

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

**FINANCE, BOND OVERSIGHT AND ADMINISTRATION COMMITTEE**

August 15, 2017

9:00 a.m.

COMMITTEE MEMBERS: Directors Josefowitz (Chairperson), Allen (Vice Chairperson), and Dufty

A regular meeting of the Finance, Bond Oversight and Administration Committee will be held at 9:00 a.m. on Tuesday, August 15, 2017. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 344 – 20 <sup>th</sup> Street Oakland, CA 94612	Norton Shores Public Library Muskegon Area District Library 705 Seminole Road Norton Shores, MI 49441
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Members of the public may address the committee 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 committee. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

**AGENDA**

1. Call to Order.
  - a. Roll Call.
  - b. Pledge of Allegiance
2. Title VI Mitigation Action Plan for Magnetic-Stripe Ticket Surcharge.\* For information.
3. Safety, Reliability, and Traffic Relief ( Measure RR) Program: Staffing and Contracting Plan.\* For information.
4. Update of Implementation Plan for Disparity Study Recommendations. \* For information.
5. Proposed Small Business Program Modification to Include Lesbian, Gay, Bisexual and Transgender Business Enterprises.\* For information.
6. Public Comment.
7. New Business. (An opportunity for Committee Members to introduce potential matters for a future committee agenda.)

Kenneth A. Duron  
District Secretary

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.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/4/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights	General Counsel <i>[Signature]</i> 8/9/17 [ ]	Controller/Treasurer <i>[Signature]</i> 8/9/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 8-9-17 [ ]
Signature/Date: <i>[Signature]</i> 08/08/2017				

### Proposed Title VI Mitigation Action Plan for Surcharge on Mag-Stripe Tickets

#### PURPOSE:

To request Board approval of Title VI Mitigation Action Plan for Mag-Stripe Ticket Surcharge.

#### DISCUSSION:

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. FTA Title VI Circular 4702.1B, dated October 1, 2012 (Title VI Circular) requires BART to complete a Title VI Fare Equity Analysis on any fare increase/decrease or fare media changes to determine whether the change has a Disparate Impact on minority riders or a Disproportionate Burden on low-income riders.

A fare change equity finding is made based on a demographic assessment of affected riders and public outreach that is inclusive of minority, low-income, and Limited English Proficient (LEP) populations. If the fare change is found to cause potentially adverse impacts on such riders, then pursuant to BART's Disparate Impact/Disproportionate Burden Policy and the Title VI Circular, BART must take steps to mitigate such impacts.

In June 2017, the Board of Directors approved 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." An analysis of the proposal to enact a surcharge for BART riders using paper mag-stripe tickets indicated that such a surcharge may potentially result in an adverse impact on mag-stripe ticket users, who are disproportionately low-



income.

As discussed at the June 22, 2017 Board of Directors Meeting approving the Fiscal Year 2018 Fare Changes, BART would consider various mitigation measures as part of its implementation of the mag-stripe ticket surcharge. To mitigate potential adverse impacts on affected mag-stripe ticket users, BART (with support from the Metropolitan Transportation Commission [MTC]) is proposing a two-part action plan commencing in October 2017 by distributing free Clipper<sup>®</sup> cards (which does not have a transaction surcharge), as follows:

1. Distribution through Community-Based Organizations:

BART will work with MTC to expand MTC's existing partnership program with low-income community-based organizations (CBOs). BART will provide a list of CBOs (compiled from Government & Community Relations and the Office of Civil Rights) located near BART stations in low-income communities for MTC to approve.

This program can support up to 20 organizations and can continue for as long as the approved CBO requests cards for its members or clients, providing a continuous pipeline of Clipper card distribution past the January 1, 2018 surcharge implementation. BART staff plans to provide training to CBOs on how to use and register Clipper cards and develop specific guidelines for tracking Clipper card distribution during this mitigation phase. Depending on the effectiveness of the partnership program with CBOs, BART may also expand the partnership program with CBOs in the future to include social services agencies.

2. In-Station & CBO Promotional Activities:

BART will host up to 23 promotional events at multiple BART stations and CBOs in low-income communities to provide free Clipper cards to low-income BART riders. Additional CBOs will be selected by BART for these one-time promotional events to maximize outreach. BART staff plans to assist riders with Clipper card registration and usage on BART. MTC will support BART at up to 20 events by distributing free Clipper cards to BART riders. BART will distribute its own Clipper cards at 3 of these events. These events will run through March 2018, at least 3 months after implementation of the surcharge.

To ensure that BART's mitigation action plan is effective, the following key performance indicators have been identified:

1. Decrease of mag-stripe ticket usage at BART stations in low-income communities.
2. Increase in Clipper usage at BART stations in low-income communities.



3. Adoption and use of distributed Clipper cards within the BART system.
4. Number of BART trips taken with distributed Clipper cards.
5. Reloading value on cards (how much, number of times, where value was added).

While Clipper card registration may not capture all uses of these distributed Clipper cards, BART will still encourage and plans to assist riders in registering throughout the process in order to realize the benefits of card registration, such as balance protection on a lost or stolen card.

Staff will provide the Board with an update on the plan's performance in Spring 2018.

**FISCAL IMPACT:**

MTC will provide the free Clipper cards associated with the proposed Title VI Mitigation Action Plan at no cost to the District. Failure to enact mitigation measures to comply with FTA regulations could jeopardize BART's ability to receive FTA funding.

**ALTERNATIVES:**

Do not approve the Title VI Fare Mitigation Action Plan. If the Board does not approve the action plan, staff must revise and resubmit the plan for approval in order for BART to comply with FTA regulations.

**RECOMMENDATION:**

Approval of the following motion.

**MOTION:**

The Board of Directors approves the Title VI Fare Mitigation Action Plan for the Mag-Stripe Ticket Surcharge.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** August 11, 2017

**FROM:** General Manager

**SUBJECT:** Measure RR Bond Implementation, Staffing and Contracting Update

The attached presentation provides an update on the status of the staffing and contracting plans for the Measure RR Safety, Reliability, and Traffic Relief Program. This item is a follow-up to the Measure RR Bond Implementation presentations made at the April 18, 2017 Finance, Budget, and Bond Oversight Standing Committee meeting and the May 11, 2017 Board meeting.

If you have any questions about the attached information, please contact Robert Powers, Deputy General Manager at 510-464-6126.

  
Grace Crunican

### Attachments

**Cc:** Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors **DATE:** August 11, 2017  
**FROM:** General Manager  
**RE:** **Disparity Study Recommendations Implementation Update**

Attached is the Disparity Study Recommendations Implementation Update that will be presented at the Finance, Bond Oversight and Administration Subcommittee Meeting on August 15, 2017.

If you have any questions, please call Wayne Wong, Department Manager, Office of Civil Rights at (510) 464-6134.

  
Grace Crunican

Attachment

cc: Board Appoint Officers  
Deputy General Manager  
Executive Staff





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/18/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tim Lohrentz Dept: Office of Civil Rights <i>Tim Lohrentz</i> Signature/Date: <i>Aug 8, 2017</i>	General Counsel <i>[Signature]</i> <i>8/8/17</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>8/8/17</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>8-8-17</i> [ ]

### PROPOSED SMALL BUSINESS PROGRAM MODIFICATIONS - LGBT Business Enterprises

**PURPOSE:** To request that the Board adopt modifications to the BART Small Business (SB) Program to include Lesbian, Gay, Bisexual, and Transgender Business Enterprises (LGBTBE) and a self-performance requirement for Small Business Primes.

#### DISCUSSION:

In September 2011, the Board approved a Small Business program for non-federally funded contracts (SB Program), as authorized by California Public Contract Code Section 2002. The District started implementation of the program in 2012. The SB Program provides bid preferences for SB Prime Bidders and, on larger contracts, for Bidders that meet an SB subcontractor participation goal. A business is considered an SB if they are certified by the California Department of General Services as an SB or a Disabled Veteran Business Enterprise (DVBE) Small Business. In April 2017, the Board approved a modification to the SB Program to provide for a Local Small Business (LSB) category on Bond Measure RR funded (RR) contracts.

Like SBs, LGBTBEs face barriers in the marketplace, especially in the construction industry. To assist LGBTBEs gain access to the marketplace and to further inclusiveness of the SB Program, staff recommends modifying the SB Program as follows:

- To add a LGBTBE category to the SB Program. A business is considered a LGBTBE if they are certified as LGBTBE by either the National Gay and Lesbian Chamber of Commerce or the California Public Utilities Commission and certified as an SB by the State of California Department of General Services. Additionally, a LGBTBE is considered an LSB if they meet the definition of LSB under the SB Program.



- The Office of Civil Rights (OCR) will list Local SBs, including Local LGBTBEs, on its website to promote participation on RR contracts.
- LGBTBE would identify themselves in the bid documents when bidding as prime Bidders and prime Bidders would identify LGBTBE subcontractors on Bid documents, similar to DVBEs.
- OCR will track awards, commitments, and payments to LGBTBEs.

Additionally, to ensure the bid preference received through the Small Business Program is applied in accordance with its intended purpose, staff recommends adding a self-performance requirement to SB Prime Preference contracts or agreements won by a SB Prime.

**FISCAL IMPACT:** There is no fiscal impact with these modifications.

**ALTERNATIVES:** The alternative is to make no modifications to the Small Business Program and reject the proposed modifications to include LGBT Business Enterprises in the SB Program.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:**

The Board hereby adopts the modifications to BART's Small Business Program for non-federal contracts, to add a Lesbian, Gay, Bisexual, and Transgender Business Enterprise category and a self-performance requirement for Small Business Primes.