver major capital projects such as rail car replacement and the Hayward Maintenance Complex. Other capital activities dependent on operating allocations are grant-ineligible projects and initiatives, routine but necessary capitalized maintenance projects, emergent safety and security projects, and equipment and inventory. Operating allocations derived from parking revenues are dedicated, per board policy, to a variety of station and access improvements, including signage, pedestrian improvements, station heavy cleaning, information displays, bike improvements, limited studies, and the sustainability program. As mandated by regional programming requirements, federal funds are directed to train control and traction power, trackway renovation, general mainline repairs, rail cars, fare collection, and ADA/system accessibility improvements. Other capital revenues are limited in their flexibility and many sources and grants are restricted to certain projects and/or activities as a condition of award. The FY18 capital budget contains modest but important contributions of state and local funds, including bridge toll allocations and county transportation sales tax funds, which are earmarked for station modernization and grant match. Proceeds from the Earthquake Safety general obligation bond are dedicated exclusively to the Earthquake Safety program. Additionally, there are smaller, defined purpose grants that are limited to specific projects.

FY18 Budget Resolution

Staff recommends approval of the attached Resolution to adopt the FY18 Annual Budget. As in previous years, the FY18 Resolution includes authorizations including the submittal of annual applications for Transportation Development Act (TDA), State Transit Assistance (STA) and Bridge Toll funds that are included in the FY18 capital budget, as appropriate. The Resolution also allows the General Manager or the General Manager's designee to execute the agreement with the City and County of San Francisco to provide annual transfer payments for feeder services to the San Francisco Municipal Transportation Agency for FY18. The Resolution also incorporates provisions referring to the SFO Extension service plan and certain District system-wide operating policies. The only changes to the authorizations for FY18 are authorizing the General Manager to waive minor irregularities in bid documents prior to recommending contract awards to the Board and removal of an authorization to file grant applications with the State of California for certain security grants since those grants are now completed.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. It includes modifications to the Preliminary Budget as outlined in the previous paragraphs. Exhibit B (attached) reflects current hourly pay rates or base pay ranges, as applicable, and management incentive pay, if any, for non-represented employees.

FISCAL IMPACT:

The proposed FY18 Annual Budget is balanced.

ALTERNATIVES:

Not adopt the budget or adopt a budget that differs from what has been presented to the Board of Directors. Rules of the Board of Directors require that the budget be adopted prior to June 30th; adoption of the Budget Resolution by June 30th is required to authorize expenditures in FY18.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

Adoption of the attached Resolution in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizing expenditures for the fiscal year July 1, 2017 to June 30, 2018.

Attachment 1
Fiscal Year 2018 District Operating Budget
Sources and Uses Detail

SOURCES	FY18		FY18 ADOPTED
	PRELIMINARY	Changes	
Rail Passenger Revenue	\$ 511,668,779	\$ (879,647)	\$ 510,789,132
ADA Passenger Revenue	885,651	-	885,651
Parking Revenue	35,000,964	185,000	35,185,964
Other Operating Revenue	32,074,499	(185,000)	31,889,499
Sub-Total Operating Revenue	579,629,893	(879,647)	578,750,246
Sales Tax Proceeds	252,458,736	-	252,458,736
Property Tax Proceeds	42,190,202	-	42,190,202
Local & Other Assistance	6,227,910	-	6,227,910
State Transit Assistance	10,610,398	16,213,781	26,824,179
Low Carbon Fuel Standard Program	4,000,000	-	4,000,000
VTA Financial Assistance	7,090,778	-	7,090,778
Sub-Total Financial Assistance	322,578,024	16,213,781	338,791,805
TOTAL SOURCES	902,207,917	15,334,134	917,542,051
USES			
Labor & Benefits	535,812,876	6,113,020	541,925,896
OPEB Unfunded Liability	3,071,000	-	3,071,000
ADA Paratransit	14,955,478	-	14,955,478
Purchased Transportation	14,045,842	273,000	14,318,842
Power	42,868,815	460,185	43,329,000
Other Non-Labor	123,622,930	1,506,185	125,129,115
Sub-Total Operating Expense	734,376,941	8,352,390	742,729,331
Debt Service	50,770,050	-	50,770,050
Allocation - Capital Rehabilitation	25,422,703	3,790,366	29,213,069
Allocation - Rail Car Sinking Fund	39,000,000	-	39,000,000
Allocation - Priority Capital Programs	38,842,193	-	38,842,193
Allocation - Stations & Access Projects	5,807,097	(808,622)	4,998,475
Allocations - Other	3,521,525	-	3,521,525
Allocation - Rail Car Project from SFO Net Result	7,538,408	-	7,538,408
Allocation - Reserves	-	4,000,000	4,000,000
Sub-Total Allocations	170,901,976	6,981,744	177,883,720
TOTAL USES	905,278,917	15,334,134	920,613,051
OPEB Unfunded Liability	(3,071,000)	-	(3,071,000)
NET RESULT	\$ -	\$ -	\$ -
Average Weekday Trips	431,084		431,709
Operating Ratio	78.9%		77.9%
Farebox Recovery Ratio	69.8%		68.9%

Attachment 2

FY18 Capital Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	Capital Headcount*	Planned Expenditures
	FY18	FY18
System Renovation		
Rolling Stock	51.3	287,346,211
Mainline	432.3	175,444,500
Stations	24.8	66,511,228
Controls & Communications	97.1	63,872,359
Facilities	27.7	79,826,248
Work Equipment	0.3	94,374
Total System Renovation	633.5	673,094,920
Safety & Security	16.5	70,440,845
Earthquake Safety	27.6	100,631,598
Service & Capacity Enhancement	21.4	74,802,778
System Expansion	160.4	73,452,797
Capitol Corridor**	24.0	3,700,000
Reimbursable***	17.0	1,800,000
Cost Allocation Plan	48.0	
TOTALS	948.5	997,922,939

* Total authorized permanent positions.

** All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capitol Corridor Joint Powers Board in the Annual State Budget Act.

*** Positions fully reimbursed by Muni, Caltrans, and others for BART staff expenses incurred in performing services for those organizations.

Attachment 3

FY18 Operating and Capital Budget Initiatives (General Fund)

OPERATING	Pos.	Labor	Non-Labor	Total
Fare Evasion Control	7.0	740,748	50,000	790,748
Weekend Ridership Promotion		-	300,000	300,000
Upgrade Board Room Equipment and Agenda Web Page		-	75,000	75,000
Workforce Development Grant Match		500,000	-	500,000
Transportation Department Efficiency Study			1,000,000	1,000,000
Total Operating Expense	7.0	1,240,748	1,425,000	2,665,748

FARES	Revenue Loss
Extend 50% Youth Discount to Riders Age 13-18	1,500,000

CAPITAL	Total
Upgrade Board Room Equipment (capital portion)	50,000
CAPITAL TOTAL	50,000

FY17 Stations & Access Projects (from Parking Revenue)

OPERATING	Pos.	Labor	Non-Labor	Total
Safety & Security Initiative*	8.0	784,371	-	784,371
Bike Program Operations		-	150,000	150,000
OPERATING TOTAL	8.0	784,371	150,000	934,371

CAPITAL	Total
Fare Evasion Barriers	1,855,000
Safety & Security Initiative (capital portion)*	415,629
Parking Enforcement Productivity Improvement	400,000
Parking Program Software Upgrades	300,000
Carpool Enhancement Program	100,000
Brentwood Transit Center	400,000
Public Address System Modernization	525,000
Station Sustainability	500,000
Station Entrance Security	270,000
CAPITAL TOTAL	4,765,629

*Revised from Preliminary Budget to include 4 System Service workers, capital portion lowered to offset

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

**In the matter of approving
The Annual Budget for the
San Francisco Bay Area Rapid
Transit District and authorizing
Expenditures for the Fiscal Year
July 1, 2017, to June 30, 2018**

Resolution No. _____

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 5 and May 6, 2017 in newspapers of general circulation in the County of San Francisco, the County of Contra Costa, and the County of Alameda of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2017, to June 30, 2018; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to adopt an Annual Budget for the Fiscal Year July 1, 2017, to June 30, 2018; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District is required by Public Utilities Code Section 28767 to determine and create, by resolution, such number and character of positions as are necessary to properly carry out the functions of the District; and

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code §99200, *et seq.*, provides for the disbursement of funds from the Local Transportation Fund of the Counties of Alameda and Contra Costa for use by eligible claimants for the purpose of operating assistance; and

WHEREAS, the State Transit Assistance (STA) fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, as attested to by opinions of the Office of the General Counsel, the San Francisco Bay Area Rapid Transit District is an eligible applicant for Net Toll Revenues and MTC Rail Extension Reserve bridge toll revenues pursuant to Section 30892 of the Streets and Highways Code; and is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code Section 99260; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and San Mateo County Transit District, dated April 27, 2007, states that the San Francisco Bay Area Rapid Transit District will provide service on the SFO extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the system-wide operating plan for Fiscal Year 2018 was presented to the Board of Directors on May 11, 2017, in a presentation entitled Fiscal Year 2018 Preliminary Budget Operating Sources, Uses, Service Plan ; and

NOW, THEREFORE, BE IT RESOLVED that the attached Annual budget (marked Exhibit A and incorporated herein as though set forth at length) is hereby adopted; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes appropriations of monies expected to be available in the General Fund, Capital Funds including Construction Funds and existing and anticipated Federal, State and local grants, for expenditures in the amounts and for the purposes set forth in said budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to enter into services agreements (including professional, technical, maintenance and repair agreements) and lease or license agreements for District use of real property, facilities, equipment and software provided that:

- (1) The General Manager shall first determine that the work or services concerned, in the amounts authorized in a service agreement, cannot satisfactorily be performed by the officers or employees of the District;
- (2) Agreements that are let by public bidding, service, lease, and license agreements, and amendments thereto, between \$25,000 and \$100,000, shall be reported bi-monthly to the Board of Directors;
- (3) Prior authorization by the Board of Directors is required when:
 - a. The agreement, and amendments thereto, total in the aggregate \$100,000 or more in the fiscal year; or
 - b. Amendments total in the aggregate \$100,000 or more in any subsequent fiscal year;
- (4) The General Counsel is authorized to enter into services agreements in amounts up to \$100,000 with special counsel not previously designated by the Board without prior notice to the Board where the General Counsel determines that such immediate action is necessary to protect the legal interests of the District. Any such agreement shall be reported by the General Counsel to the Board within the calendar month thereafter.
- (5) The General Manager's authority to take immediate remedial measures, as defined in Section 20224 of the California Public Contract Code, and as authorized in Resolution No. 4834 shall remain unchanged; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exchange District goods and services for goods and services from others of approximately equal or greater value; and

BE IT FURTHER RESOLVED that all disbursements resulting from the exercise of authority granted the General Manager pursuant to this resolution shall be reported to the Board of Directors in the District's quarterly financial report; and

BE IT FURTHER RESOLVED THAT that the General Manager is authorized to waive minor irregularities in bid documents prior to recommending contract awards to the Board; and

BE IT FURTHER RESOLVED that Resolution No. 5324, adopted June 9, 2016, is repealed effective August 31, 2016, except as it applies to unexpended capital appropriations, and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a Bridge Toll Application, a TDA Application and an STA Application along with necessary supporting documents, with the Metropolitan Transportation Commission for allocation of bridge toll revenues, TDA and STA funds in FY18; and

BE IT FURTHER RESOLVED that the San Francisco Bay Area Rapid Transit District's system-wide operating policies shall be generally as set forth in the May 11, 2017, presentation entitled Fiscal Year 2017 Preliminary Budget Operating Sources, Uses, Service Plan and Capital, subject to such adjustments that staff determines necessary to operate the service in the public's interest; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute an agreement with the City and County of San Francisco (CITY) to provide a transfer payment in FY18, such transfer payment being paid by the District to CITY in order to facilitate the coordination of transit service and furnish an incentive to CITY for providing enhanced transfer services between MUNI and BART stations; and

BE IT FURTHER RESOLVED that the General Manager is authorized to make expenditures and incur liabilities against said funds within the limits set forth in said budget and the provisions of this Resolution, and to act on behalf of the District in connection with contracts arising thereunder, by following the procedures provided by law, and by Board of Directors' Resolutions and Board Rules, except that no contractual obligation shall be assumed by the District in excess of its ability to pay, and provided further that all expenditures shall be in conformance with statutory and other restrictions placed on the use of said funds; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed Board Appointed Department/Executive Office budgets by more than ten percent (10%) ten (10) days after written notice of this intended action has been mailed to the Board of Directors, provided that the Total Net Operating Expense line item set forth in "Exhibit A" is not exceeded and such action is consistent with Board Rule 5-1.4 and provided further that the General Manager will prepare and send to the Board, a summary of Department budgets within approximately 30 days after the adoption of this budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed the foregoing ten percent limitation for emergency expenditures which are made in accordance with Resolution No. 4834 and Public Contract Code Section 20224; and

BE IT FURTHER RESOLVED that the General Manager is authorized to act on behalf of the District, and to make expenditures and incur liabilities against all funds of the District as provided for in contracts which have been authorized by the Board of Directors of the District and that the Board's authorizations of such contracts also include the necessary appropriations for such contracts and change orders authorized by Rules approved by the Board, subject, however, to compliance with such specific appropriation resolutions as may be adopted by the Board from time to time; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to issue free or discounted promotional tickets in FY18 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2017:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2017, budgeted for the District shall be 4,418.5 (a part-time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 50 positions, of which not more than 25 positions may be charged to operating expense provided the budgeted Total Net Operating Expense is not thereby exceeded;
- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range adjustments. The General Manager is directed to initiate the annual review by October of each year.
- (4) The District Secretary shall insure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers'

employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.

- (5) The General Manager is authorized to pay non-represented employees on the merit plan who are eligible for a wage increase of up to 4.2214% as of July 1, 2017, and up to 2.5% as of January 1, 2018, that portion of their merit increase which exceeds the top of the base salary range with no increase to the employee's "base wage" above the top of the salary range. The amount over the top of the salary range shall be paid over the following twelve month period in equal pay period installments and will be discontinued after the expiration of the twelve month period unless the pay range is adjusted in accordance with (3), above, to incorporate that portion that is over the top of the salary range. Employees must have been rated "effective" or higher overall in their most recent performance evaluation to be eligible for any merit increase.
- (6) Except for Paragraph 1, and to the extent it is modified by Resolution No. 4748, Resolution No. 4487 remains in full force and effect.

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee shall post all grant applications online to the public as they are submitted, except those that if made public would compromise the security of the system.

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EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2018

<u>FUND SOURCES</u>	TOTAL
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 578,750,246
Property Tax	42,190,202
1/2 ¢ Sales Tax	252,458,736
Measure B, BB, & J Assistance	4,734,214
FTA 5314 Technical Assistance & Workforce Development	500,000
Other Financial Assistance	110,000
Caltrain - Millbrae Station Joint Use	883,696
Valley Transportation Authority - Silicon Valley Extension	7,090,778
State Transit Assistance	26,824,179
Low Carbon Fuel Standard Program	4,000,000
Total Operating Sources	917,542,051
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY18	\$ 997,922,939
TOTAL ESTIMATED FUND SOURCES	\$ 1,915,464,990
 <u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense ⁽¹⁾	\$ 544,996,896
Non-Labor Expense	197,732,435
Total Net Operating Expense	\$ 742,729,331
Revenue Bond Debt Service	50,770,050
Allocations to Capital - Rehabilitation	29,213,069
Allocations to Capital - Rail Car Sinking Fund	39,000,000
Allocations to Capital - Priority Capital Programs	38,842,193
Allocations to Capital - Stations & Access Projects	4,998,475
Allocations to Capital - Other	3,521,525
Allocation to Rail Car Project from SFO Net Result	7,538,408
Allocation to Reserves	4,000,000
Total Operating Uses	\$ 920,613,051
Other Post Employment Benefits Unfunded Liability	\$ (3,071,000)
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY18	\$ 997,922,939
TOTAL ESTIMATED FUND USES	\$ 1,915,464,990
NET FINANCIAL RESULT (DEFICIT)	\$ -

⁽¹⁾ Total Authorized Permanent Positions (FTE) as of 7/01/17 = 4,418.5

EXHIBIT B
CHARACTER, BASE SALARIES, PAY BANDS, HOURLY WAGE RATES,
AND MANAGEMENT INCENTIVE PAY OF MANAGEMENT AND
NON-REPRESENTED CLASSIFICATIONS

CHARACTER OF POSITION/PAYROLL CLASSIFICATION TITLE	HOURLY WAGE RANGE					
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ADMINISTRATIVE TECHNICIAN	\$29.3957	\$ 30.6924	\$ 31.8942	\$ 33.1272	\$ 34.3922	\$ 34.8778
ADMINISTRATIVE SECRETARY	28.2997	29.5464	30.7011	31.8869	33.1035	33.5661
SENIOR SECRETARY	26.3536	27.3271	28.3307	29.5464	30.7321	31.1946
SENIOR CLERK	28.0477	29.2822	30.4264	31.6010	32.8057	33.2684
INTERMEDIATE CLERK	25.0963	26.1196	27.0835	28.0793	29.2822	29.7448
INTERMEDIATE CLERK P/T	27.5810	28.7066	29.7669	30.8623	32.1855	32.6944
PARALEGAL	35.0916	36.6375	38.0692	39.5397	41.0483	41.6219
P/T SURVEY TAKER (SINGLE RATE)	33.7548					
ENGINEER INTERN	18.0000					

NOTE: The clerical rates are effective 1/1/2017

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
14	\$156,452	\$199,479	\$242,505
13	135,152	172,320	209,489
12	122,589	156,301	190,013
11	116,749	148,857	180,965
10	111,189	141,767	172,345
9	105,895	135,017	164,139
8	100,852	128,587	156,322
7	91,475	116,632	141,788
6	87,120	111,079	135,038
5	79,020	100,752	122,483
4	75,258	95,955	116,651
3	71,673	91,385	111,096
2	68,260	87,033	105,806
1	61,913	78,940	95,968

NOTE: The professional/ management pay bands were effective 01/01/2015.

MANAGEMENT INCENTIVE PAY (ANNUAL)	Amount	Effective
Assistant General Manager - Administration and Budget	\$4,800	8/14/2006
Assistant General Manager - Operations	\$4,800	6/28/1999
Assistant General Manager- External Affairs	\$4,800	11/4/2013
Assistant General Manager- Human Resources	\$4,800	1/30/2017
Chief Information Officer	\$4,800	3/1/2013
Chief of Police	\$4,800	5/22/2017
Deputy General Manager	\$4,800	2/13/2017
Managing Director - Capitol Corridor	\$4,800	11/21/2009

Due to the unique nature of these jobs as executive management employees reporting directly to the General Manager, these classifications are eligible to receive Management Incentive Pay of \$4,800 annually (26 equal pay period installments of \$184.61).

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

Base Salaries	7/1/2017
DISTRICT SECRETARY	\$198,380.34
CONTROLLER-TREASURER	\$251,978.92
GENERAL COUNSEL	\$278,598.98
GENERAL MANAGER	\$375,989.61
INDEPENDENT POLICE AUDITOR	\$189,757.26

Note: The Board approved the salary adjustments for the Board Appointed Officers on February 9, 2017.

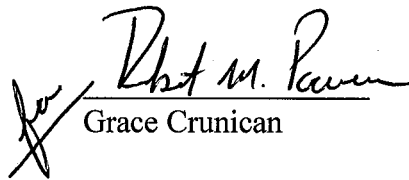
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: General Manager
SUBJECT: Safe Transit Resolution

DATE: June 16, 2017

Attached for the Board's consideration is a proposed resolution, authored by Director Lateefah Simon, setting the District's Safe Transit Policy . The resolution was reviewed by the Operations & Safety Committee on June 13, 2017.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager

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

**In the Matter of Setting a Policy to
Most Effectively Use Resources to
Ensure Safe and Quality
Transportation for All Riders**

Resolution No. _____

A resolution declaring the San Francisco Bay Area Rapid Transit District's commitment to be a safe, secure, inviting, equitable, inclusive transit system for the community and affirming our dedication to the values of dignity, respect, and inclusivity regardless of ethnic or national origin, gender, gender identity, race, religious affiliation, sexual orientation or immigration status.

WHEREAS, The strength and vitality of our riding community and our employees come from our rich diversity of cultures, experiences, and faiths, and we celebrate that diversity; and

WHEREAS, The San Francisco Bay Area Rapid Transit District values the contributions of all our employees and customers to the economic development, vibrancy, and health of the District and region; and

WHEREAS, The San Francisco Bay Area Rapid Transit District will continue to protect the rights and dignity of all persons without prejudice or bias against ethnic or national origin, gender, gender identity, race, religious affiliation, sexual orientation, or immigration status; and

WHEREAS, The San Francisco Bay Area Rapid Transit District recognizes and upholds the rights of individuals to be treated fairly and to live their lives with dignity, free from discrimination or targeting because of their faith, race, national origin, or immigration status; and

WHEREAS, The San Francisco Bay Area Rapid Transit District is committed to ensuring all employees and users of our transportation system can move safely and conveniently in our parking lots, stations, trains, buildings, and facilities; and

WHEREAS, The San Francisco Bay Area Rapid Transit District's methods will continue to stress cooperation with riders based on trust rather than fear and to emphasize prevention of crime; and

WHEREAS, It is not the practice of the San Francisco Bay Area Rapid Transit District to inquire as to one's citizenship status for enforcing federal immigration laws; and

WHEREAS, The San Francisco Bay Area Rapid Transit District does not have the authority nor the desire to stop or arrest individuals based on a perceived immigration status; and

WHEREAS, The San Francisco Bay Area Rapid Transit District Board of Directors, as elected representatives of the people, and its management, have a special responsibility not to stay silent in the face of hate and discrimination against any of our customers, employees or contractors, and we choose to be a leader in protecting human rights, equity, public safety and social well-being; and

WHEREAS, The San Francisco Bay Area Rapid Transit District recognizes the Constitution of the United States and the Constitution of the State of California enshrine the fundamental inalienable rights of Americans including the freedom of religion, freedom of speech, right to assembly, right to privacy, and equal protection under the law for all persons, regardless of religious affiliation, race, national or ethnic origin, gender, gender identity, sexual orientation, or immigration status;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AS FOLLOWS:

Section 1. The Board of Directors reaffirms its commitment to make the San Francisco Bay Area Rapid Transit District an inviting, equitable, and safe community for everyone who uses our system or works for the District.

Section 2. The Board of Directors reaffirms its commitment to stand together with the people of the Bay Area in opposing hate, violence, and acts of intolerance committed against our riding community and employees.

Section 3. The Board of Directors reaffirms its commitment to continue our work to reach out to and connect with our community and our employees to ensure that system is accessible, inviting, and open to all individuals.

Section 4. In its authority to set policy for the San Francisco Bay Area Rapid Transit District to most effectively use its resources to ensure safe and quality transportation for all riders, the Board of Directors issues the following policy directive:

Section 4.1. No Funds or Resources Used to Enforce Federal Immigration Law: No employee of the San Francisco Bay Area Rapid Transit District shall use any District funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding release status of individuals or any other such personal information unless such assistance is required by federal or state statute, regulation, or court decision. The prohibition set forth in this resolution shall include, but shall not be limited to:

4.1.a. Assisting or cooperating, in one's official capacity, with any investigation, detention, or arrest procedures, public or clandestine, conducted by the federal agency charged with enforcement of the federal immigration law and relating to alleged violations of federal immigration law, except as required by federal or state law or court order.

4.1.b. Requesting information for the sole purpose of obtaining immigration status or any other such personal information of riders, employees, or other individuals that BART employees interact with that is designed solely to determine immigration status, except as required by federal or state law or court order.

4.1.c. Conditioning the provision of services or benefits by the San Francisco Bay Area Rapid Transit District upon immigration status, except as required by federal or state statute or regulation, or court decision.

4.1.d. Disseminating information regarding the release status, date, and time of any individual in BART Police custody, except as required by federal or state law or court order.

4.1.e. Including on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the San Francisco Bay Area Rapid Transit District any question regarding immigration status other than those required by federal or state statute, regulation, or court decision. Any such questions existing or being used by San Francisco Bay Area Rapid Transit District at the time this resolution is adopted shall be deleted within 60 days of the adoption of this resolution.

4.1.f. Providing access to individuals in BART Police custody for the purposes of immigration enforcement, except as required by federal or state law or court order.

4.1.g. Using threatening language regarding assisting the federal agency charged with enforcement of the federal immigration law in detaining or deporting employees, riders, or other members of the public who the San Francisco Bay Area Rapid Transit District interacts with or encounters.

4.1.h. Requesting more or different documents than are required under federal law for establishing employment eligibility or for making decisions regarding non-citizen applicants for San Francisco Bay Area Rapid Transit District ridership programs.

4.1.i. Conditioning the provision of employee training and development benefits and services, provided by the San Francisco Bay Area Rapid Transit District upon immigration status, religion, race, ethnicity, national origin, gender or gender identity, except as required by federal or state law or court order.

4.1.j. Using the federal E-Verify program or cooperating with any external I-9 inspections to verify that any type of worker for the San Francisco Bay Area Rapid Transit District or District subcontractors, are authorized to work in the United States, except when required by federal or state law or court order.

Section 4.2. Training: Relevant BART employees shall be trained on this policy.

Section 4.3. Communication of this Policy to all Employees: This resolution shall be communicated to all BART employees. Upon completion of the department job class specific protocols and procedures, those protocols and procedures shall be sent to appropriate staff.

Section 4.4. No Rights Granted Through this Policy: This resolution does not confer any additional rights upon any party nor does it grant the authority to any individual to take legal action upon BART or any BART employee for violation of this policy.

Section 5. The Board of Directors reaffirms its commitment to Title 8, Section 1373, of the United States Code.

PASSED AND APPROVED this ___ day of _____, 2017.

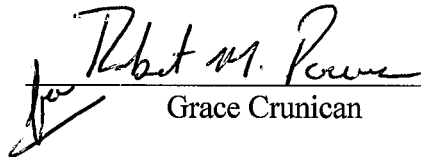
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 16, 2017
FROM: General Manager
SUBJECT: Proposed Ordinance No. 2017-1

At the June 22nd Regular Board meeting, at President Saltzman's request, the Board will have the second reading of the attached Ordinance. If passed, it would repeal the April, 2016 Ordinance that prohibited patrons from utilizing more than one seat on BART trains during commute hours.

If you have any questions, please contact Paul Oversier at (510) 464-6710.


Grace Crunican

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 14TH 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. Poore</i> 15 June 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/1/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Factor Dept: Systems Development	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>Chris Good</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 6/14/2017	6/5/17 []	6/15/17 []	[]	6.15.17 []

Adopt a parking strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations

PURPOSE:

To direct BART staff to advance a parking strategy to increase the parking supply at the Dublin/Pleasanton and West Dublin/Pleasanton BART stations, consistent with BART's 2016 Station Access Policy, and advance other multimodal access strategies.

DISCUSSION:

Background

In November 2002, the City of Dublin City Council certified an Environmental Impact Report (EIR) for the Dublin Transit Center (DTC), a mixed-use development located in Dublin, at the Dublin/Pleasanton (D/P) BART station. The approved DTC project included a multi-level BART parking structure to be constructed in two parts: the first part being a seven-level, 1,528-space structure (completed in 2007 by the Alameda County Surplus Property Authority) and the second part featuring a garage expansion, with an additional six-level, 655-space, to be constructed by BART on BART property at a later date.

On an average weekday, all 2,927 currently existing parking spaces (both surface and structured) at D/P station are at full occupancy, and are typically filled by approximately 7:45 a.m. There is latent demand to use BART, and constraints on station access limit ridership. An expansion of parking would be consistent with BART's Station Access Policy (adopted June 9th, 2016), which states that expanded automobile

parking may be pursued as a secondary investment at stations classified as “auto-dependent.”

In February 2017, BART staff proposed an Addendum to the original DTC EIR (2002) to the BART Board for the construction of the garage expansion, an estimated \$37.1 million garage, which would replace an existing 115-space surface parking lot, adding net 540 parking spaces to the station. The garage expansion would also include a real-time parking monitoring system and electronic message signs that would display parking availability within the garage and along I-580.

The Board unanimously directed BART staff to review options for more cost-effective delivery of 540 net new parking spaces at (D/P) station by using a combination of parking and other multimodal access strategies. Several Board members cited the following primary concerns regarding an investment in the parking garage:

1. A pending decision on the BART to Livermore extension
2. Uncertainty about parking demand when considering a possible future with autonomous vehicles

Parking Alternatives Analysis:

In response to the Board’s request, BART staff developed a high-level analysis, evaluating multiple parking options, as an alternative to constructing the garage. The framework for assessing parking alternatives came directly from the Station Access Policy “Invest and Implement” strategy, which states that BART should “improve management of existing parking resources, and invest in or partner on strategic parking resources including shared parking, on-street parking, programs to maximize existing parking assets, and locating new parking resources only where other approaches are not sufficient, consistent with the station typology investment matrix.” Additionally, the framework considered the Access Policy goals and strategies call for innovation and partnerships.

BART staff compared costs, benefits, implementation opportunities and constraints, and timeframes for the following options:

- A. Original Phase 2 garage expansion
- B. Automated Parking Systems (APS)
- C. Attendant-assist parking
- D. Satellite Park & Ride locations (located further than one mile from station)
- E. Leasing or acquiring surface parking areas within ½ mile of stations
- F. Shared-parking within ½ mile
- G. On-street parking opportunities

H. Reconfiguring existing parking areas

For alternatives C, E, F, G and H, Staff explored opportunities at both D/P and West D/P stations because they are less than 2.5 miles apart and generally serve the same market.

Based on staff's evaluation of the above alternatives, Staff has arrived at the following hybrid parking strategy to deliver the equivalent of a minimum of 540 net new spaces and would result in greater benefit at a lower cost compared to the original garage expansion option:

1. The reconfiguration (restriping) of an existing parking lot on the Pleasanton side of Dublin/Pleasanton station, providing approximately 60 additional spaces.
2. Shared parking arrangements with one or more businesses within a ½ mile of the D/P stations, providing approximately 155 new spaces.
3. Automated Parking System (APS) with 14 modules, providing approximately 335 new spaces, located in a segment of the existing 115-space lot where the Phase 2 garage was proposed.

This hybrid parking strategy would provide access equivalent to a minimum of 540 net new parking spaces and provide the following additional benefits:

- **Most Cost Effective.** Minimizing overall expenditures;
- **Flexibility.** Allowing flexibility for the District related to the uncertainty of future parking demand;
- **Faster.** Allowing for faster implementation (less than one year to two years versus 3.5 years for the garage expansion).

This proposed hybrid strategy would be phased, as shown in Table 1 below, to deliver the strategies with shortest implementation times first:

- Reconfiguration of the existing lot (approximately 60 spaces);
- Shared parking (approximately 140 spaces);
- Attendant assist (approximately 340 spaces in the near term which will ultimately be phased out and substituted by approximately 335 APS parking spaces)

Table 1 presents the phased approach.

Table 1: Hybrid Parking Alternative: Phased Approach

	Phase 1	Phase 2	Phase 3
Reconfiguration	60	60	60
Shared parking	140	140	155
Attendant assist	340	280	0
Automated Parking System	0	60	335

Since APS modules take longer to implement but are more cost-effective than attendant-assist in the long run, they would be implemented to gradually replace attendant-assist over time. In addition, the phasing would enable BART to evaluate the APS technology in a transit setting. APS modules can also be relocated if parking demand at D/P decreases and increases at another station.

Multimodal Access Alternatives Analysis:

Additionally, BART staff compared costs, benefits, implementation opportunities and constraints, and timeframes for multimodal modes, including walk, bike, transit, carpool, and drop-off.

Staff's analysis determined that the following additional, relatively low-cost pedestrian, bike, carpool and transit access strategies would continue to encourage multimodal access and help shift passengers from driving alone to the station, reducing pressure on the existing parking supply:

1. Improve the Iron Horse Trail where it interfaces and connects with the Dublin/Pleasanton station.
2. Construction of a 130-space Bike Station.
3. Partner with the cities to improve key pedestrian/bike corridors and intersections (Safe Routes to BART).
4. Continue and expand carpooling incentive programs at Dublin/Pleasanton station.
5. Monitor and evaluate recent and extensive Livermore Amador Valley Transit (LAVTA) service changes, which improve bus access to BART.

BART staff plans to advance these multimodal strategies independent of the parking strategy adopted.

FISCAL IMPACT:

In Phase 3 (full implementation), the Hybrid Parking Strategy is estimated to cost \$16.8 million including design and construction. Operating costs (excluding life-cycle capital maintenance) are estimated at \$497,000 annually, and would be exceeded by operating revenues.

The total annual cost which includes capital, operating and life-cycle maintenance costs for the hybrid strategy is estimated at \$1.29 million, and would be lower than operating revenues with a net gain of approximately \$31,000 per year compared to the garage expansion which would have a net loss of approximately \$263,000 per year. Table 1 below provides the comparison of the results of the Hybrid Parking Strategy and the Parking Garage Expansion.

Table 2: Fiscal Comparison of Hybrid Parking Strategy and Garage Expansion

Adopt a parking strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations (cont.)

	Hybrid Strategy	Garage Expansion
Capital Cost (a)	\$16,800,000	\$34,300,000
Operating Cost/year	\$497,000	\$257,000
Total Revenue (Fare + Parking)/year	\$1,321,000	\$1,347,000
Total Annual Cost (Capital + O&M+ Capital Maintenance)/ year (a)	\$1,290,000	\$1,610,000
Net Result	\$31,000	-\$263,000

(a) The capital cost for the garage expansion does not include the real-time information system investment to properly compare capital costs since other alternatives do not include real-time information.

(b) The total annual cost calculation combines capital, operating and maintenance costs and capitalized maintenance. A "straight line" depreciation is applied by dividing the capital cost by the useful life of the asset and applying a discount rate of 1.9%, based on current real interest rate (April 2017) on 30-Year Treasury Bond as recommended by the United States Office of Management and Budget (OMB) guidance for cost-benefit analysis of federal projects.

ALTERNATIVES:

Do not adopt the recommended motion and instead direct staff to bring back the adoption of the Phase 2 garage expansion to the Board for action in the next few months.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The Board of Directors hereby:

- (1) Adopts BART's Hybrid Parking Strategy for Dublin/Pleasanton and West Dublin/Pleasanton BART stations;
- (2) Directs staff to complete planning and environmental work to deliver the hybrid parking strategy at the Dublin / Pleasanton and West Dublin / Pleasanton BART stations;
- (3) Directs staff to work with funding partners, and prepare a funding plan;

Adopt a parking strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations (cont.)

- (4) Directs staff to return to the Board within 6 months to seek approval for the environmental review document and funding plan for the Hybrid Parking Strategy;
- (5) Directs staff to advance planning for multimodal access projects at the Dublin / Pleasanton BART Station;
- (6) Continue outreach for shared parking opportunities.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Chit M. Kumar</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/30/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Seema Parameswaran Dept: Office of Civil Rights <i>Seema</i> 6/6/17 Signature/Date:	General Counsel <i>[Signature]</i> 6/6/17 []	Controller/Treasurer <i>[Signature]</i> 6/7/17 []	District Secretary []	BARC <i>[Signature]</i> 6.6.17 []

Transit Operations Facility Title VI Siting Analysis

Purpose:

To request Board approval of the Transit Operations Facility Title VI Siting Analysis.

Background:

The San Francisco Bay Area Rapid Transit District (BART or District), as a recipient of federal funds, is required by the Federal Transit Administration (FTA) to comply with Title VI of the Civil Rights Act of 1964 and its amendments (Act). Federal Transit Administration (FTA) Title VI Circular 4702.1B, dated October 1, 2012 (Title VI Circular) requires BART to complete a Title VI equity analysis to ensure that the siting or location of facilities is selected without regard to race, color, or national origin. This is the first siting analysis BART has conducted since the Title VI Circular update in 2012.

Discussion:

Much of BART's current transit system management facilities are located in the Lake Merritt Complex, beneath the Lake Merritt Plaza. The existing facilities require increased physical space and state of good repair improvements to achieve state-of-the art functionality, support improved BART operations, and accommodate operation of planned BART extension projects over the next 40 years, including the Silicon Valley Berryessa Extension (SVBX) Project. Therefore, BART is currently proposing to design and construct a new Transit Operations Facility (TOF) to modernize current operations control infrastructure and

technology to support system expansion.

In accordance with the Title VI Circular, during the planning stages, a siting analysis must be conducted to determine that a project location or site is selected without regard to race, color, or national origin. While the siting analysis section of the Title VI Circular does not specifically mention low-income populations, it does require that BART “engage in outreach to persons potentially impacted by the siting of facilities.” Following this language and the principles outlined in FTA Environmental Justice Circular 4703.1 (EJ Circular) and BART’s current practice and policies, this siting analysis includes an impact assessment on low-income populations.

The following location alternatives were selected for review against, and in addition to, the current Lake Merritt Complex location.

- Downtown Oakland
- Fruitvale
- Lake Merritt (Proximate to Station)
- Jack London Square Portal
- Dublin/Pleasanton

Title VI Siting Analysis Findings:

To evaluate impacts on minority and low-income populations, a demographic assessment was conducted. The assessment evaluates whether populations living within the project study area (defined as 1/2 mile radius around each potential TOF site location) who may be adversely affected by a TOF complex, are disproportionately minority or low-income. The demographic assessment compares the proportion of minority and low-income populations in each site location’s study area to the most relevant population data, in this case the Cities of Oakland, Pleasanton, and Dublin.

BART referred to its Disparate Impact/Disproportionate Burden (DI/DB) Policy to determine whether the difference between the affected service’s protected population (minority and low-income) share and overall protected population share (City of Oakland or City of Dublin/Pleasanton) exceeds a 10% threshold. For new site demographic assessment, a disparate impact to minority populations or a disproportionate burden on low-income populations may be found if the difference is 10% or more.

Operational Functionality Assessment:

BART staff also developed selection criteria related to the resiliency and operational functionality of each site alternative. The Lake Merritt Complex site received the highest score for operational functionality due to: colocation with related systems, such as communication and fiber optic hubs, found at the Lake Merritt Complex; central location in the BART system; and space and availability to construct the TOF.

Findings:

Based on the results of the demographic assessment, Lake Merritt Complex is the preferred alternative for BART's new TOF. This location received the highest score in the operational functionality assessment analysis. Furthermore, the Title VI analysis showed that this location was within the 10% threshold for disproportionate impacts on protected populations. Applying BART's DI/DB Policy, showed that the Lake Merritt Complex impacted the lowest percent of minority populations compared to the other site alternatives studied.

Public Participation:

Staff conducted extensive and inclusive multilingual public participation for the Title VI Siting Analysis, including 2 presentations, each, to both BART's Title VI/Environmental Justice Advisory Committee and Limited English Proficiency (LEP) Advisory Committee between 2016-2017. Additionally, staff presented on the TOF project at the following gatherings:

- Community working group meetings with local stakeholders representing several neighborhood community-based organizations and nearby institutions.
- Stakeholder meetings.
- Community Open House: held on May 10 at the Metro Center from 4pm-7pm to gain feedback from neighborhood residents, businesses, and other community stakeholders.

Finally, a survey was distributed online in English, Chinese, and Vietnamese, as well as at the Community Open House. In total, staff received 138 survey responses. Feedback received did not show any disagreement with the preferred TOF site location at the Lake Merritt Complex.

Fiscal Impact:

Failure to comply with FTA regulations may affect BART's future FTA funds.

Alternatives:

Do not approve the Transit Operations Facility Title VI Siting Analysis. If the Board does not approve the Siting Analysis, staff must revise and resubmit the report for approval, so the Project may remain in compliance.

Recommendation:

Approval of the following motion.

Motion:

The Board of Directors approves BART's Transit Operations Facility Title VI Siting Analysis.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 16, 2017

FROM: District Secretary

SUBJECT: Board Meeting Schedule for July through December, 2017

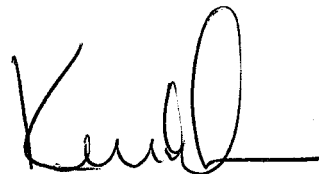
As there are several time and location changes to our Regular Board Meeting schedule for the balance of 2017, President Saltzman felt it would be helpful to provide a summary through the end of the year.

July 13 Morning meeting (9:00 a.m.): Tour at Powell Street Station
July 27 Standard meeting schedule (9:00 a.m.)
August 10 Evening meeting (5:00 p.m.)
August 24 Canceled
September 14 Standard meeting schedule (9:00 a.m.)
September 28 Morning meeting (9:00 a.m.): Tour at Warm Springs/South Fremont Station
October 12 Standard meeting schedule (9:00 a.m.)
October 26 Evening meeting (5:00 p.m.)
November 16 Standard meeting schedule (9:00 a.m.)
December 7 Standard meeting schedule (9:00 a.m.)
December 21 Standard meeting schedule (9:00 a.m.)

President Saltzman asked me to convey her appreciation for your continuing responsiveness to the schedule adjustments.

Should you have any questions, please contact President Saltzman or me.

Thank you.



Kenneth A. Duron

cc: Board Appointed Officers
Deputy General Manager
Executive Staff
District Secretary's Office

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 16, 2017

FROM: District Secretary

SUBJECT: Proposed Revision to Rules of the Board of Directors: Chapter III, Section 3. Committees for July through November 2017 and Standing Committee Appointments

At the June 8, Regular Board Meeting President Saltzman requested the Board discuss the success of the Standing Committee structure and consider adoption of revisions or potential options at the June 22 Regular Board Meeting. The Board of Directors initially discussed President Saltzman's Standing Committee structure at the December 15 Regular Board Meeting and adopted it for the period of February through June 2017, on January 12.

Attached is a revised Standing Committee proposal and list of appointments President Saltzman is introducing for action at the June 22 Regular Board Meeting.

The changes include:

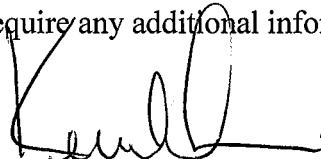
- Reducing number of Standing Committees to three
- Reducing Standing Committee membership to three
- Reducing the scheduled length of meetings to 1.5 hours

This Proposal would be effective from July-November. The next Board President would decide whether to bring this structure back for further consideration, return to the adopted structure in the Board Rules or propose a new structure.

If this Proposal does not pass, the practice will return to bringing all policy items to the Board of Directors twice - once for information and once for action. Several of the ad-hoc committees will also be reinstated.

Attached for reference is the Board Rules revision initially proposed by President Saltzman and presented for discussion at the December 15 Regular Board Meeting.

Please contact the General Manager or me if you require any additional information.



Kenneth A. Duron

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**Proposed Revisions to Standing Committees and Ratification of Appointments
June 22, 2017**

MOTION:

The Board of Directors adopts President Saltzman's revised Standing Committee proposal for the period of July through November 2017 and ratifies the Proposed Standing Committees Appointments.

Proposed Revisions to Standing Committees
June 22, 2017

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 three standing committees as follows to provide the opportunity for Directors to work through the majority of policy issues and concerns prior to full Board meetings:

1. Finance, Bond Oversight & Administration
 - Budget
 - Financial Planning & Policy
 - Audit
 - Fares & Revenue
 - Bond Oversight
 - Board Rules
 - Board Technology
 - Administration

2. Operations, Safety & Workforce
 - Operations
 - Rider experience
 - Police
 - Safety & Security
 - Workforce

3. Planning & Legislation
 - Planning
 - Real Estate
 - Stations
 - Station Access
 - System Expansion
 - Sustainability
 - Legislation

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 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 three members.

Agendizing Committee Items to Board: Items that receive at least two 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 two 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 one and a half hours on the Tuesday after the first Board Meeting of the month. 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.

**Proposed Standing Committee Appointments
June 22, 2017**

Finance, Bond Oversight & Administration

Nicholas Josefowitz, Chairperson
Debora Allen, Vice Chairperson
Bevan Dufty

Operations, Safety & Workforce

Joel Keller, Chairperson
Lateefah Simon, Vice Chairperson
John McPartland

Planning & Legislation

Robert Raburn, Chairperson
Thomas M. Blalock, Vice Chairperson
Rebecca Saltzman

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

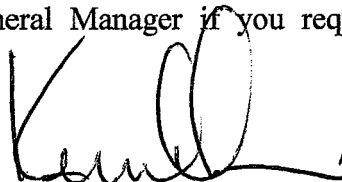
The attached document is a Board Rules revision initially proposed by President Saltzman and presented for discussion at the December 15 Regular Board Meeting. The proposed Committee structure was adopted for the period of February through June 2017, at the January 12 Regular Board Meeting.

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 20th Street Mall, 344 20th 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. 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