

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

BOARD MEETING AGENDA

August 27, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, August 27, 2020.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-877-853-5257 and entering access code 933-2231-2951.

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-877-853-5257, enter access code 933-2231-2951, and dial *9 to raise your hand when you wish to speak.

Public comment is limited to three (3) minutes per person.

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.

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>).

Meeting notices and agendas are available for review on the District's website (<https://www.bart.gov/about/bod/meetings/>); at bart.legistar.com; and via email (<https://cloud.info.bart.gov/signup>) 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 and bart.legistar.com no later than 48 hours in advance of the meeting.

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

Patricia K. Williams
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 July 23, 2020 \(Regular\) and August 10, 2020 \(Special\).](#)* Board requested to authorize.
- B. [Fixed Property Tax Rates Fiscal Year 2020-2021 General Obligation Bonds.](#)* Board requested to adopt.
- C. [Public Report on Recent Sale of General Obligation Bonds.](#)*
For information.
- D. [Award of Agreement No. 6M4707, with Delta Dental of California, for Dental Administration.](#)* Board requested to authorize.
- E. [Amendment to Agreement No. 6M4711, with CITYHEALTH URGENT CARE, A MEDICAL CORPORATION, for COVID-19 Testing Services.](#)* Board requested to authorize.
- F. [Agreement with Transource Services Corp. for Information Technology Hardware and Software.](#)* Board requested to authorize.
- G. [Renewal of Software Subscription with Oracle for the Oracle Cloud Analytics Platform and Services.](#)* Board requested to authorize.
- H. [Agreement with Cornerstone Technologies for Information Technology Hardware and Software.](#)* Board requested to authorize.
- I. [Award of Agreement No. 6M3466, with University of California, San Diego, for At-Grade Track Variation Study for Earthquake Emergency Response Planning.](#)* Board requested to authorize.
- J. [Award of Agreement No. 6M3478, with Onyx Spectrum Technology, Inc., for the Net.com Train Control Networking Solution, Maintenance Agreement and Software License.](#)* Board requested to authorize.
- K. [Amendments to Agreement No. 6M5087 and Agreement No. 6M5088 for General Environmental Services to Support BART's Hazardous Materials Program.](#)* Board requested to authorize.

- L. [Resolution Authorizing a Funding Agreement with California Department of Transportation \(Caltrans\) for the El Cerrito-Berkeley Corridor Access Strategy for Transit-Oriented Development.*](#)
Board requested to adopt.
 - M. [Resolution Authorizing an Application to the California Transit-Oriented Development Housing Grant Program – West Oakland BART Station.*](#) Board requested to adopt.
 - N. [Resolution in Support of Riding Together: Bay Area Healthy Transit Plan.*](#) Board requested to adopt.
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.)
4. ADMINISTRATION ITEMS
Director McPartland, Chairperson
- A. [Fiscal Year 2021 Budget Outlook. \(Director Allen’s request.\)*](#)
For information and possible action.
 - B. [Responses to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns."**](#)
Board requested to authorize.
 - C. [Amendment to Agreement No. 6M7266, with OUTFRONT Media Group LLC, for Advertising Franchise.*](#)
Board requested to authorize.
5. ENGINEERING AND OPERATIONS ITEMS
Director Dufty, Chairperson
- A. [Sole Source Agreement with Simmons Machine Tool Corporation for the Wheel Truing Machine Control System. *](#)
Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)
 - B. [BART Safety, Reliability and Traffic Relief Program \(Measure RR\) Project Support Leases and Rentals.*](#)
Board requested to authorize.
 - C. [Award of Agreements for Construction Management Services.*](#)
 - i. Agreement No. 6M8176 with PGH Wong Engineering, Inc.
 - ii. Agreement No. 6M8177 with PreScience Corporation.
 - iii. Agreement No. 6M8178 with WSP USA Inc.
 - iv. Agreement No. 6M8179 with HDR.
 - v. Agreement No. 6M8180 with The Allen Group, LLC.
 - vi. Agreement No. 6M8181 with Atkins North America, Inc.
 - vii. Agreement No. 6M8182 with Ghirardelli Associates.
 - viii. Agreement No. 6M8183 with TRC.Board requested to authorize.

D. [Bay Area Rapid Transit District's Annual Surveillance Report – 2020.*](#) Board requested to approve.

E. [Quarterly Service Performance Review – Fourth Quarter Fiscal Year 2020.*](#) For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Saltzman, Chairperson

A. [Update on Assembly Bill \(AB\) 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development.](#)

i. AB 2923 Development Principles.*
Board requested to adopt.

ii. Transit-Oriented Development Work Plan.*
For information.

B. [Alameda County Transportation Commission Transaction and Use Tax Ordinance \(Measure BB\) Countywide Transportation Plan Amendment.*](#) For information.

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

B. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

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

Board of Directors
Minutes of the 1,867th Meeting
July 23, 2020

A regular meeting of the Board of Directors was held on July 23, 2020, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Jacqueline R. Edwards, Assistant District Secretary.

Directors Present: Directors Ames, Dufty, Foley Li, McPartland, Saltzman and Simon.

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

Director Raburn entered the Meeting.

President Simon gave opening remarks and called for Introduction of Special Guests. President Simon introduced Mr. Michael McGill, Chairperson of the Bond Oversight Committee (BOC) and thanked him for his service to BART.

Mr. McGill addressed the Board.

Director Allen entered the Meeting.

President Simon gave instructions on the virtual meeting, viewing the Meeting and accessing presentation materials online, Public Comment, and Board Members' remarks.

President Simon brought the matter of Update on Safety, Reliability, and Traffic Relief Program (Measure RR) before the Board. Ms. Tracy Johnson, Chief Transit System Development Officer, Extensions Development; Ms. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; Mr. Joseph Towner, Manager of Program Planning Support, Office of Civil Rights; and Ms. Gia Ilole, Assistant General Manager, Administration presented the item.

Aleta Dupree addressed the Board.

Director Saltzman requested that Item 2-B, Bond Oversight Committee Annual Report be brought before the Board. Mr. McGill; Ms. Catherine Newman, BOC Member; Ms. Leah Edwards, BOC Member; Ms. Alicia Trost, Chief Communications Officer; Ms. Lamb; Mr. Carl Holmes, Assistant General Manager, Design and Construction; Mr. Robert Powers, General Manager; and Ms. Tamar Allen, Assistant General Manager, Operations presented the item.

President Simon thanked the BOC members for their service.

The items were discussed, with the following highlights:

Director Saltzman thanked the BOC members for their service; commented on her appreciation of the BOC Annual Report and posting the Report on bart.gov; and requested that the Report be included in the online agenda packet immediately and in the future.

President Simon asked for confirmation that the Report could be posted on bart.gov and that the public be advised of the location of the Report on bart.gov if the Report had already been posted online.

Director Ames commented on and/or inquired about including more project details in the Report, fare gates, and heating, ventilation, and air conditioning (HVAC) recirculation of Systems; and thanked Mr. McGill for his work.

Director Raburn thanked Mr. McGill, Ms. Newman, and Ms. Edwards for their work; commended the BOC; and commented on and/or inquired about communications-based train control (CBTC), acceleration of the program, whether a dollar figure is associated with load shedding, and the full funding grant agreement for the CBTC design-build contract.

Director Allen expressed appreciation for Mr. McGill and the BOC and commented on and/or inquired about whether contractors have been asked to produce deductive change orders for escalations in the work, additional change orders for COVID-19 costs, tracking productivity, discussing mobilization costs with contractors, realizing savings on projects, earned value data, transparency and data, BOC Member Mr. Michael Day's request for more context for numbers, Mr. McGill's request for timelines, and the responses to the requests from Mr. Day and Mr. McGill; and requested a list of all projects and regular roll-forward reporting.

Director Dufty thanked the BOC for its work; asked staff to address labor-management relations; and commented on frontline employees' reporting to work, employees working on long-term projects, and his pride in BART's honoring contracts.

President Simon thanked the BOC for its work, staff for their collaboration, and Board Members for their input in the Report.

Director McPartland commended Mr. Powers, staff, Mr. McGill, and the BOC for their work and applauded Mr. Powers for his leadership.

President Simon thanked Mr. McGill and the BOC members for their time and efforts.

President Simon brought the matter of Issuance and Sale of General Obligation Bonds (Election of 2016) 2020 Series C (Green Bonds) before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, presented the item.

Director Dufty moved that Resolution No. 5447, Authorizing and Approving the Issuance and Sale of Not to Exceed \$700 Million Aggregate Principal Amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2016), 2020 Series C; Authorizing the Execution and Delivery of a Second Supplemental Trust Agreement Pursuant to Which Such Bonds Are to Be Issued, a Bond Purchase Agreement Pursuant to Which Such Bonds Are to Be Sold By Negotiated Sale;

Approving an Official Statement Relating to Such Bonds; Authorizing Execution and Delivery of the Official Statement and Certain Documents In Connection with the Issuance and Sale of Such Bonds, Including a Continuing Disclosure Agreement; Delegating to the Controller/Treasurer of the District Power to Determine Final Terms of Such Bonds and Complete Said Documents and Authorizing Certain Other Matters Relating Thereto. Director Li seconded the motion.

Director Allen asked why the Preliminary Official Statement did not include data from 2019.

Director Ames commented on and/or inquired about the bond counsel fees, the underwriter's discount, the "Preliminary, subject to change" footnote on Exhibit A-1, and her appreciation for the negotiation process with bond and disclosure counsel.

Aleta Dupree addressed the Board.

The motion brought by Director Dufty and seconded by Director Li carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of June 25, 2020.
2. BART Accessibility Task Force Appointments.
3. Award of Contract No. 15TC-123, Richmond Yard Fence Rehabilitation.
4. Agreements to Provide Detailed Station Cleaning Services.
5. Invitation for Bid No. 9082, Isolation Disconnect Switch.
6. Invitation for Bid No. 9085, Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement.
7. Agreement with The Salvation Army for Homeless Outreach.

Director Saltzman made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the Minutes of the Meeting of June 25, 2020 be approved.
2. That the BART Board accepts the recommendations of the BART Accessibility Task Force (BATF) and appoints the nominated candidates, Hale Zukas and Anita Ortega, for membership to the BATF for a term beginning July 23, 2020 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

3. That the General Manager be authorized to award Contract No. 15TC-123, Richmond Yard Fence Rehabilitation, to Perimeter Security Group LLC for the bid price of \$3,419,104.10 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
4. That the General Manager be authorized to award the following Technical Services Agreements to provide detailed station cleaning services as follows: Agreement 6M8173 to Aim to Please Janitorial Services, Inc., Agreement No. 6M8174 to Zero Waste Solutions, and Agreement No. 6M8175 to Bay Area Green Solutions in an amount not to exceed \$600,000.00 for each Agreement for a term not to exceed three (3) years, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 9082 for 35KV Isolation Disconnect Switch for an amount of \$1,843,485.02 (includes all applicable taxes), pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 9085 Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement to Voestalpine Railway Systems Nortrak, Inc. for an amount of \$2,228,857.88, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and the Federal Transit Administration's requirements related to Protests.

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

7. That the Board approves the first Fiscal Year 2021 (FY21) Agreement with The Salvation Army (TSA) in the amount of \$250,000.00 for one homeless outreach team (HOT) team; and that the General Manager be authorized to enter into direct negotiations with TSA to execute a Fiscal Year 2022 (FY22) amendment upon budget adoption by the Board that includes the TSA HOT team. The total for the two year program shall not exceed \$500,000.00.

President Simon called for general Public Comment. Aleta Dupree addressed the Board.

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

President Simon brought item 11-A, Transit Security Advisory Committee Membership Appointments, before the Board and called for Board Members' ranked-choice votes for the appointments to the Transit Security Advisory Committee (TSAC). Ms. Edwards presented the item.

Stephine Barnes and Randall Glock addressed the Board.

Ms. Edwards announced that Tiffany Lacsado was unable to call into the Meeting and that she was interested in TSAC membership.

Manuel Vasquez addressed the Board.

Director Raburn thanked all the applicants and gave remarks regarding Tiffany Lacsado.

The Board Members announced their ranked-choice votes to determine the TSAC appointees via roll call vote. Director Saltzman asked whether the motion to approve the TSAC appointees could include the selection of an Alternate and Vice President Foley supported Director Saltzman's suggestion to include an Alternate selection in the TSAC membership appointment vote. The item was continued to later in the Meeting.

Director Raburn brought item 11-B, Resolution Commending Hale Zukas for Meritorious Service, before the Board. Director Raburn gave remarks regarding Hale Zukas.

A video highlighting Mr. Zukas' accomplishments, the Americans with Disabilities Act (ADA), and the BATF, was shown.

Director Raburn gave additional remarks regarding Mr. Zukas; thanked Ms. Jessica Kuo, Access Coordinator, Customer Development and Station Access; Ms. Laura Timothy, Manager of Access and Accessible Services, Customer Development and Station Access; Mr. Robert Franklin, Director of Customer Access, Customer Development and Station Access; Ms. Elena Van Loo, Senior Administrative Analyst, Customer Development and Station Access; Mr. Michael Jones, Deputy General Manager, for their work; acknowledged the volunteer service of the BATF members; recited an excerpt from an article written by Ms. Melissa Jordan, Principal Marketing Representative, Communications; and thanked Mr. Zukas for his service.

Director Raburn moved adoption of Resolution No. 5448, Resolution Commending Hale Zukas In Honor of the 30th Anniversary of the ADA. Director McPartland seconded the motion.

President Simon exited the Meeting and Vice President Foley presided over the Meeting in her absence.

Director Saltzman thanked Director Raburn for bringing the item forward; thanked Mr. Zukas for his service; gave remarks regarding Mr. Zukas and the video that was shown; and thanked staff for their work on the video.

Randall Glock addressed the Board and Ms. Edwards read a written comment submitted by former Board of Director Gail Murray into the record.

Vice President Foley thanked Mr. Zukas for his leadership and work.

Director Raburn commented that Mr. Zukas was re-appointed to the BATF via the Consent Calendar vote that occurred earlier in the Meeting.

President Simon re-entered the Meeting and presided over the remainder of the Meeting.

The motion brought by Director Raburn and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Mr. Rodd Lee, Assistant General Manager, External Affairs, and Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

Director Saltzman commented on her intent to move staff's recommendation regarding support for Proposition 16 and include support for Assembly Bill (AB) 2850, if amended, in the motion; Service Employees International Union (SEIU) and labor staff's work related to AB 2850; the Board's previous opposition to a related bill; and collaborative work on amendments.

Director Saltzman moved that the Board of Directors support Proposition 16 and that the Board of Directors support AB 2850, if amended as follows:

1. A new definition of the "District" that includes all operations and extensions of the transportation system, regardless of modality or vehicle type, and excluding all temporary bus lines shall be placed within the Labor Provisions Chapter of the District Act, where it would exclusively apply.
2. Clarifying language is added that states new sections to the Labor Provisions Chapter of the District Act shall be interpreted in a manner consistent with California Public Employment Relations Board's (PERB) interpretation of parallel provisions in statutes it enforces.

Directors Dufty and Foley seconded the motion.

The item was discussed, with the following highlights:

Director Raburn thanked Director Saltzman for her position regarding AB 2850 and commented on SEIU's work with the Board and BART's lobbyist to make changes requested by the Board.

Director Li echoed Director Raburn's comments; noted that she, Vice President Foley, and Director Saltzman attended the Labor Negotiations Review Special Committee (LNRSC) meeting and that an update on AB 2850 was provided at the Meeting; indicated that collaborative work among staff, SEIU, and union leadership on AB 2850 was the best-case scenario; and commented on her support for the proposed motion.

Director McPartland indicated that the agreement was the best cooperative agreement that could be reached.

The motion brought by Director Saltzman and seconded by Directors Dufty and Foley carried by roll call vote. Ayes: 8 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Allen.

Director Saltzman brought the matter of Update on Assembly Bill 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development before the Board. Ms. Abby Thorne-Lyman, Group Manager, Transit-Oriented Development, and Ms. Kamala Parks, Senior Planner, Station Area Planning, presented the item.

Rodney Nickens addressed the Board.

Ms. Edwards read a written comment submitted by Avalon Schultz into the record.

The item was discussed, with the following highlights:

Director Dufty congratulated Ms. Thorne-Lyman and staff for their work and asked staff to comment on strategies to address displacement.

Director Li thanked staff and commended their work; commented on word choice in the proposed development principles, criteria for alignment with “local context” and defining local design standards, the objectivity of objective design standards, desire for stronger language regarding transportation demand management (TDM) programs in the development principles, and the BART parking policies included in the development principles. She aligned herself with the comments by Rodney Nickens.

Director Raburn commended staff for their work and commented on word choice in the proposed development principles, the map, MacArthur Station’s ineligibility for development, development of small parcels assembled with adjacent parcels, parking replacement, the parking policy section in the proposed development principles, parking management as a universal need at every station, support for the comments by Directors Li and Dufty regarding anti-displacement and providing tenant rights in existing developments nearby, and funds derived from housing and transportation.

Director Ames thanked staff for including a section regarding the regional jobs-housing imbalance in the proposed development principles; applauded Mayor London Breed for her desire to build missing middle housing in San Francisco; commented on and/or inquired about workforce housing, the jobs-housing imbalance, prioritization of station development, desire for coordination with rail and transit connections to be considered by the Board, consideration of inter-model connections, support for the jobs-housing imbalance component; and clarified her previous opposition to AB 2923.

Director Allen commented on general development of BART parking lots, development of land previously paid for by taxpayers for a particular purpose, jobs-oriented development at outer stations, opposition to development of parking lots, lack of opportunity for the Board to review exclusive negotiating agreements with developers prior to the agreements being signed, the potential for BART to own and run buildings on leased land, disagreement with BART leasing land for real estate development, and focusing resources on ridership and financial issues.

Vice President Foley thanked Ms. Thorne-Lyman for her work and commented on the need for the support of local jurisdictions, creating long-term career-oriented jobs if BART property is converted, the need for parking alternatives to be in place before parking is replaced, and the need for transit-oriented development to be revenue positive for BART.

Director Saltzman thanked staff for their work; thanked public speakers; thanked city partners for their work with BART; commented on cities’ responses to AB 2923, support for the suggestions for language adjustments to the proposed development principles, and the grants obtained for the access study of the Richmond line; and requested that the Transit-Oriented Development Policy be included in the agenda packet when the proposed development principles are brought to the Board for action.

The Board Meeting recessed at 11: 55 a.m.

The Board Meeting reconvened at 12:18 p.m.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Absent: None.

Director Saltzman brought the matter of Update on New Transbay Rail Crossing Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Sadie Graham, Project Manager, Capital, New Transbay Rail Crossing; Ms. Camille Tsao, Manager of Special Projects, Capitol Corridor Joint Powers Authority; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Aaron Eckhouse
Roland Lebrun

The item was discussed, with the following highlights:

Director Saltzman asked staff to address the cost of the project.

Director Raburn asked which consultant service categories will address funding and ensure equity, and suggested that the engagement and outreach team be involved in testing funding proposals.

Director Li commented on and/or inquired about when realistic cost estimates will be available and major milestones, the cost estimate level that will be available in two to three years, when more public engagement is expected to occur, the impact of the Project, public outreach, the cost estimate for the Project, inclusion of the Project in the Metropolitan Transportation Commission's (MTC) Plan Bay Area 2050, and the governance of the Project.

Director Ames thanked public speakers and commented on and/or inquired about limited federal and state funding, evaluating the cost-benefit of the potential sites in San Francisco, the MTC's vision for the regional rail connection between Fremont and Redwood City, desire to review the Request for Proposal (RFP)'s scope of work and a cost-benefit analysis that delivers conceptual cost estimates, the Plan Bay Area 2050 – Transportation element information, the need for rail service from San Joaquin County to the Redwood City train station, funding for rail projects, issuing an RFP without cost information and a cost benefit-analysis of stations in San Francisco, and the inadequacy of housing in San Francisco.

Director McPartland inquired about funding and staffing for the Project, the cost of contractual requirements, the overhead cost of personnel and contracts, and whether costs are shared.

Director Saltzman requested that staff provide a memo to the Board before the next presentation of the Project, regarding staffing, contracts, and funding sources.

Director Allen commented and/or inquired about the number of people who were surveyed in the resident survey and where and how survey participants were contacted, the need for more information, the cost of large projects, the previously proposed BART extension to southern Alameda County/Livermore, competition among the New Transbay Rail Crossing project and other projects for funding, funding for infrastructure improvements, support for an additional transbay rail crossing, and whether public-private partnership on the project had been explored.

Director Saltzman commented on and/or inquired about the previously proposed BART extension to Livermore, appreciation for more information about the Project, the public's responses to the Project, the need for transparency, and recapturing the revenue generated by the additional transbay rail crossing.

President Simon commented on previous construction of mass infrastructure and counties' difficulty with accessing mass transportation and rail.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the following matters before the Board:

1. Award of Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay.
2. Award of Contract No. 15TC-107, Aerial Structure Fall Protection, A-Line North.
3. Change Orders to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System, with DMZ Builders.
 - a. Impacts from Differing Site Conditions (C.O. No. 50, 55, 65, 66, 72, 74, and 84).
 - b. Design Changes (C.O. No. 49, 56, 60, 61, 64, 67, 68, 70, 71, 73, 75, 77, 78, and 79).
 - c. Unplanned Work Stoppages (C.O. No. 57, 62, and 63).
4. Change Order to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, for Revisions to the Scope of Work (C.O. No. 175).

Mr. Myat San, Group Manager, Electrical and Mechanical Engineering, Maintenance and Engineering; Ms. Linda Lee, Project Manager, Strategic Engineering; Mr. Raymond Hsu, Manager of Engineering Programs, Strategic Engineering; Ms. Tracy Johnson, Chief Transit System Development Officer, Extensions Development; Ms. Tamar Allen; and Mr. Carl Holmes presented the items.

Aleta Dupree addressed the Board.

The items were discussed, with the following highlights:

Director Raburn inquired about the percent of aerial structures that will have fall protection after the Aerial Structure Fall Protection, A-Line North project is completed and suggested that BART labor forces participate in aerial structure fall protection work.

Director Ames commented on and/or inquired about the reduction of the scope of work for the BART Earthquake Safety Program TBT Internal Retrofit project and requested that staff provide an engineering memo regarding the reduction of the scope of work.

Director Raburn suggested that Ms. Johnson could provide an overview of the Bond Oversight Committee's discussion of the revision of the scope of work for the BART Earthquake Safety Program TBT Internal Retrofit project and commented that the Earthquake Safety Program – Citizens' Oversight Committee has considered the revision.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Duffy, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the General Manager be authorized to award Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, to C3M, Clark, Cupertino A Joint Venture for the Bid amount of \$54,959,114.00, pursuant to notification to be issued by the General Manager.
2. That the General Manager be authorized to award Contract No. 15TC-107, Aerial Structure Fall Protection, A-Line North, to DMZ Builders for the bid price of \$20,595,082.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
3. That the General Manager be authorized to execute the various Change Orders in an aggregate amount not to exceed \$4,870,000.00 to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System Project.
4. That the General Manager be authorized to execute Change Order No. 175, Revisions to TBT Scope of Work, for additional work and a credit in an amount not less than \$28,000,000.00 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Michael Eiseman, Director of Financial Planning; Mr. Christopher Simi, Director of Budgets; Mr. Lee; Ms. Tamar Allen; Chief of Police Ed Alvarez; Ms. Gia Ilole; and Mr. Powers presented the item. The presentation contained sections on COVID-19, Ridership/15 Step Welcome Back Plan, Budget, Front Line Safety Efforts, and Employee and Labor Partner Engagement.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about fare revenue, Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, sales tax, consumer spending, the 14% projected loss in the budget, overestimation of the largest sources of revenue, her intent to present a Roll Call for Introductions (RCI) request for staff to provide preliminary results for Fiscal Year 2020 (FY 20), a budget analysis, and an actionable agenda item to adjust the Fiscal Year 2021 (FY 21)

budget at the next Board Meeting; and requested that staff provide information regarding taxable sales at the next Board Meeting.

Director Saltzman commented on the Board's decision-making process, staff providing recommendations for budget changes in August, federal funding, desire for budget updates at every Board Meeting, staff's knowledge of how to control costs, and increasing service based on ridership data; and thanked staff for their work.

Director Saltzman exited the Meeting.

Director Allen commented on sales tax, the sales tax revenue estimate for FY 20, federal unemployment benefits, consumer spending, and unemployment.

Director Ames expressed agreement with Director Allen's assessment regarding the need for a worst-case scenario; commented on and/or inquired about the pandemic, long-term decision-making, new air filter technology and ridership, the economic impact of the pandemic, evaluating the balance between ridership and service levels and loans to operate the system, BART's financial situation, ridership recovery, evaluating cost-benefit analyses before October, the vision for BART if ridership stays below 15% and no federal stimulus funds are received, reducing long-term costs, and desire for outreach to riders regarding ridership; and requested monthly budget updates before October.

Director Li thanked employees for their work and Ms. Herhold for the information presented regarding Clipper® and contactless payment; commented on and/or inquired about the Clipper mobile rollout, desire for the Clipper mobile application to be free of charge, exploring additional contactless payment options, ridership recovery, disagreement with Director Allen regarding projected ridership, federal funding, her alignment with Director Saltzman's comments, disagreement with utilizing the RCI process for decision-making and advancing an action item at the August Board Meeting, the vote for the FY 21 budget, and whether taking action to revise the budget in August would be helpful; expressed support for staff to provide preliminary FY 20 results and openness to staff recommendations; and commented on Board Members' approval of the budget and budget revision process.

Director McPartland indicated that he would second Director Allen's RCI request; suggested that budget issues be discussed separately from the COVID-19 update at the next Board Meeting; and inquired about decontamination of all trains at the end of the line, the status of and national best practices for utilizing ultraviolet (UV) light in the filtration system, the length of time required to install UV lighting in the duct work of the train fleet, and the KN95 mask.

Director Raburn commented on the nine positive COVID-19 cases among employees; expressed appreciation for Ms. Ilole and staff's response to the employees and for facilitating tracking and testing; extended his best wishes and hope for full recovery to the ill employees; and commented on and/or inquired about sales tax, activity in San Francisco, the \$12 million dollar deferral from FY 20, and support for the adopted budget review plan.

Vice President Foley thanked employees for their work and suggested that future presentations include information about income, expenses, and the status of the budget.

President Simon commented on the impact of COVID-19, understanding the importance of keeping the trains running, addressing difficult decisions, and receiving monthly financial overviews and memos regarding COVID-19; expressed pride in the District; and thanked employees for their work.

Director Dufty associated himself with President Simon and Director Li; commended frontline employees for their work; and commented on morale in relation to budget staff, BART's leadership and decisions, and the complexity of BART; commended BART's financial leaders; expressed lack of support for an RCI request; and commented on staff's collaboration, the press, and the Board's decisions.

Ms. Edwards indicated that a second Board Member would need to support Director Allen's RCI request for the request to move forward.

Director Ames indicated that she would second Director Allen's RCI request.

Director McPartland commented on the need for the RCI request and redundancy.

Director Allen commented on the need for the RCI request.

Director McPartland expressed agreement with Director Allen regarding the need for the RCI request.

Director McPartland brought the matter of Parking Addendum to the Title VI Fare Equity Analysis and Public Participation Report for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets before the Board. Mr. Wiggins presented the item.

Director Dufty moved that the Board of Directors approve the Parking Addendum to the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets." Director Allen seconded the motion.

Aleta Dupree and Roland Lebrun addressed the Board.

Vice President Foley expressed concern about the negative impact of the Parking Addendum on unbanked, low-income, and minority populations and made the following substitute motion: That the Board of Directors approve the Parking Addendum to the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets;" and direct staff to further enhance mitigation measures by holding additional Clipper® Card giveaway events and allowing riders to contact BART Customer Service to acquire free Clipper Cards.

Director McPartland commented on the absence of a provision to address the logistical and administrative aspects of managing Clipper Card distribution and opposition to the substitute motion. Director McPartland suggested that Vice President Foley amend his substitute motion to address the logistical aspects of Clipper Card distribution.

Vice President Foley declined Director McPartland's suggestion to amend the substitute motion.

President Simon seconded the substitute motion, which carried by roll call vote. Ayes: 6 – Directors Ames, Dufty, Foley, Li, Raburn, and Simon. Noes: 2 – Directors Allen and McPartland. Absent: 1 – Director Saltzman.

President Simon brought the matter of Quarterly Report of the Independent Police Auditor before the Board. Mr. Russell Bloom, Independent Police Auditor, presented the item.

The report was discussed, with the following highlights:

Director Li thanked Mr. Bloom for reporting and working on the BART Police Department's (BPD) grooming policy; expressed appreciation for Mr. Bloom's work on the grooming policy issue and Chief Alvarez's responsiveness and openness to changing BPD's grooming policy; and requested that Mr. Bloom's next quarterly report include a presentation with a document attached.

President Simon expressed that the presentation and report requested by Director Li could be sent to Board Members' constituents and support for the Director Li's request; commented on the interaction between BART's police oversight body, independent auditor, and police chief, Chief Alvarez and the Office of the Independent Police Auditor's (OIPA) commitment to reform using data, thoughtful processes, and best practices; thanked the OIPA for becoming an integral part of BART; and recognized Director Raburn as one of the architects of the Independent Police Auditor (IPA) process.

Director Raburn thanked Mr. Bloom for his work during this period of heightened attention to policing and commented on his participation in the National Association for Civilian Oversight of Law Enforcement (NACOLE) meetings, BPD as the standard, support for Director Li's request, and inclusion of use-of-force information in Mr. Bloom's reports.

President Simon brought the matter of Semi-Annual Report of the Inspector General before the Board. Ms. Harriet Richardson, Inspector General, presented the item.

The report was discussed, with the following highlights:

Director Ames commented on and/or inquired about fraud, freezing positions that are necessary to prevent fraud, and the Board's receipt of a list of the second round of positions that were frozen; and requested that staff provide Ms. Richardson with a list of the second round of positions that were frozen.

Director Allen commended Ms. Richardson on her report and commented on and/or inquired about whether Ms. Richardson has received enough funding to independently exercise the legislature's mandate, the timing for the risk assessment and when the next annual report to the legislature will be submitted, realignment of positions and internal controls, whether federal requirements exist for auditing CARES Act recipients, recovering the cost of the Inspector General's Office through findings of efficiency, the cost of the M-Line lighting project, and feedback on the challenges to accessing information that Ms. Richardson needs to do her work.

President Simon requested that Ms. Richardson send a letter to the General Counsel regarding the difficulties that Ms. Richardson has articulated in developing systems; commented on the

Personnel Review Special Committee's (PRSC) meeting with Ms. Richardson, the PRSC's mandate for the Inspector General's Office; and requested a copy of Ms. Richardson's letter to the General Counsel and that Ms. Richardson provide the Board with her report to the Governor.

Director McPartland commented on and/or inquired about whether Ms. Richardson could write a report on the M-Line project regarding the resolution of the project and path forward to avoid mistakes, staff providing information when requested by the Inspector General, the chain of command, the role of the Inspector General, whether Ms. Richardson was working on a document regarding the role of the Inspector General, and her assessment after networking with other transportation Inspector Generals; and expressed support for the Inspector General.

President Simon called for the General Manager's Report. Mr. Powers reported that staff worked with the Metropolitan Transportation Commission (MTC) on the second tranche of CARES Act funding; that all operators in the Bay Area are creating a Health and Safety Plan in Transit document; and that staff is continuing to advocate for financial assistance from the Federal and State governments.

Director Li asked Mr. Powers to address if, and how, he was engaged in conversations about the Caltrain sales tax and the impact on BART and regional public transit if the Caltrain sales tax is not approved.

President Simon called for the results of the ranked-choice vote for the appointments to the Transit Security Advisory Committee. Ms. Edwards announced that the first choice was Stephine Barnes, the second choice was Manuel Vasquez, the third choice was Tiffany Lacsado, and the potential alternate was Randall Glock.

President Simon moved that the BART Board of Directors ratify the appointment of the following individuals as Public-at-Large representatives for a term of 2 years, beginning immediately and expiring on June 30, 2022:

- Stephine Barnes
- Manuel Vasque
- Tiffany Lacsado
- Randall Glock, Alternate

Vice President Foley seconded the motion, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

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

Director Allen noted that she had submitted an RCI request and Ms. Edwards read the following request into the record:

The August 27, 2020 meeting will include an update to the financial budget information for both FY 20 preliminary results and a review of revenue projections used for the FY 21 budget. The agenda item shall include presentation and consideration of action to adjust the FY 21 budgeted operating expenses if deemed necessary by the Board.

Directors McPartland and Ames confirmed their support of Director Allen's RCI request.

Director Ames reported that she had attended a Union City Council meeting regarding the station district for BART; requested that staff update the Union City Station improvements section of bart.gov; commented on Fremont residents' dispute of the South Bay Connect project and lack of coordination surrounding the project; requested that staff provide a report on the status of the project; expressed opposition to the project; and commented on her communication with the State regarding a bottleneck in her District.

President Simon requested that staff contact Director Ames within 24 hours to answer her questions regarding the South Bay Connect project.

Director Ames exited the Meeting.

Director Saltzman re-entered the Meeting.

Director Saltzman submitted the following RCI request:

During the COVID-19 pandemic, as the BART Board has been meeting virtually, the public has had much greater ability and access to speak on important issues during our meetings. To encourage continued public participation once it is safe to meet in person again, the District Secretary's Office should explore ways for the public to comment via phone and/or internet during in person meetings. The District Secretary should present this research to the Board no later than the second meeting in October and agendize the item as an action item so that the Board can consider taking action.

Director Li and Vice President Foley seconded Director Saltzman's RCI request.

Director Saltzman introduced and submitted the following RCI request:

In certain Executive Decision Documents (EDDs) staff recommends contracting out ongoing work. In the future when this is done, the EDD should include an explanation of why staff is recommending contracting the work out, rather than having BART employees do the work. This will help the Board make decisions on these contracts and will make the decision making process more transparent.

Director McPartland seconded Director Saltzman's RCI request.

Director Saltzman exited the Meeting.

Director Dufty thanked Ms. Tamar Allen, Mr. Roy Aguilera, Chief Transportation Officer; Ms. Paula Fraser, Assistant Chief Transportation Office, Service Delivery, M-Line Management; and Mr. Greg Lombardi, Assistant Chief Maintenance Officer, Maintenance and Engineering, for their work with the University of California, San Francisco (UCSF) and the Mission District community to organize COVID-19 testing; thanked Mr. Powers for embracing the testing effort; and commented on the background and process for the testing.

Director Li reported that she had participated in various meetings with staff and others; congratulated MTC and BART for launching Clipper Start and noted that she received a briefing with Ms. Herhold and MTC; reported that the Labor Negotiations Review Special Committee (LNRSC) had met and

expressed appreciation for union presidents' engagement in the LNRSC meeting and staff's work to prepare the Committee members for the meeting.

Director McPartland reported that he had provided multiple public briefings regarding A65 track work and that the MTC elevated the Valley Link project to Phase 1. He requested that the Meeting be adjourned in honor of The Honorable John Lewis, Representative of the Fifth Congressional District of Georgia, and gave remarks regarding Congressman Lewis.

Director Raburn reported that he had participated in a regional housing needs assessment discussion with the East Bay Chapter of the California League of Cities and that he began participating in the NACOLE policing oversight discussions; and thanked Mr. Jones for his work to replace the pylon at the gateway entrance of 19th Street Oakland Station.

Vice President Foley reported that he had given a presentation to the Rotary Club of Antioch, that he had attended the Contra Costa Mayors Conference, and that the LNRSC had met.

President Simon reported that she had given a presentation to Green For All regarding transportation equity and a presentation to Leadership San Francisco and that she had attended Director McPartland's presentation to the Hayward Chapter of the National Association for the Advancement of Colored People (NAACP) regarding track work in Hayward; recognized Ms. Maisha Everhart, Manager of Government and Community Relations, External Affairs, and Mr. Ariel Mercado, Principal Government and Community Relations Representative, External Affairs, for their presentation to the City of Pinole's City Council; and requested that staff provide the Board Members with the presentation and talking points from the presentation to the City of Pinole. President Simon gave remarks regarding The Honorable John Lewis and announced that her daughter was beginning a law program at the Howard University School of Law.

The Meeting was adjourned in honor of The Honorable John Lewis at 3:54 p.m.

Jacqueline R. Edwards
Assistant 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 1,868th Meeting
August 10, 2020

A joint Special Meeting of the Board of Directors and Regular Meeting of the BART Police Citizen Review Board (BPCRB) was held on August 10, 2020, convening at 4:00 p.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

Directors present: Directors Allen, Ames, Dufty, Foley, Li, McPartland, Saltzman, and Simon.

Directors absent: None. Director Raburn entered the Meeting later.

BPCRB Members present: Members Armstrong, Bruno, Gomez, Loo, Mensinger, Perezvelez, W. White, and Rizk.

BPCRB Members absent: Members Davis, Longmire, and D. White.

Director Raburn entered the Meeting.

David Rizk, Chairperson of the BPCRB, gave opening remarks and introduced President Lateefah Simon.

President Simon gave opening remarks and noted that Chairperson Rizk would chair the joint meeting. Chairperson Rizk outlined the procedural rules.

Mr. Robert Powers, General Manager, gave opening remarks.

Chairperson Rizk introduced Mr. Donald L. Casimere as the facilitator of the Meeting.

Mr. Casimere gave opening remarks.

BPCRB Members Davis and D. White entered the Meeting.

Chairperson Rizk called for Public Comment on Item 4 Only. The following individuals addressed the Boards:

Cephus Johnson
Nick Carraway
Karen
Wanda Johnson
Joe Kunzler

Gigi Gamble
Patrick Mortiere
Michael Petrelis
David
Dan
Kylie

Member D. White exited the Meeting.

Chairperson Rizk thanked the public speakers for their comments and brought Items 4 (a) BART Police Model Enhancements; (b) Overview of the BART Police Citizen Review Board Model; (c) BPCRB Stakeholder Input and Recommendations; and (d) BART Board of Directors' Comments and Feedback before the Boards. Mr. Rodd Lee, Assistant General Manager, External Affairs, presented Item 4(a) and Mr. Casimere facilitated discussion of the items.

The discussion included the following:

Member W. White commented on his experience with police oversight and the mental health industry; the need for mental health professionals in the Bay Area; and the role of police unions.

Member Gomez thanked the public speakers and commented on and/or inquired about drug use and overdoses; fare evasion; utilizing police for behavioral issues; partnerships between local counties to resolve issues of substance abuse; and platforms for homeless advocates and partnering with other entities.

Member Armstrong commented on the need to reimagine what policing means; ways to better serve the community; having the right tools to do the job; assistance for homeless individuals; policing crimes of poverty; structural issues, changes, and elements; the role of the police unions; more compassionate policies on the detention of transgender individuals; BART continuing to lead the way in reform; and reform as a journey, not a destination.

Member Perezvelez thanked the public speakers and commented on his experience with safety, the perception of safety, and transgender general orders; various Assembly Bills (AB) and Senate Bills (SB) (AB 392, SB 230, AB 1506, and SB 776); the need for a BPCRB Use-of-Force Subcommittee, rapid response teams for mental health crises, and providing additional training for BART dispatchers; and his viewpoints on reassessing priorities and not criminalizing homelessness and poverty.

Member Loo commented on his experience with professional rescues at stations; homeless and behavioral problems in the stations; the need for additional resources for more homeless outreach teams and after-hour homeless shelters; the safety and security of passengers; and partnering with regional municipalities and advocating for additional resources.

Member Bruno thanked the public speakers and commented on a rise in violent crimes at the stations; opposition to taking funds away from the police; fare evasion; police reforms; zero sustained complaints for racial discrimination or bias against police officers; success stories of reform at the BART Police Department (BPD); and the need for riders to have clean, safe, and reliable transit.

Member Davis commented on his experience with biased citations; the need to re-envision police funding; the need for culture changes in the BPD; and the need to focus on the source of critical issues that cause use-of-force incidents.

Member Rizk thanked the public speakers and commented on the need for evidence-based reforms; the need to collect more data on what the police officers are doing; Chief of Police monthly reports; low-level offenses; the need to refocus on core public safety missions of the BPD; fare evasion and proof of payment as equity issues; the need for racial demographics data; racial disparities in fare enforcement; and the need for a transparent process and public input and reducing bias in enforcement.

Member Mensinger thanked the public speakers and commented on assistance for homeless individuals and partnerships between local counties to provide additional assistance for homeless individuals.

President Simon thanked Chairperson Rizk for his comments regarding centering any stakeholder process on data and commented on hearing feedback from various stakeholders; collaborative decision-making; increasing safety; and the public will in the Bay Area for new voices and new ideas.

Vice President Foley commented on the goal of BPD as keeping passengers and employees safe; being safe versus feeling safe; the need for police officers and addressing the need for social services support and mental health experts in the system; the need for assistance from city, county, and state governments to provide mental health services and homeless outreach; refocusing and evaluating other agencies in relation to police reform; and asking Chief of Police Ed Alvarez, the BPCRB, and BART Police union leadership for their recommendations on what BART can do differently to ensure passenger and employee safety while riding BART.

Director Allen commented on defunding BART Police; agreement with being centered on data; drug activity in the system; the lack of assistance from county, city, and state governments with mental health and homelessness cases; the absence of a place for individuals who suffer from mental health issues or homelessness; and BPD Police Officers as de facto mental health workers and the only available help in many cases.

Director Ames commented on engagement with city and county partners; absence of a place for homeless individuals; the need for police officers; her constituents' concerns about safety; not reallocating resources now; working with partners; and developing a plan and deploying a collaborative approach.

Director Dufty recognized Director Raburn for his regular attendance at BPCRB meetings and commented on other agencies' evaluation of operations and creating public safety; BART's efforts to address homelessness; and the need to strengthen the accountability of county governments to assist BART.

Director Li commented on the stakeholder process; ensuring that a venue for the work exists to facilitate transparency and accountability; openness to defunding; commitment to working with stakeholders; and BART's leadership in police reform.

DRAFT

Director McPartland commented on reimagining police services; the benefits of assigning homelessness issues to Ambassadors; his recommendation against separating the Ambassador and law enforcement programs; the inability to provide housing and services; and partnerships with mental health services in different counties.

Director Raburn commented on his attendance at National Association for Civilian Oversight of Law Enforcement workshops; new fare gates; additional Ambassadors on the trains; decertification of peace officers for misconduct and SB 731; and consideration of SB 731 for support at the next Board Meeting.

Director Saltzman commented on BART's progress; explained that her Roll Call for Introductions (RCI) request was related to the budget; her motivation to hold a joint meeting and support for another joint meeting; her recommendation for a BPCRB member to provide an update at one Board Meeting per month for the next few months; ensuring that BART Police Officers can focus on serious crimes, are available to do so, and receive support; the Ambassador program; openness to the outcome of the community process; and her appreciation of Chief Alvarez's openness to the Ambassador program and the community process.

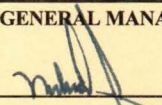

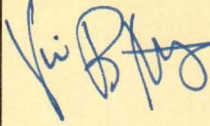
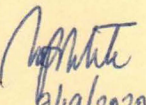
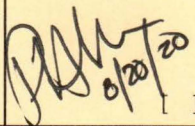
Mr. Casimere and Chairperson Rizk gave closing remarks.

The Meeting was adjourned at 6:25 p.m.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/10/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/3/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Michaela Morales Dept: Finance Administration  Signature/Date: 8.19.2020	General Counsel  8/19/20 []	Controller/Treasurer  8/19/2020 []	District Secretary []	BARC  8/20/20 []

FIXED PROPERTY TAX RATES FY 2020-21 - GENERAL OBLIGATION BONDS

PURPOSE:

Fixing the rate of property taxes for BART in San Francisco, Alameda and Contra Costa Counties for Fiscal Year 2020-21 as required by Public Utilities Code Section 29126 to pay for the debt service on the District's General Obligation Bonds.

DISCUSSION:

The net debt service required on the District's General Obligation Bonds, Measure AA (Election of 2004) and Measure RR (Election of 2016) for levying the property tax rate during Fiscal Year 2020-21 is \$109,086,208 as determined by BART's financial staff. The net debt service for Fiscal Year 2020-21 required on the District's General Obligation Bonds, Measure AA (Election of 2004) is \$55,933,444 and Measure RR (Election of 2016) is \$53,152,764.

The debt service tax rate required for both Measures by the District for Fiscal Year 2020-21 is .0139% percent which equates to \$13.90 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices.

The debt service tax rate required by the District for Fiscal Year 2020-21 for the Measure AA (Election of 2004) General Obligation Bonds is .0071% percent which equates to \$7.10 per one hundred thousand dollars of assessed valuation for the three counties and for the Measure RR (Election of 2016) General Obligation Bonds the debt service tax rate is .0068% percent which equates to \$6.80 per one hundred thousand dollars of assessed

valuation for the three counties within the District as determined by their Auditor-Controller's Offices.

FISCAL IMPACT:

Revenues collected on the basis of the above tax rate will be sufficient for the debt service requirements for the General Obligation Bonds for Fiscal Year 2020-21.

ALTERNATIVES:

None.

RECOMMENDATION:

It is recommended that the tax rate fixed for Fiscal Year 2020-21 be approved.

MOTION:

Adopt attached Resolution.

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

In The Matter of Fixing The Rate of Taxes
For San Francisco Bay Area Rapid Transit
District for Fiscal Year 2020/21

Resolution No. _____

WHEREAS, this Board desires to fix the rate of taxes for the District, for the fiscal year July 1, 2020 to June 30, 2021, and make valid assessments of property and valid levies of taxes in accordance with Public Utilities Code Section 29126; and

WHEREAS, Section 93(c) of the Revenue and Taxation Code authorizes the District to levy an ad valorem property tax in order to produce revenues in an amount equal to the amount needed to make annual payments of principal and interest on the General Obligation Bonds which were approved by over two-thirds vote of the District's voters on November 2, 2004 (Measure AA) and November 8, 2016 (Measure RR); and

WHEREAS, this Board has determined the tax rate for the District taxes for the counties in the District for the fiscal year 2020/21 from the budget of the District for the fiscal year 2020/21 and from the values of property transmitted to this Board by County Auditors;

NOW, THEREFORE, BE IT RESOLVED that the rate of taxes for payment of the General Obligation Bonds of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2020 to June 30, 2021, is hereby fixed at 0.0139% percent, which equates to \$13.90 per one hundred thousand dollars of assessed value of property. Per Measure AA General Obligation Bonds, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2020 to June 30, 2021, is hereby fixed at 0.0071% percent, which equates to \$7.10 per one hundred thousand dollars of assessed value of property. Per Measure RR General Obligation Bonds, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2020 to June 30, 2021, is hereby fixed at 0.0068% percent, which equates to \$6.80 per one hundred thousand dollars of assessed value of property. AND BE IT FURTHER RESOLVED that the Secretary shall immediately after the effective date of this resolution transmit to the County Auditor of the Counties in which the District is situated a statement of such tax rate. The effective date of this resolution is August 27, 2020.

Adopted: _____

Patricia K. Williams, District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors

Date: August 21, 2020

FROM: Controller-Treasurer

SUBJECT: Public Report on Sale of General Obligation Bonds

Pursuant to the requirements of the California Government Code, attached is a memorandum with the actual cost information for last week's sale of General Obligation Bonds.



Rosemarie V. Poblete

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors

Date: August 19, 2020

FROM: Controller-Treasurer

SUBJECT: 2020 General Obligation Bonds Issuance & Pricing

On Tuesday, August 18th, BART successfully priced \$700 million of Measure RR (Election of 2016) General Obligation (GO) Bonds.

Per District policy, District residents were given priority during the order period. Based on the dollar amount of orders received, 5.61% were from BART District retail investors and 7.15% from California retail investors.


As previously reported, the District received a credit rating of Aaa with stable outlook on the 2020C Bonds from Moody's and a long-term credit rating of AAA with negative outlook on the 2020C-1 Bonds and a short-term rating of A-1+ on the 2020C-2 Bonds from S&P. Moody's and S&P also affirmed the District's Aaa/AAA ratings on its outstanding General Obligation Bonds. Additionally, we received green bond programmatic pre-issuance certification from the Climate Bonds Standard Board for this Measure RR transaction.

This underwriting syndicate for this transaction was led by J.P. Morgan Securities LLC as Senior Manager; Goldman Sachs & Co. as Co-Senior Manager; and Barclays Capital Inc., Blaylock Van, LLC, and Wells Fargo Bank, N.A. as Co-Managers.

Yields on the District's 2020C-1 Bonds ranged from 0.10% in 2024 to 2.22% (with a 2.00% coupon) in 2046, and a 2050 maturity (with a 3.00% coupon) yielding 2.06%. The 2020C-2 Bonds (Federally Taxable) will yield 0.17%, maturing on September 15, 2020. The all-in true interest cost of the entire transaction was 2.35%, which was lower than the 2.68% achieved by the District's 2019 general obligation bond financing. The underwriting discount provided to the underwriting syndicate totaled \$1,156,886.28 and the costs of issuance totaled \$900,000.00.

The issue is scheduled to close on Thursday, August 27, 2020.

Please feel free to contact me with additional questions at 510-464-6070.

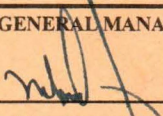

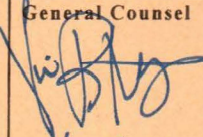
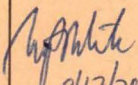
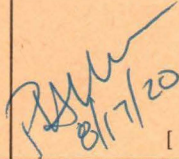


Rosemarie V. Poblete

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ray Hathorn Dept: Human Resources Administration  Signature/Date: 8/17/2020	General Counsel  8/17/20 []	Controller/Treasurer  8/17/2020 []	District Secretary []	BARC  8/17/20 []

Authorize Award of Agreement for Dental Administration

PURPOSE:

Authorize the General Manager to award Agreement No. 6M4707 to Delta Dental of California ("Delta") to provide administrative services for the District's self-insured dental plans for District employees and retirees. The term of the Agreement is five years.

DISCUSSION:

The District provides dental coverage at no cost to full-time employees and their eligible dependents. This is a self-funded program. Dental claims and administrative services are handled by a dental plan administrator. Due to the expertise needed to evaluate potential administrators and dental networks, Aon Consulting, Inc. ("Aon"), the District's benefits broker, was responsible for this solicitation.

On May 23, 2019, Aon solicited proposals for these services at the direction of staff. In considering the universe of providers appropriate to this solicitation, Aon has been sensitive to the District's ongoing interest in providing contracting opportunities to a broad pool of prospective providers. Aon sought prospective providers with sufficient liquidity, administrative capacity, and established dental networks to handle claims and administration of a dental program of the District's size. The marketing and acceptance of proposals was conducted between May 23, 2019 to June 7, 2019.

Of the companies invited to participate, there were no vendors who were able to administer the current dental plan designs. Specifically, the vendors were not able to administer the District's existing dental family bank provision, which allows the employee and all their eligible dependents to share the annual maximum with the family. Due to a system upgrade, even the District's current dental administrator, Principal Financial Group, will no longer be able to administer the District's family dental bank after December 31, 2020.

Four vendors submitted proposals. Delta was able to propose to administer the District's dental plan designs with all the provisions except the family bank, and offered the lowest administrative fee with a five (5) year rate guarantee.

Delta has been in business for 65 years and is part of an enterprise that has over \$8.9 billion in total revenue in dental administration. Currently, they provide dental administration to over 7,000 clients covering more than 35 million enrollees. They have experience with clients from the public and private sectors from every industry, including transit, such as Metropolitan Transportation Authority (MTA)/Amalgamated Transit Union and UTU/MTA Trust fund. Delta Dental is headquartered in San Francisco, CA, with a corporate regional office in Oakland, CA.

Staff is requesting authority to execute an agreement for five (5) years for a not-to-exceed amount of \$1,044,443.

The Office of the General Counsel will approve the agreement and any subsequent amendments as to form.

FISCAL IMPACT:

The estimated expenditures by calendar year for the five years of the administrative contract are as follows:

CY 2021: \$191,337

CY 2022: \$200,895

CY 2023: \$208,931

CY 2024: \$217,286

CY 2025: \$225,994

Total: \$1,044,443

Funding for this contract will be provided from the District's operating budget for employee fringe benefits. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES:

The District could reject the recommendation from Aon for all proposals and solicit new proposals.

RECOMMENDATION:

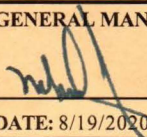
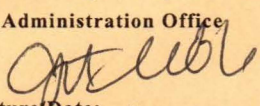
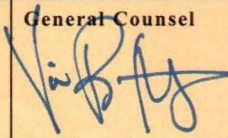
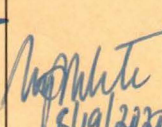
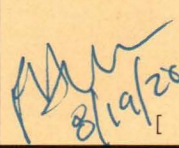
It is recommended that the Board adopt the following motion:

MOTION:

That the Board authorize the General Manager to execute Agreement No. 6M4707 with Delta Dental of California to provide administrative services in the amount not to exceed \$1,044,443.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/20/2020		GENERAL MANAGER ACTION REQ'D: No		
DATE: 8/19/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gia Ilole Dept: Administration Office  Signature/Date: Aug 18, 2020	General Counsel  8/19/20 []	Controller/Treasurer  8/19/2020 []	District Secretary []	BARC  8/19/20 []

Amendment to Agreement 6M4711, COVID-19 Testing

PURPOSE: To obtain Board authorization for the General Manager to execute an amendment to increase the funding from \$99,000 to \$600,000 for COVID-19 Testing Services, 6M4711, awarded to CITYHEALTH URGENT CARE, A MEDICAL CORPORATION.

DISCUSSION: The current agreement, 6M4711, was entered into for the period of July 1, 2020 through June 30, 2021. At the time the contract was signed, it was unknown how many tests would be required. As the spread of COVID in the Bay Area continues, new information becomes available about best practices for contact tracing and testing, and the concern of community spread persists, a significantly greater number of tests for identified contacts are required to ensure the safety of our workforce and community. The contract is based on a per/test cost and the anticipated increased testing requires additional funding.

FISCAL IMPACT: COVID budget allocation will fund the estimated \$600,000 covering services to be rendered through June. Funds are included in the operating budget, Cost Center number 1303389 Account 681300 Professional and Technical Services. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

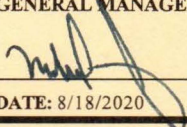
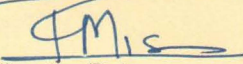
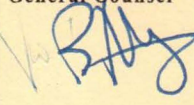
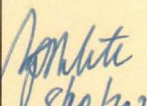
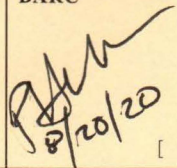
ALTERNATIVE: To not increase funding expenditure would limit testing availability and disrupt our ability to promptly test employees who are identified as contacts, which would cause significant risk to BART employee and community health and safety as well as continuity of BART operations during the pandemic. To engage with another testing vendor would eliminate the ability to provide employees with same day results as no other known local vendor is conducting 15-minute result antigen testing and PCR testing.

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

MOTION: The General Manager is authorized to execute an amendment to Agreement No. 6M4711, COVID-19 Testing Services to CITYHEALTH URGENT CARE, A MEDICAL CORPORATION to increase funding to \$600,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/21/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/18/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alfonzo Rigel Dept: CIO Administration  Signature/Date: 8/20/2020	General Counsel  8/20/20 []	Controller/Treasurer  8/20/2020 []	District Secretary []	BARC  8/20/20 []

Computer Hardware and Software contract with Transource Services Corp. for Network Equipment

PURPOSE:

To request that the Board authorize the General Manager to execute an information technology hardware and software contract with Transource Services Corp for an amount not to exceed \$1,840,993.93.

DISCUSSION:

This purchase is being made through the National Association of State Procurement Officials, (NASPO) cooperative purchasing program previously approved by the Board in 2016.

This purchase is for Network hardware and software to replace end of life switches and routers, as well as connect the new BART Headquarters at 2150 Webster Street.

NASPO ValuePoint (formerly WSCA-NASPO) is a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions and other eligible entities.

Because the state of California is a partner in this cooperative agreement, its local agencies and districts, including BART are authorized by California Public Contract Code section 10298 to purchase items from suppliers awarded contracts through the NASPO ValuePoint Cooperative without further competitive bidding, pursuant to a Master Agreement and a California Participating Addendum.

Because the NASPO ValuePoint contracts are made directly with the vendors, there are no participation goals for either Small Business Enterprise (SBE) or Disabled Veteran Business Enterprises (DVBE).

The Office of General Counsel will approve the Agreement as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$1,840,994 for award of Contract No. 6M4720 is included in the total project budgets for Network Infrastructure Refresh Project Number 63EA010 (\$989,994) and the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000 (\$851,000).

The tables below list funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project 17HN000:

Project	Fund	Fund Description	Source	Amount
17HN000	8211	2019A Sales Tax Rev Bonds	BART	\$227,000,000

As of August 19, 2020, \$227,000,000 is the total budget for these projects. BART has expended \$139,546,898, committed \$59,417,015, and reserved \$963,871 to date. This action will commit \$851,000, leaving an available fund balance of \$26,221,215 in this fund source for this project.

Project 63EA010:

Project	Fund	Fund Description	Source	Amount
63EA010	8534	FY2020 Operating Capital Alloc	BART	\$2,325,000

As of August 19, 2020, \$2,325,000 is the total budget for these projects. BART has expended \$0, committed \$0, and reserved \$1,044,049 to date. This action will commit \$989,994 leaving an available fund balance of \$290,957 in this fund source for this project.

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

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

ALTERNATIVES:

1) Decline to enter into this Agreement through the NASPO program and seek alternative independent proposals by the District. This would incur substantial delay to repeat the technology procurements done at the various State levels.

RECOMMENDATION:

Approve the following motion.

MOTION:

The General Manager or his designee is authorized to execute an information technology hardware and software contract with Transource Services Corp. for an amount not to exceed \$1,840,993.93.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/21/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/19/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alfonzo Rigel Dept: CIO Administration <i>[Signature]</i> Signature/Date: 8/20/2020	General Counsel <i>[Signature]</i> 8/20/20 []	Controller/Treasurer <i>[Signature]</i> 8/20/2020 []	District Secretary []	BARC <i>[Signature]</i> 8/20/20 []

Oracle Cloud Analytics Platform and Services

PURPOSE:

To request that the Board authorize the General Manager to enter into a software subscription with Oracle for the Oracle Cloud Analytics Platform and Services for one (1) year term not to exceed \$185,043.51.

DISCUSSION:

The District uses Oracle's Cloud Analytics platform to deliver a full range of analytic and reporting capabilities. This platform is a subscription-based reporting and analytical tool that enables the District to gain more insight and value on data from various sources, providing data-driven dashboards on Human Resources, Procurement, Projects, Ridership and Financial reporting to facilitate faster, more informed business decisions.

This purchase is being made through the National Association of State Procurement Officials, (NASPO) cooperative purchasing program previously approved by the Board in 2016.

NASPO ValuePoint (formerly WSCA-NASPO) is a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized U.S. territories, their political subdivisions and other eligible entities.

Because the state of California is a partner in this cooperative agreement, its local agencies and districts, including BART are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts by the NASPO ValuePoint Cooperative without further competitive bidding, pursuant to a Master Agreement and a California Participating Addendum.

Because the NASPO ValuePoint contracts are made directly with the vendors, there are no participation goals for either Small Business Enterprise (SBE) or Disabled Veteran Business Enterprises (DVBE).

The Office of General Counsel will approve the Agreement as to form prior to execution.

FISCAL IMPACT:

The subject EDD proposes a one (1) year contract at a total cost of \$185,043.51 from September 1, 2020 - September 2, 2021. Funds will be budgeted in the Office of the Chief Information Officer operating budget (Dept 0504464, Account 681355) as follows:

Proposed Funding:	
FY21	\$185,043.51
Total	\$185,043.51
<i>*Funding is expected to begin 9/01/2020.</i>	

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on un-programmed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not authorize the execution of the renewal agreement. In this circumstance, the Oracle Analytics Cloud (OAC) subscription and services will be terminated, and the District will have limited access to data and analytics.

RECOMMENDATION:

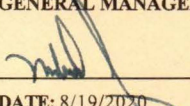
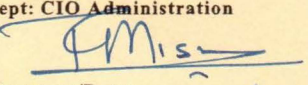
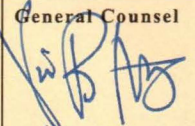
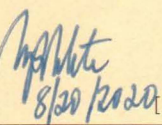
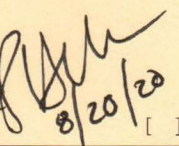
Approve the following motion.

MOTION:

The General Manager or his designee is authorized to execute a 1-year subscription with Oracle Cloud Analytics in an amount not to exceed \$185,043.51.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/21/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/19/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alfonzo Rigel Dept: CIO Administration  Signature/Date: 8/20/2020	General Counsel  8/20/20 []	Controller/Treasurer  8/20/2020 []	District Secretary []	BARC  8/20/20 []

Computer Hardware and Software Agreement with Cornerstone Technologies for Server Equipment

PURPOSE:

To request that the Board authorize the General Manager to execute a five (5) year information technology hardware and software agreement with Cornerstone Technologies for an amount not to exceed \$2,736,197.41.

DISCUSSION:

This agreement is for the purchase of server hardware and software to replace end of life equipment within the District's primary and secondary data centers.

The agreement is being made through the National Association of State Procurement Officials, (NASPO) cooperative purchasing program previously approved by the Board in 2016.

NASPO ValuePoint (formerly WSCA-NASPO) is a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized U.S. territories, their political subdivisions and other eligible entities.

Because the state of California is a partner in this cooperative agreement, its local agencies and districts, including BART are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts through the NASPO ValuePoint Cooperative without further competitive bidding, pursuant to a Master Agreement.

FISCAL IMPACT:

The proposed agreement is for an amount not to exceed \$2,736,197 over five years. Should funding be unavailable in future fiscal years, the contract will be terminated.

Funding for FY21 and FY22 in the amount of \$1,044,049 for award of Contract No. 6M4719 is included in the total project budgets for Network Infrastructure Refresh Project Number 63EA010.

Proposed Expenses	
FY21	\$480,000.00
FY22	\$564,049.35
<i>FY23</i>	<i>\$564,049.35</i>
<i>FY24</i>	<i>\$564,049.35</i>
<i>FY25</i>	<i>\$564,049.35</i>
Total	\$2,736,197.41

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

Project	Fund	Fund Description	Source	Amount
63EA010	8534	FY2020 Operating Capital Alloc	BART	\$2,325,000

As of August 19, 2020, \$2,325,000 is the total budget for these projects. BART has expended \$0, committed \$0, and reserved \$989,994 to date. This action will commit \$1,044,049 leaving an available fund balance of \$290,957 in this fund source for this project.

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

Funding for subsequent years will be included in future proposed annual capital budgets, which are subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in FY21.

ALTERNATIVES:

1) Decline to enter into this agreement through the NASPO program and seek alternative independent proposals by the District. This would incur substantial delay to the District.

RECOMMENDATION:

Approve the following motion.

MOTION:

The General Manager or his designee is authorized to execute a five (5) year information technology hardware and software agreement with Cornerstone Technologies for an amount not to exceed \$2,736,197.41.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 8/19/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/27/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Chung-Soo Doo Dept: Civil/Structural/Constru Eng Signature/Date: 7/29/2020	General Counsel 7/30/20 []	Controller/Treasurer 7/30/2020 []	District Secretary []	BARC 8.17.2020 []

Award of Agreement No. 6M3466 At-Grade Track Variation Study for Earthquake Emergency Response Planning

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M3466 for the District's earthquake emergency response planning to the University of California, San Diego for an estimated amount of \$160,747.

DISCUSSION:

BART Emergency Managers will dispatch track inspection crews after an earthquake to verify whether BART trains can be safely operated. Currently, there is no available data for the Emergency Managers to prioritize at-grade track inspections after an earthquake. Thus, the inspections of at-grade tracks will be prioritized without knowing which area of at-grade tracks is potentially damaged.

This proposed agreement is to develop earthquake fragility data of cross-level variation for at-grade tracks for Emergency Managers' inspection prioritization after an earthquake by engaging the Powell Structural Laboratory at the University of California, San Diego (UC San Diego). The fragility data will be developed by performing a full-scale shake table test of BART's at-grade track with the cross-level variation sensors developed at UC San Diego. The results of this Project would then be added to the existing BART ShakeCAST system which provides the Emergency Managers timely and automated earthquake damage information for the BART facilities. Thus, this Project would provide the valuable information to predict expected damage state that may occur in BART's tracks as the result of an earthquake. This project was not competitively bid since UC San Diego has developed

a unique sensor to assist the District's earthquake emergency response planning.

BIDDER	TOTAL BID
University of California, San Diego	\$160,747.00
Engineer's Estimate	\$162,804.00

BART staff do not have the capacity to create, or otherwise procure, the sensor that UC San Diego developed nor to perform the complex shake table test that could be performed by UC San Diego. Staff have determined that the UC San Diego pricing for the work is fair and reasonable based upon the independent cost estimate by BART staff. Staff seeks authority for the General Manager to negotiate and execute an Agreement with UC San Diego, for an estimated amount of \$160,747. The Agreement would be subject to approval as to form by the Office of the General Counsel.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for MBEs and 2.8% for WBEs. UC San Diego will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

FISCAL IMPACT:

The total not to exceed amount of \$160,747 for Agreement No. 6M3466 is included in the total project budget for 15SY100 ShakeCAST Mainline Extension.

The table below lists funding assigned to the referenced project and is included to track

funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Proposed Funding	
801F - FY2008 Earthquake Safety Gen Oblig. Bonds	\$ 537,208
801J - FY19 Measure AA GOB Proj Funds	54,342
8530 - FY16 Operating Capital Allocation	200,000
TOTAL	\$ 791,550

As of May 18, 2020, \$791,550 is the total budget for this project. BART has expended \$1,690, committed \$74,960, and reserved \$0 to date. This action will commit \$160,747 leaving an available fund balance of \$554,153 in these fund sources for this project.

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

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

ALTERNATIVES:

UC San Diego, Powell Structural Laboratory has developed a unique sensor to assist the District's earthquake emergency response. There is no feasible alternative without substantial duplication of costs.

RECOMMENDATION:

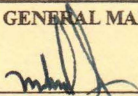
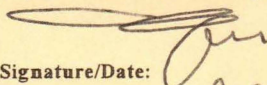
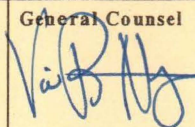
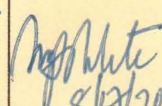
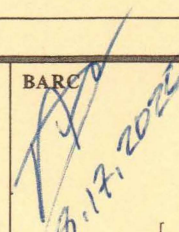
Staff recommends adoption of the Motion.

MOTION:

The Board authorizes the General Manager to negotiate and award Agreement No. 6M3466 to the University of California San Diego, Powell Structural Laboratory for the District's earthquake emergency response planning for an estimated amount of \$160,747.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/24/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Yu Shen Dept: Maintenance and Engineering  Signature/Date: Aug 14, 2020	General Counsel  8/14/20 []	Controller/Treasurer  8/17/2020 []	District Secretary []	BARC  8-17-2020 []

Maintenance Contract for Net.Com State of Good Repair

PURPOSE:

To obtain Board authorization for the General Manager to negotiate and execute an Agreement with Onyx Spectrum Technology, Inc. (Onyx,) for a 24-month maintenance agreement and software license for the Train Control Networking solution referred to as Net.Com in an amount not to exceed \$462,000.

DISCUSSION:

The NET.COM (Promina 800/400/100) network operating in BART's train control system establishes point-to-point connections between the train wayside controllers for synchronization and transmitting vital and non-vital train control commands between signal controllers, trains, and station platforms. NET.COM network devices are no longer sold or supported by the manufacturer, but still need maintenance support for proper operations of the train services.

The original manufacturer of the NET.COM system (Promina 800/400/100) was "Network Equipment Technologies, Inc. (NET)." NET was merged into Sonus Networks, Inc. (Sonus), which became Ribbon Communications, Inc., (Ribbon). Ribbon issued notice of end-of-life support to the products in 2013. BART staff have performed extensive research on the maintenance providers for the products. Only Onyx was found to be willing and capable to provide the maintenance support to Promina 800/400/100. Onyx purchased the intellectual property rights of Promina 800/400/100 and is in business to support the system.

Staff is seeking authorization to enter into direct negotiations with Onyx to execute a

maintenance agreement and software license for a 2-year term in an amount not to exceed \$462,000. The maintenance agreement includes the provision of replacement parts.

This agreement provides technical augmentation of staff expertise. The contractor will not be performing front line maintenance, just providing on call support.

The Procurement Department will review the Agreement to confirm compliance with the District's procurement standards.

The Office of the General Counsel will approve the Agreement as to form.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Onyx will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$462,000 for an Agreement with Onyx Spectrum Technology, Inc. is included in the total project budget for FMS# 20LT007 – Net.Com Maintenance Support.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Proposed Funding	
F/G 8533 - FY19 BART Capital Allocation	500,000
TOTAL	500,000

As of June 8, 2020, \$500,000 is the total budget for this project. BART has expended \$0, committed \$0, and reserved \$0 to date. This action will commit \$462,000, leaving an available fund balance of \$38,000 in these fund sources for this project.

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

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

ALTERNATIVES:

The following alternative may be considered:

Do not negotiate and do not execute an Agreement. BART Staff will continue to perform routine monitoring, troubleshooting, and repair. BART would risk system failure due to the lack of replacement parts, software upgrades, and troubleshooting expertise.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The Board of Directors authorizes the General Manager to negotiate and execute an agreement with Onyx for a 24-month maintenance agreement and software license for Net.Com in an amount not to exceed \$462,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/21/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Edward Moore Dept: System Safety	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>Edward Moore</i> 8/13/20	<i>[Signature]</i> 8/14/20 []	<i>[Signature]</i> 8/17/2020 []	[]	<i>[Signature]</i> 8.17.2020 []

Amendment to Agreement No. 6M5087 and Agreement No. 6M5088 for General Environmental Services to Support BART's Hazardous Materials Program

PURPOSE:

To obtain Board authorization for the General Manager to execute amendments for Agreement No. 6M5087 with Environmental Risk Management (ERM) and Agreement No. 6M5088 with CDM Smith, Inc. for General Environmental Services to support BART's Hazardous Materials Programs, to extend the performance duration for one year for both agreements and to increase the agreement amount by an additional \$550,000 for both agreements.

DISCUSSION:

Environmental Resource Management and CDM Smith, Inc. provide General Environmental Services to support BART's Hazardous Materials Program. Work under both consultant agreements are performed on an as needed basis, meaning that the District must determine that the work is necessary, and funding is available, prior to work being performed.

The Board authorized the General Manager to award Agreement No. 6M5087 and Agreement No. 6M5088 in July 2015. Both Agreements were entered into on September 16, 2015 for three-year base terms with two one-year options, with agreement compensation amounts of \$2,000,000. In August of 2018, District Staff requested and received additional Board authority to increase the compensation amount for Agreement No. 6M5087 by an additional \$1,000,000. Both agreements are reaching the end of their full five-year term on September 15, 2020 and the agreement amounts have been almost fully spent by the District. The quality of work performed by both Consultants has been more than satisfactory.

The recent Covid-19 pandemic has negatively impacted the normal work activities of the System Safety Department resulting in significant additional time and effort required to ensure compliance with current safety regulations and to adhere to the new safety strategy. Consequently, System Safety staff does not have resources to timely develop the background information and scope of work needed to procure new agreements through the RFP process.

Since 2015 the District has increased activity and assets that require the services provided by both Consultants. Their services help the District to continue to comply with ongoing and essential requirements such as bulk disposal of hazardous and non-hazardous waste, meeting increased maintenance requirements and activities, and rebuilding and expanding the BART infrastructure.

In order to maintain these essential services while a new RFP can be created and advertised, these current agreements should both be extended for one year and the compensation amount should be increased by an additional \$550,000 for both agreements.

FISCAL IMPACT:

Both agreements are for work only as needed. Only if the District determines that work is needed, and that funding is available will funds be expended under these agreements.

These Agreements are funded under Operating Fund #681300 (Professional & Tech Services) and are managed by the System Safety Department, 1303388.

Estimated FY21 expenditures are \$1,100,000

This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES:

Choosing to not extend the agreements with the requested increase in compensation amounts will cause a delay in the disposal of bulk hazardous and non-hazardous waste, delays and difficulties with the performance of maintenance activities, delays in rebuilding and expanding BART's infrastructure and non-compliance with applicable federal, state and local requirements. Non-compliance with regulatory requirements can result in penalties and fines as well as additional site-specific regulatory requirements. Such actions would result in increases in maintenance and capital expenditures as well as extra costs due to service and project delays.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to execute amendments to Agreement No. 6M5087 and Agreement No. 6M5088 to extend the agreement termination date by one additional year for both agreements and to increase the compensation amount by an additional \$550,000 for both agreements.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/7/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Factor Dept: Station Area Planning <i>[Signature]</i> Signature/Date: 8/17/2020	General Counsel <i>[Signature]</i> 8/17/20 []	Controller/Treasurer <i>[Signature]</i> 8/17/2020 []	District Secretary []	BARC <i>[Signature]</i> 8/17/2020 []

Adoption of a Resolution Authorizing Caltrans Planning Grant Funds for the El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development

PURPOSE:

To Authorize the BART General Manager or his designee to enter into an agreement with California Department of Transportation for the El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development under the following Grant Program: Caltrans Sustainable Transportation Planning Grant, State Road Maintenance and Rehabilitation Account (RMRA).

DISCUSSION:

On June 18, 2020 BART received notice from California Department of Transportation (Caltrans) Division of Transportation and Planning announcing the award of the Caltrans Sustainable Transportation Planning Grant for Fiscal Year 2020-21. A condition of grant acceptance is a resolution from the BART Board of Directors.

The El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development is a project that will evaluate the feasibility of innovative strategies for BART to provide station access to customers in Berkeley, El Cerrito, Richmond, Albany, Kensington, and larger catchment area; and to develop BART'S surface parking lots with roughly 2,000 homes, with a minimum affordability goal of 35%. Building upon the FY2018-2019 Caltrans grant that has been exploring alternatives to parking replacement in Transit Oriented Development at El Cerrito Plaza station, this Grant supports BART in larger-scale solutions in partnership with stakeholders. This Grant will help BART meet its goal to advance mixed-income housing development at El Cerrito Plaza, North Berkeley, and Ashby stations.

FISCAL IMPACT:

The total Grant award is \$704,747. The local match is \$91,307. The total project cost is \$796,054. The projected timeline for the study is between November 2020 through February 2023. BART would receive \$704,747 in funds to be placed in a new capital budget line item and would expend \$91,307 in BART staff time from the existing Station Area Planning operating budget 1011276.

This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES:

Do not authorize the BART General Manager, or his designee, to enter into an agreement with Caltrans and forego the Grant funds.

RECOMMENDATION:

Adoption of the following Motion.

MOTION:

The BART Board adopts the attached Resolution authorizing BART General Manager, or his designee, to enter into an agreement with Caltrans to receive funds for the El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development.

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

**In the Matter of Authorizing the Execution of
Agreements for the El Cerrito-Berkeley Corridor
Access Strategy for Transit Oriented Development**

Resolution No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AUTHORIZING THE GENERAL MANAGER TO EXECUTE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE EL CERRITO-BERKELEY CORRIDOR ACCESS STRATEGY FOR TRANSIT ORIENTED DEVELOPMENT

WHEREAS, the San Francisco Bay Area Rapid Transit District is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation;

WHEREAS, a Restricted Grant Agreement needs to be executed with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Programs;

WHEREAS, the San Francisco Bay Area Rapid Transit District wishes to delegate authorization to execute the Agreement and any amendments thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, to authorize the General Manager, or designee, to execute a Restricted Grant Agreement and any amendments thereto with the California Department of Transportation.

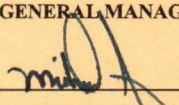
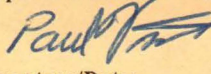
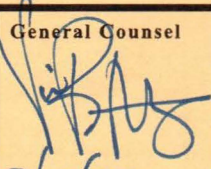
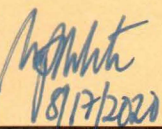
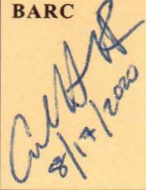
APPROVED AND PASSED this 27th day of August 2020.

Lateefah Simon, Board President

Robert M. Powers, General Manager



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/18/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 8/4/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate & Prop Development  8/14/20 Signature/Date:	General Counsel  8/17/20 []	Controller/Treasurer  8/17/2020 []	District Secretary []	BARC  8/17/2020 []

Adoption of a Resolution Authorizing Funding Application to the Transit-Oriented Development Housing Program for the West Oakland BART Station TOD Project

PURPOSE: To have the Board of Directors approve a Resolution Authorizing the Funding Application to the Transit-Oriented Development (“TOD”) Housing Program for the Mandela Station TOD at the West Oakland BART Station.

DISCUSSION: The California Department of Housing and Community Development (HCD) established the Transit Oriented Development (TOD) Housing Program in 2006 with funding from Proposition 1C. The objectives of the grant are to increase the overall supply of housing, the supply of affordable housing, public transit ridership, and to minimize automobile trips. The program accomplishes these objectives by providing financial assistance for the development of housing and related infrastructure near public transit stations.

Since 2006, there have been three rounds of funding (the TOD developments at MacArthur BART and San Leandro BART both received infrastructure funding from HCD’s TOD grants). The latest round of funding is provided by Proposition 1, the Veterans and Affordable Housing Bond Act of 2018. Under this latest program, low-interest permanent loans are available as gap financing for rental housing developments and grants are available for infrastructure improvements necessary for the development of specific housing developments.

Pursuant to a prior Board action, BART applied as a co-applicant for several Transit Oriented Development AHSC Program grants and a number of projects were awarded grants. One grant was for the proposed Mandela Station TOD project at West Oakland BART sponsored by SUDA and McFarlane Partners, dba Mandela Station Partners, LLC

("Developer"). The development team has identified HCD's TOD infrastructure grant as an opportunity to assist the funding of specific infrastructure required by BART and the City of Oakland.

HCD's rules for infrastructure grants require the applicant be the local governmental jurisdiction or transit agency. BART agreed to be the applicant. As the applicant BART is required to adopt a Resolution authorizing BART to apply for the TOD grant and to authorize the General Manager to execute all required documentation required by the TOD Program.

FISCAL IMPACT: There is no fiscal impact from the adoption of the Resolution authorizing application for a TOD grant. If a TOD grant is awarded, grant funds would be passed-through to the Developer for infrastructure improvements at the West Oakland BART Station.

ALTERNATIVES: Do not adopt the Resolution and BART would not be able to potentially be awarded up to \$5,000,000 in grant funding for infrastructure improvements at the West Oakland BART Station TOD.

RECOMMENDATION: Adoption of the following motion.

MOTION: The BART Board adopts the attached Resolution authorizing a funding application to the Transit-Oriented Housing Program.

RESOLUTION NO.: _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AUTHORIZING AN APPLICATION TO THE TRANSIT-ORIENTED DEVELOPMENT HOUSING PROGRAM

WHEREAS, the California Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability ("NOFA") dated April 30, 2020, under the Transit-Oriented Development ("TOD") Housing Program; and

WHEREAS, the San Francisco Bay Area Rapid Transit District ("District") wishes to apply for and receive an allocation of funds through the TOD Program for the Mandela Station Transit-Oriented Development at the West Oakland BART Station; and

WHEREAS the District is an Eligible Applicant under the TOD Program and wishes to apply for a TOD Program Grant in an amount not to exceed \$5,000,000.00 ("TOD Grant") to develop infrastructure in support of affordable housing ("TOD Project") under the above described NOFA.

NOW, THEREFORE, IT IS RESOLVED: That the District is hereby authorized and directed to act in connection with the Department's TOD Grant pursuant to the above mentioned NOFA.

RESOLVED FURTHER: That in connection with the District's TOD Grant, the District is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the TOD Grant, the District's obligations related thereto, and the Department's security therefore; including, but not limited to, an affordable housing covenant, a performance deed of trust, a disbursement agreement, and certain other documents required by the Department as security for, evidence of or pertaining to the TOD Grant, and all amendments thereto (collectively, the "TOD Grant Documents").

RESOLVED FURTHER: That General Manager or his designee is hereby authorized to execute the TOD Grant Documents, and any amendment or modifications thereto, on behalf of the District.

RESOLVED FURTHER: That this resolution shall take effect immediately upon its passage.

Passed and adopted, effective as of _____, 20____ by the consent of the Board of Directors by the following vote:

___AYES

___NAYS

___ABSTAIN

___ABSENT

SIGNATURE

TITLE

DATE

CERTIFICATE OF THE SECRETARY OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

The undersigned, _____, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of said San Francisco Bay Area Rapid Transit District Board of Directors which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

DATE: 8/27/20

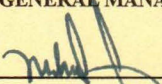
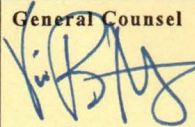
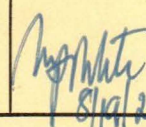
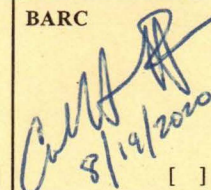
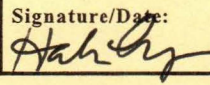
District Secretary's Signature

Patricia Williams

District Signatory's Name



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/20/2020		GENERAL MANAGER ACTION REQ'D: n/a		
DATE: 8/14/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hannah Lindelof Dept: Strategic & Policy Planning	General Counsel 	Controller/Treasurer 	District Secretary	BARC 
Signature/Date:  8/19/20	8/19/20 []	8/19/2020 []	[]	8/19/2020 []

Riding Together—Bay Area Healthy Transit Plan Resolution

PURPOSE:

To adopt the attached Resolution implementing the proposed *Riding Together—Bay Area Healthy Transit Plan*.

DISCUSSION:

The COVID-19 pandemic has presented transit systems with an historic set of challenges, including the need to adjust protocols and procedures to ensure a safe operating environment. Collectively, the nine-county Bay Area transit operators have joined forces to initiate research, study U.S. and international efforts, and review information from the American Public Transportation Association (APTA), to develop the *Riding Together—Bay Area Healthy Transit Plan*. Development of the Plan has included collaboration with regional leaders, transit workers, paratransit providers, rider advocates, public health experts, and others. The *Riding Together: Bay Area Healthy Transit Plan* provides and establishes minimum commitments to establish a consistency between transit providers and for cross-county trips. The Plan provides guidance in the areas of vehicle disinfecting, physical distancing, face coverings, touchless payments, ventilation, employee personal protective equipment, testing, contact tracing, and employee wellness assessments. The Plan also establishes reporting metrics to ensure accountability and transparency. The Plan is consistent with the emerging APTA National Transit Recovery Commitment Program. As a further confirmation of BART's commitment to the health and safety of their riders, BART intends to participate in the APTA Program, which includes display of an industry Seal of Commitment. The full Plan is available at HealthyTransitPlan.com.

The Metropolitan Transportation Commission has requested that all Bay Area Transit

Operators adopt a resolution for Plan implementation.

FISCAL IMPACT:

The Plan includes mitigations that have associated costs; however, most of these costs are already being incurred by the District as part of ongoing COVID-19 response and recovery. Minor additional cost to the District will be associated with tracking and reporting on metrics. These costs are being tracked for possible future FEMA reimbursement. Addressing safety and health on transit is in support or rebuilding ridership which is essential to BART's financial stability.

ALTERNATIVES:

1. Do not adopt the resolution. Continue to mitigate COVID risks without regional coordination.
2. Adopt a modified resolution.

RECOMMENDATION:

Adopt the following Motion.

MOTION:

The attached Resolution, Riding Together: Bay Area Healthy Transit Plan, is adopted.

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

In the Matter of Support of

Riding Together: Bay Area Healthy Transit Plan

Resolution No. _____

WHEREAS, Like other Bay Area transit systems, the health and safety of passengers and transit employees continues to be the San Francisco Bay Area Rapid Transit District's number one priority; and

WHEREAS, Despite an unprecedented loss of ridership due to the COVID-19 pandemic, many commuters across the region continue to depend on Bay Area transit systems for essential travel; and

WHEREAS, Survey data increasingly suggests that the majority of riders will return to transit once counties give authorization to reopen commercial establishments and workplaces; and

WHEREAS, The COVID-19 pandemic has presented transit systems with an historic set of challenges, including the need to adjust protocols and procedures to ensure a safe operating environment; and

WHEREAS, Since the start of the pandemic, transit systems have collaborated with each other and with regional leaders, transit workers, rider advocates, public health experts, and others to create the Riding Together: Bay Area Healthy Transit Plan, which outlines a baseline set of measures that transit systems will implement to protect riders and workers; and

WHEREAS, The Riding Together: Bay Area Healthy Transit Plan provides guidance in the areas of vehicle disinfecting, physical distancing, face coverings, touchless payments, ventilation, employee personal protective equipment, testing, contact tracing, and employee wellness assessments; and

WHEREAS, The Riding Together: Bay Area Healthy Transit Plan will coexist and complement system specific plans developed by individual transit agencies; and

WHEREAS, The Riding Together: Bay Area Healthy Transit Plan is a living document and is intended to evolve as transit agencies continue to monitor rider and employee health on their systems and collaboratively take steps to respond to changing conditions; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby supports the implementation of the Riding Together: Bay Area Healthy Transit Plan throughout the BART system and throughout Bay Area transit agencies to keep transit riders and workers healthy during the COVID-19 pandemic; and

BE IT FURTHER RESOLVED, That through the method established for transit system reporting of health metrics related to the COVID-19 pandemic, that BART will report monthly on its performance in aligning with the baseline health measures set forth in the Riding Together: Bay Area Healthy Transit Plan.

Adopted on _____, 2020

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: August 21, 2020

FROM: General Manager

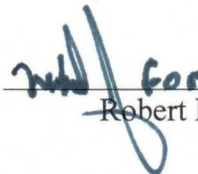
SUBJECT: Administration Agenda: Fiscal Year 2021 Budget Outlook

The attached "Fiscal Year 2021 Budget Outlook" will be presented at the August 27, 2020 BART Board of Director's meeting.

At the July 23, 2020 Board meeting, Director Allen requested that staff return to the next meeting with an update to the financial outlook for both the FY20 and the FY21 budgets, with the intent to consider action to adjust the FY21 budgeted operating expenses, if deemed necessary by the Board.

The materials attached allow for the option of a budget revision, should the Board direct staff to do so.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at pherhol@bart.gov, or (510) 464-6168.



Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



▶ FY21 Budget Outlook

August 27, 2020



FY21 Adopted Budget

**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, 2020, to June 30, 2021**

Resolution No. 5445

BE IT FURTHER RESOLVED that through Fiscal Year 2021, the District commits to undertake a rigorous stakeholder process on new approaches that emphasize responding to homelessness, behavioral health and substance use without relying on armed police. This effort answers public calls to dramatically change how BART addresses these societal problems in our system. The Board and the General Manager will jointly lead this effort to develop recommendations for staffing and funding services that do not require sworn personnel that will be presented in October when adjustments to the budget are considered.

Where We Left Off a Month Ago – What’s Changed

Recap of 7/23 Board Meeting:

Current Status:

Ridership and economic recovery depend on suppressing COVID-19 pandemic

- Confirmed COVID-19 cases continue to increase in the Bay Area and United States
- BART ridership remains low, and riders remain concerned about the risk of contracting or spreading the virus on transit
- BART ridership is unlikely to recover substantially as long as these conditions persist

Unchanged

Looking Ahead

- Continuing to advocate for additional federal emergency assistance
 - Expecting news mid-August or later
- Monitoring public health guidance and medical developments
 - Return to shelter in place would push ridership back down
 - First vaccine news could come in August

No federal deal currently

Paused re-openings
Vaccine approval TBD







What Staff Are Doing Now

- Focus on providing service that meets demand under current social distancing guidelines
- Keeping employees and passengers safe with enhanced cleaning, face covering rules
- Suppressing all non-essential spending

Unchanged



Key Indicators Staff Are Monitoring

Revenue Category	Outcome	Impact
Estimated FY20 Year-end Result	FY20 projected to close better than April estimate	
COVID Containment	Containment still distant, with all Bay Area county re-openings paused; California reporting errors leave trends unclear	
Fare Revenue	Ridership levelled off at 12% of pre-COVID baseline	
FY21 Sales Tax	BART sales tax receipts 10% above budget through August (reflects April-June sales activity); forward-looking picture unclear	
FEMA reimbursement	Reimbursement assumptions lowered, partially due to lower COVID costs incurred	
Federal Emergency Assistance	Talks in Congress broke off on August 7, with state & local assistance a major point of disagreement; Senate back in session 9/8	

BART is projected to finish FY20 under budget

Three factors improved the FY20 year end projection made in April:

1. Successfully managed **overtime** (with support of labor partners)
2. **Accelerated capital projects** to shift labor & benefits to capital budgets
3. Better sales tax receipts (likely supported by federal stimulus) & other financial assistance stretch more CARES revenues into FY21

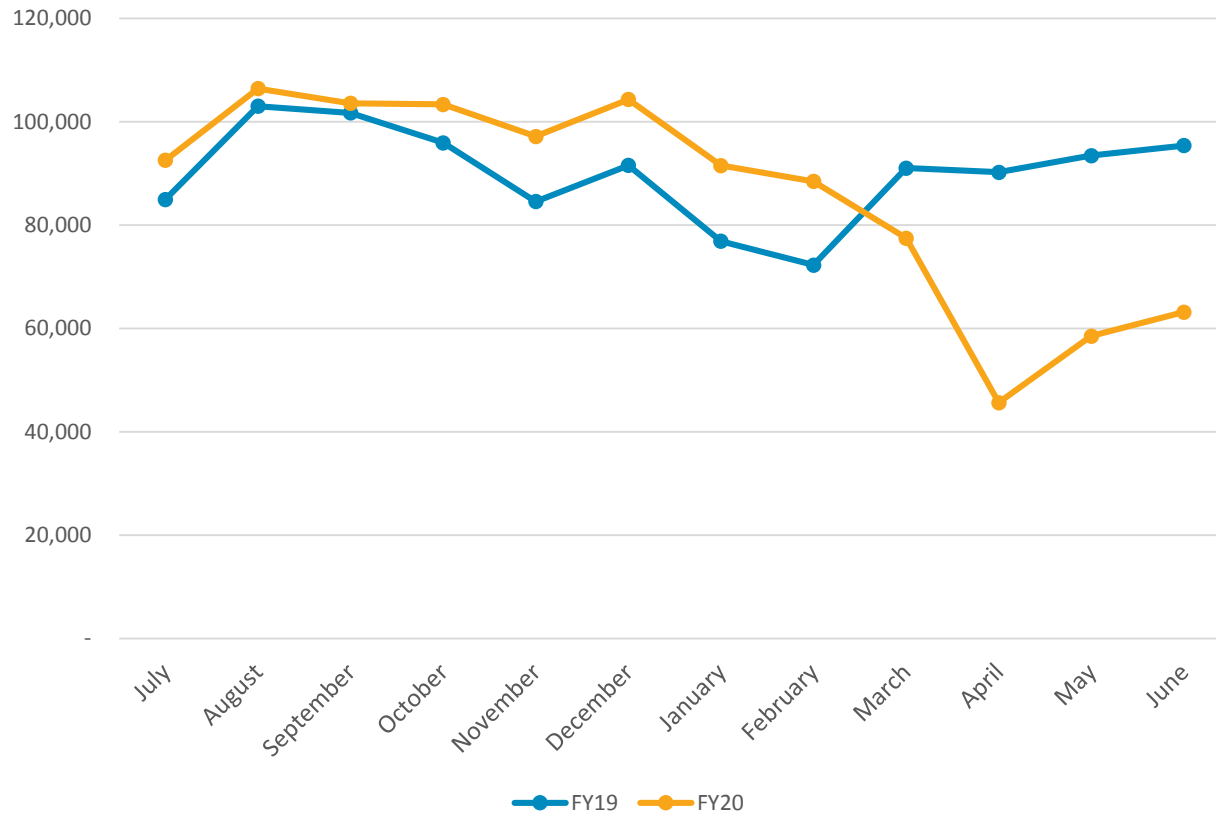
FY20 Year-End (Estimated)				
Regular Sources (\$M)	Budget	April Estimate	August Estimate	Change since April Estimate
Rail Passenger Revenue	480	341	342	1
Parking Revenue	37	25	28	3
Other Operating Revenue	29	27	29	2
Sales Tax Proceeds	277	253	267	14
Other Financial Assistance	125	118	136	18
TOTAL - REGULAR SOURCES	947	764	802	38
Regular Uses				
Labor & Benefits	592	609	588	(21)
Power	46	43	41	(2)
Other Non-Labor	162	152	158	6
Bond Debt Service	47	47	46	(1)
Regular Allocations	100	100	107	7
TOTAL - REGULAR USES	947	951	939	(12)
NET RESULT (REGULAR SOURCES & USES)	-	(187)	(137)	50
FY20 CARES drawdown (source)	-	187	187	-
Allocation to CARES carryover reserve (use)			50	50
TOTAL NET RESULT	-	-	-	-

Labor & Benefits estimate includes load shedding savings planned in April



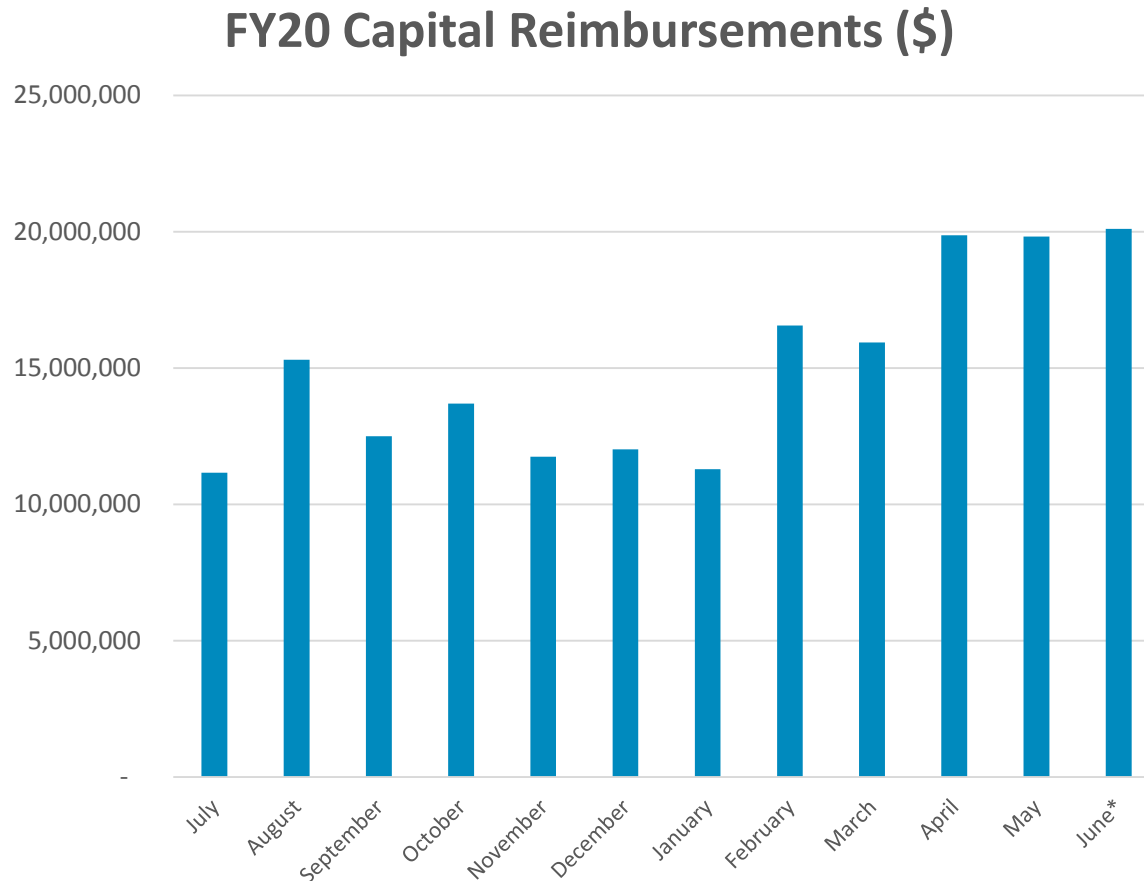
Expenditure savings were driven in large part by reduced overtime...

FY19 and FY20 Gross Overtime (Hours)



} May/June overtime increase largely driven by accelerated capital work

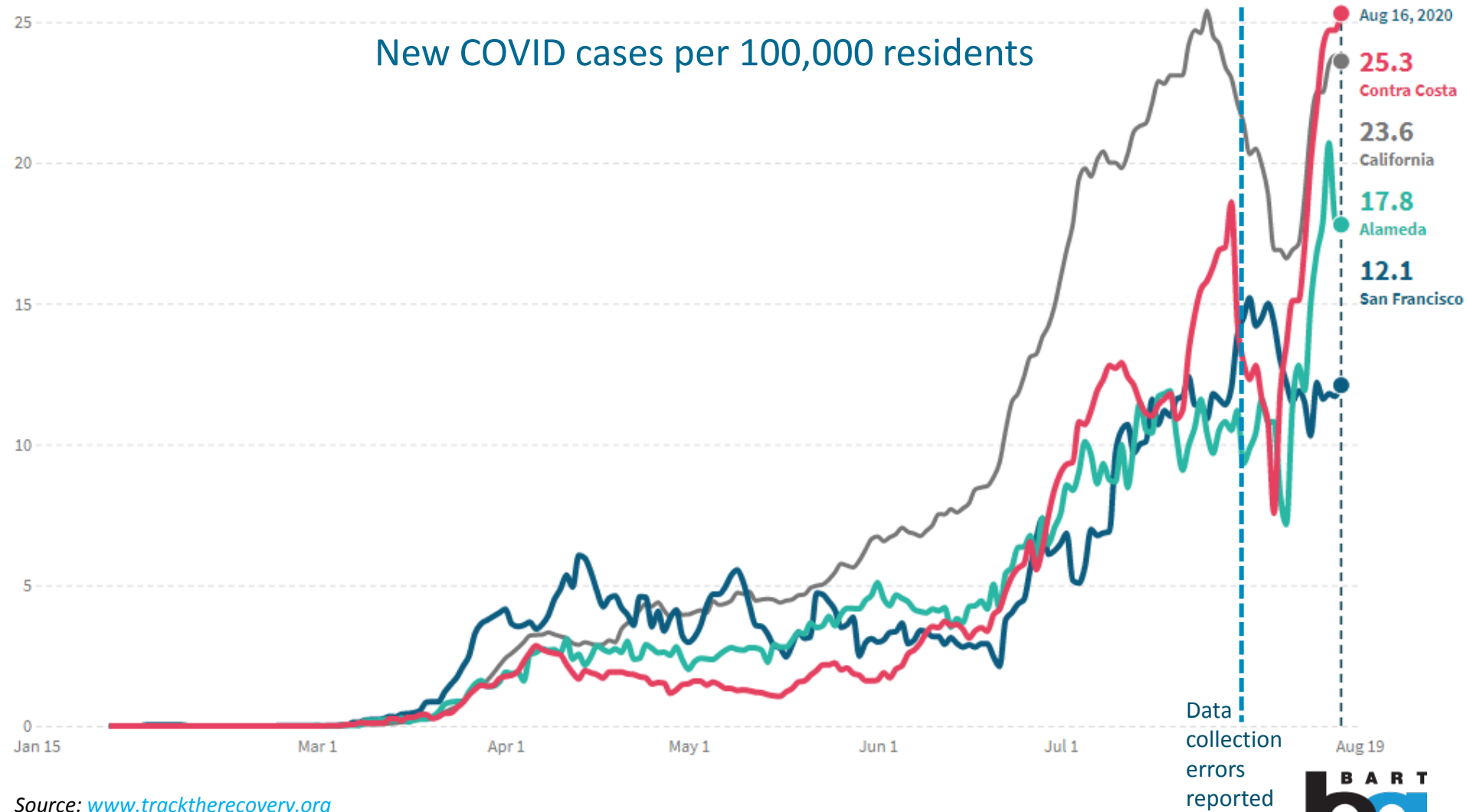
...while capital project acceleration shifted labor costs off the Operating Budget



** June data estimated, pending final year-end close*

New cases below July peak, but still elevated; data collection errors make it difficult to assess trends

New COVID cases per 100,000 residents



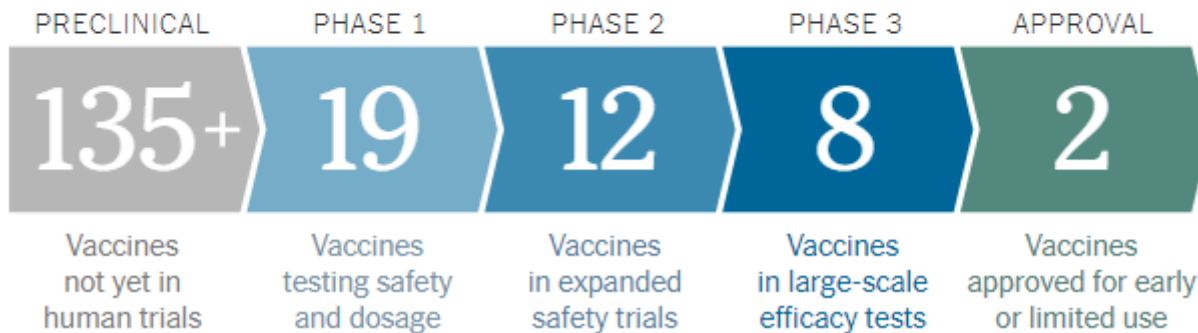
Source: www.tracktherecovery.org
 Accessed 8/19/20



Ridership recovery largely dependent on vaccine development progress

Coronavirus Vaccine Tracker

By Jonathan Corum, Denise Grady, Sui-Lee Wee and Carl Zimmer Updated August 18, 2020

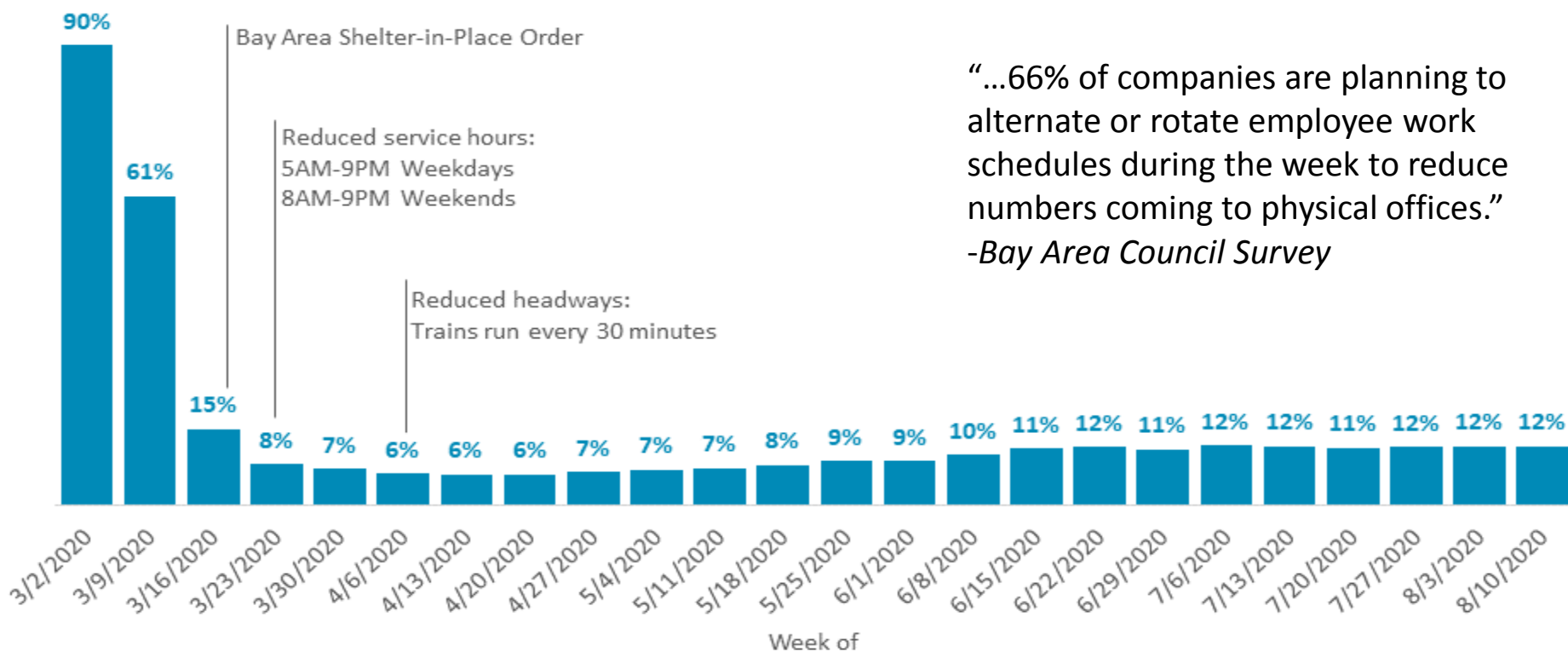


Source: NYTimes.com
Accessed 8/19/20

- **Vaccine research has proceeded rapidly**
- **Experts are cautiously optimistic** that at least one vaccine will be publicly distributed in calendar year 2021 (possibly as early as 2nd quarter)
- **Major uncertainty:** How soon can a vaccine be approved? How effective will it be? How quickly can it be made widely available? How much and how quickly will it result in behavior change?
- **Other active research** with potential to influence travel behavior before a vaccine: monoclonal antibody treatments; rapid testing

Persistently high new case numbers and offices remaining closed have caused ridership recovery to stagnate

BART Weekly Ridership Tracker during COVID Pandemic
% of Expected Baseline Ridership

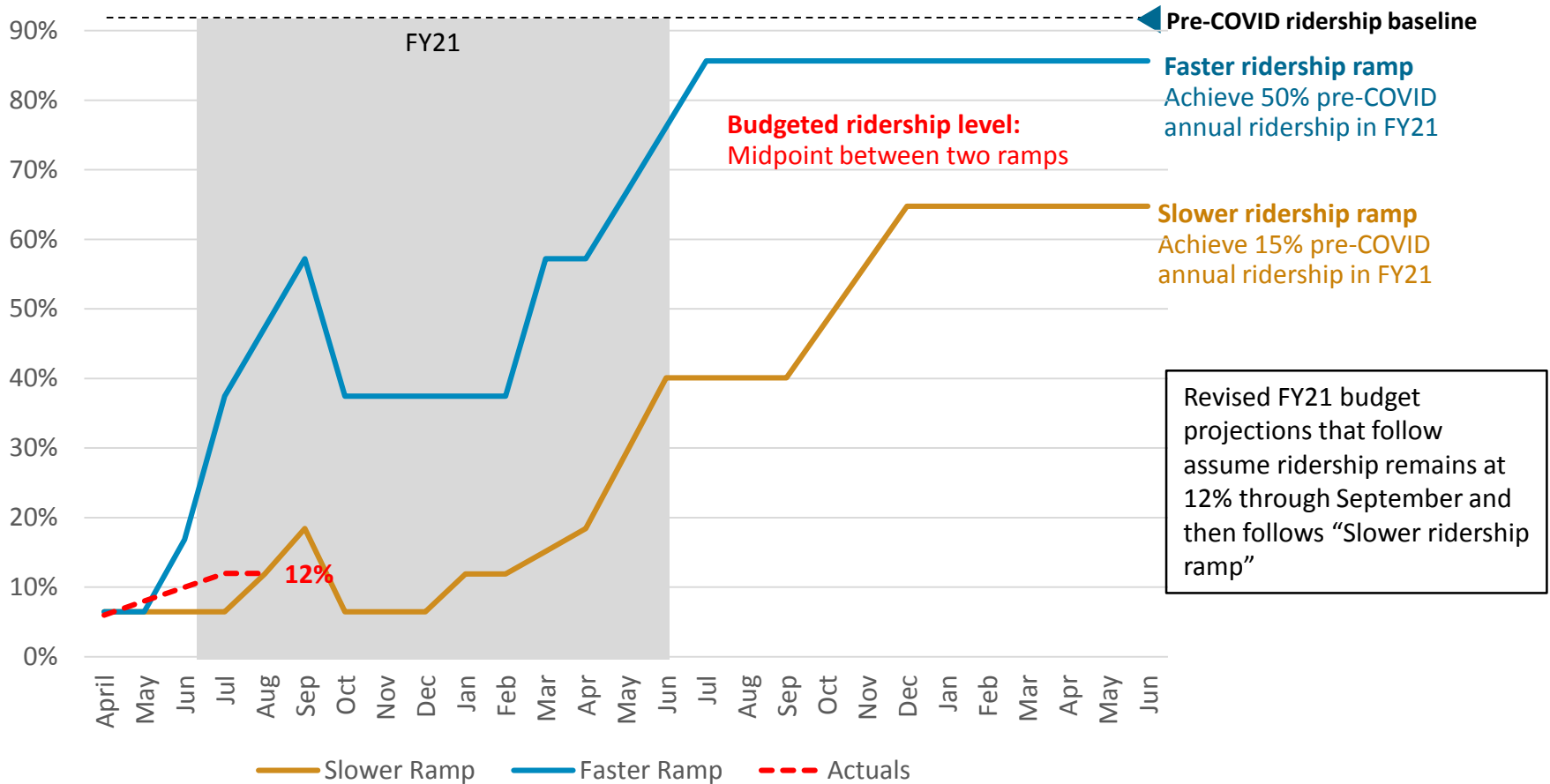


“...66% of companies are planning to alternate or rotate employee work schedules during the week to reduce numbers coming to physical offices.”
 -*Bay Area Council Survey*



Source: Survey completed May 13-14, 2020 by 123 Bay Area Council member companies.
<https://www.bayareacouncil.org/press-releases/new-ceo-survey-finds-dramatic-workplace-changes-in-response-to-covid-19/>

Fare revenue is below budget, trending toward the lower of the two ridership ramps contemplated during FY21 budget development



Sales Tax, FEMA, and Additional Federal Assistance

Sales Tax

- Receipts for FY21 trending 10% above budgeted levels
- Outlook for remainder of FY21 uncertain due to expiration of federal stimulus on 7/31

FEMA Reimbursement

- Reimbursements expected to be below budget, reflecting changing guidance on eligible activities and below budget expenditures

Additional Federal Assistance

- Nationwide ask for at least \$32 billion of additional emergency funding for public transit was made in July
- Public transit assistance included in HEROES Act
- No assistance for public transit in HEALS Act
- Talks to reach a deal stalled as of August 7
- Senate on recess until at least September 8

FY21 revenues are projected to be below budget, driven by lower ridership

Sources (\$M)	Adopted Budget	August Projection	Change
Fare revenue	148	70	(78)
Parking	10	5	(5)
Other operating	24	18	(6)
Sales tax proceeds	239	239	-
SFO & SVBX assistance	73	84	11
Other assistance	110	110	-
<i>Subtotal - Operating & Financial Assistance</i>	<i>604</i>	<i>526</i>	<i>(78)</i>
Additional Sources			
CARES tranches 1 & 2 (includes FY20 carry over)	251	240	(11)
FEMA reimbursement of COVID expenses	20	6	(14)
Defer FY20 rail car allocation	40	40	-
<i>Subtotal - Additional Sources</i>	<i>311</i>	<i>286</i>	<i>(25)</i>
Total Sources	915	812	(103)

Totals may not sum due to rounding

Efforts to Gain More Riders

Digital ads promoting clean and safe BART service

Targeted at essential workers who are currently driving or using ride share services

Redeeming free radio ads to promote BART

Follow up correspondence with large employers on updates to our 15 Step Welcome Back Plan

Communicating progress on mitigation steps we've made since the virtual town hall meetings

Conveying we are ready to serve workers

Earned media from launch of Bay Area Healthy Transit Plan

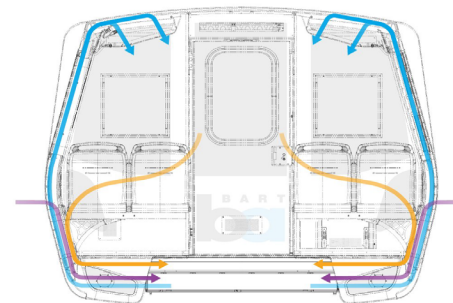
Widely shared social media tweet about ventilation and air flow in trains

How air circulates through BART cars

Supply air is pulled through the HVAC units (located under the car floor), filtered and conditioned (cool/warm) before being sent up through the walls where it enters the cabin from above, or from the lower window masks.

Circulated air is then pulled back through the return ducts to the HVAC units. At the same time, 30% **fresh air** is pulled in through fresh air intakes on the sides of the car.

Fresh and circulated air are then mixed in the HVAC units where the process starts over.



Cabin air refresh time

The time it takes for all air in cabin to be replaced is approximately 70 seconds.

BART is testing new technologies

Testing denser MERV-14 filters in five train cars that trap more particles.

Testing UV light in one train car that zaps pathogens.

Staff is mitigating revenue shortfalls with expense reductions

Annual savings shown below are linked to assumption of current service plan (30-minute headways, early close/late weekend opening) until Q4 of FY21

Increased service would reduce savings considerably

Reduction	(\$M)	Notes
Extend hiring freeze through FY21	6	Salary savings achieved by not filling vacancies, including frontline staff
Continued load shedding	21	Continuing current schedule allows for load shedding and acceleration of capital projects by taking advantage of longer blanket, reduced operating hours
Reduced schedule savings	8	Power, materials & supplies, contracts
COVID expenditure savings	17	Reduced schedule allows for re-allocation of staff to COVID-related activities instead of needing to hire additional staff
Total	52	

Totals may not sum due to rounding

FY21 shortfall estimate: \$51M, more work needed

Sources (\$M)	FY21 Budget	Mid-August FY21 Estimate	Change
Fare revenue	148	70	(78)
Parking	10	5	(5)
Other operating	24	18	(6)
Sales tax proceeds	239	239	-
SFO & SVBX assistance	73	84	11
Other assistance	110	110	(0)
<i>Subtotal - Operating & Financial Assistance</i>	<i>604</i>	<i>526</i>	<i>(78)</i>
CARES tranches 1 & 2	251	240	(11)
FEMA reimbursement of COVID expenses	20	6	(14)
Defer FY20 rail car allocation	40	40	-
<i>Subtotal - Additional Sources</i>	<i>311</i>	<i>286</i>	<i>(25)</i>
Total Sources	915	812	(103)
Uses			
Labor & Benefits	601	574	(27)
Power	48	43	(5)
Non-labor	158	155	(3)
Additional COVID-related costs (labor)	23	20	(4)
Additional COVID-related costs (non-labor)	20	8	(13)
<i>Subtotal - Operating</i>	<i>851</i>	<i>799</i>	<i>(52)</i>
Debt service	47	47	-
Allocations	17	17	-
<i>Subtotal - Debt Service & Allocations</i>	<i>64</i>	<i>64</i>	<i>-</i>
Total Uses	915	863	(52)
Net Result	-	(51)	(51)

Totals may not sum due to rounding

Solving future year projected deficits requires ongoing expenditure reductions

FY22 PRELIMINARY INCOME STATEMENT		
Sources	PRELIMINARY ESTIMATES – SUBJECT TO CHANGE	(\$M)
Fare revenue		273
Parking		12
Other operating		23
Sales tax proceeds		254
SFO & SVBX assistance		43
Other assistance		115
Additional federal emergency assistance		-
Total Sources		720
Uses	PRELIMINARY ESTIMATES – SUBJECT TO CHANGE	
Labor & Benefits		622
Power		46
Non-labor		155
Additional COVID-related costs		-
<i>Subtotal - Operating</i>		<i>823</i>
Debt service		57
Allocations		17
<i>Subtotal - Debt Service & Allocations</i>		<i>74</i>
Total Uses		897
Net Result		(177)

Totals may not sum due to rounding

Staff is working on options to reduce FY21 shortfall and plan for FY22

Two broad types of solutions under consideration

1. Expense reductions (mostly ongoing, as 1x options have been exhausted)
2. Re-allocation of past/planned capital funds, allocations, or reserves to replace lost revenues to support spending levels

Savings Evaluation Framework



Considerations

- Value:
 - 1x or ongoing?
 - When is impact felt?
 - Certainty of \$ savings
- Impact:
 - Service (headways, transfers)
 - System reliability
 - Regional mobility
 - Essential workers
 - Workforce
 - Equity
 - Capital program

Additional Potential Solutions – One-time Funds

Description	Potential Savings (\$M)	Notes
Capital Funds		
Repurpose LCFS Capital Funds	14	Reduces future sustainability funding availability
FY19 Railcar Allocation	28	Reduces project contingency
Other Prior Operating Allocations	33	Requires re-allocating from existing/underway projects
Operating Reserves		
Pension Reserve	20	FY19 + FY20 contribution amounts
LCFS Operating Reserve	19	
Economic Uncertainty	25	
Controller Reserves	54	

Preliminary list. Each item is a one-time solution. List includes items that may require external approval and exact dollar amounts may change.

Summary

Ridership recovery continues to depend on suppressing COVID-19 pandemic and normal travel patterns (including commute) resuming

- BART ridership is unlikely to recover substantially as long as pandemic conditions persist
- Increasing concern for FY22 and out years

BART continues to advocate for additional emergency funding

- If this comes, it will most likely occur sometime in early-mid 2021 (very late in the current fiscal year)

Staff is preparing to address a large shortfall in FY21 and an even larger one in FY22

- A budget revision will be presented for review and adoption over the course of the October Board meetings

Staff is planning to bring service scenarios at first Board meeting in October

Absent additional federal assistance, there is no “silver bullet” solution; expect a number of measures: “the kitchen sink”

- Closing these shortfalls will require difficult tradeoffs, and will limit our ability to provide frequent, reliable service in the near term or meet expected demand over the long term

Board Calendar

Planned Dates	Topic
August 27	FY21 Budget Update
September 10	FY21 Budget Update
September 24	[Tentative] FY20 Year End Close Resolution FY21 Budget Update
October 8	[Tentative] Budget revision sources and uses, potential service plans presentation
October 24	[Tentative] Board votes on budget revision



Discussion



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**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, 2020, to June 30, 2021**

Resolution No. 5445

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 22 and May 26, 2020 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, 2020, to June 30, 2021; 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, 2020, to June 30, 2021; 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 San Francisco Airport (SFO) extension in a manner consistent with BART's system-wide operating policies; and

Adopted: June 25, 2020

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and Santa Clara Valley Transportation Authority, dated May 22, 2020, states that the San Francisco Bay Area Rapid Transit District will provide service on the Silicon Valley Extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the Federal Emergency Management Agency (FEMA) or its designee makes reimbursement funds available pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.); and

WHEREAS, the Federal Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act), (Pub.L. 116-136) makes emergency funding available to public transportation agencies through the Federal Transit Administration (FTA); and

WHEREAS, the system-wide operating plan for Fiscal Year 2021 was presented to the Board of Directors on May 28, 2020, in a presentation entitled Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget.; 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, subject to the resolved clauses, said Annual Budget includes a suspension of previously-adopted Board policies and resolutions for the duration of Fiscal Year 2021, including:

- (1) Board Resolution 5208 ("Renewal of Productivity-Adjusted Inflation-Based Fare Increase Program") passed February 28, 2013, directed that funds generated by inflation-based annual fare increases be dedicated to paying for capital improvements;
- (2) BART Low Carbon Fuel Standard Policy adopted July 27, 2017;
- (3) Art in Transit Policy adopted August 13, 2015, and revised June 28, 2018;
- (4) Pension Funding Policy adopted March 28, 2019; 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 to 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 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 FY21; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a reimbursement claim with FEMA or its designee for expenses incurred in FY2020 and FY2021; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file an application to the FTA for allocation of CARES Act funding in FY2020 and FY2021; and

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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 28, 2020, in a presentation entitled Fiscal Year 2021 Preliminary Budget: Sources, Uses, Capital, & Service Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget, 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 agreements with regional transit operators to provide or receive transfer payments, such transfer payments being paid or received by the District to facilitate the coordination of transit service and to furnish incentives for providing of enhanced transfer services between San Francisco Bay Area Rapid Transit District and other operators' operations.

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 FY21 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2020:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2020, budgeted for the District shall be 4,337.75 (a part-

3445

time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 100 positions.

- (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 ensure 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, at the General Manager's discretion, to pay non-represented employees on the merit plan who are eligible for a wage increase of up to 2.75% as of July 1, 2020, 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.

BART

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.

BE IT FURTHER RESOLVED that through Fiscal Year 2021, the District commits to undertake a rigorous stakeholder process on new approaches that emphasize responding to homelessness, behavioral health and substance use without relying on armed police. This effort answers public calls to dramatically change how BART addresses these societal problems in our system. The Board and the General Manager will jointly lead this effort to develop recommendations for staffing and funding services that do not require sworn personnel that will be presented in October when adjustments to the budget are considered.

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Attachment 1
Fiscal Year 2021 District Operating Budget
Sources and Uses Detail

	FY21 Working	FY21 Adopted	INCREASE (DECREASE)
Rail Passenger Revenue	\$ 150,721,899	\$ 148,104,356	\$ (2,617,543)
ADA Passenger Revenue	251,749	251,749	-
Parking Revenue	10,453,133	10,453,133	-
Other Operating Revenue	23,671,433	23,671,433	-
Subtotal - Operating Revenue	185,098,214	182,480,671	(2,617,543)
Sales Tax Proceeds	239,026,007	239,026,007	-
Property Tax Proceeds	50,622,254	50,622,254	-
SFO Ext Financial Assistance	41,742,600	42,476,726	734,126
VTA Financial Assistance	28,374,179	30,257,595	1,883,416
MTC Financial Assistance MBF Discount Program	1,600,000	1,600,000	-
Local & Other Assistance	5,958,180	5,958,180	-
State Transit Assistance	28,479,560	28,479,560	-
Low Carbon Transit Operations Program	8,534,543	8,534,543	-
Low Carbon Fuel Standard Program	14,417,500	14,417,500	-
Subtotal - Financial Assistance	418,754,823	421,372,365	2,617,542
CARES Funding (Round 1 – FY20 Remainder)	87,000,000	87,000,000	-
CARES Funding (Round 2 - Targeted)	164,000,000	164,000,000	-
FEMA Reimbursed COVID-19 Expenses	20,000,000	20,000,000	-
Deferment of FY20 Railcar Allocation	40,000,000	40,000,000	-
Subtotal – Emergency Assistance	311,000,000	311,000,000	-
SUBTOTAL - OPERATING SOURCES	914,853,037	914,853,037	-
Labor & Benefits	600,883,798	600,883,798	-
COVID-19 Labor Set-Aside	23,463,876	23,463,876	-
ADA Paratransit	16,148,606	16,148,606	-
Purchased Transportation	11,374,288	11,374,288	-
Power	48,085,280	48,085,280	-
COVID-19 Non-Labor Set-Aside	20,316,386	20,316,386	-
Other Non-Labor	130,580,931	130,580,931	-
Subtotal - Operating Expense	850,853,165	850,853,165	-
Bond Debt Service	47,407,197	47,407,197	-
Allocation - Capital Rehabilitation	15,000,000	15,000,000	-
Allocation - Priority Capital Programs	-	-	-
Allocation - Stations & Access Projects	-	-	-
Allocation - Other	1,592,674	1,592,674	-
Allocation - Sustainability from LCFS	-	-	-
Allocation - Pension	-	-	-
Allocation - Reversed Capital	-	-	-
Allocations	16,592,674	16,592,674	-
Subtotal - Debt Service & Allocations	63,999,871	63,999,871	-
TOTAL - OPERATING EXPENSE	914,853,036	914,853,036	-
NET RESULT	\$ -	\$ -	\$ -
Average Weekday Trips	122,000	122,000	
Rail Farebox Recovery Ratio	18%	17%	
Operating Ratio	22%	21%	

Attachment 2

FY21 Capital & Reimbursable Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	FY21 Headcount*	FY21 Planned Expenditures
System Reinvestment		
Mainline	165.8	\$ 259,182,391
Rolling Stock	264.0	\$ 412,593,417
Stations	45.7	\$ 71,396,125
Controls & Communications	124.2	\$ 194,178,874
Facilities	131.4	\$ 205,287,715
Work Equipment	0.1	\$ 171,806
Total System Reinvestment	731.2	\$ 1,142,810,328
Safety & Security	41.9	\$ 65,414,419
Earthquake Safety	43.1	\$ 67,333,509
Service & Capacity Enhancement	113.6	\$ 177,542,662
System Expansion	29.4	\$ 46,019,650
SUBTOTAL CAPITAL	959.2	1,499,120,568.9
Capitol Corridor**	24.7	\$ 4,397,330
Reimbursable***	17.8	\$ 3,154,244
SUBTOTAL REIMBURSABLE	42.5	\$ 7,551,574
Cost Allocation Plan	48.0	
TOTAL CAPITAL & REIMBURSEABLE	1,049.7	\$ 1,506,672,143

* Total authorized permanent positions.

** All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capital 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 the organizations.

EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2021

<u>FUND SOURCES</u>	<u>TOTAL</u>
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 182,480,671
Sales Tax	239,026,007
Property Tax	50,622,254
SFO Ext Financial Assistance	42,476,726
VTA Financial Assistance	30,257,595
State Transit Assistance	28,479,560
Low Carbon Fuel Standard Program (LCFS)	14,417,500
Low Carbon Transit Operations Program (LCTOP)	8,534,543
Measure B/BB, Other	4,977,195
MTC Financial Assistance MBF Discount Program	1,600,000
Caltrain - Millbrae Station Joint Use	980,985
Subtotal Operating Sources	603,853,036
CARES Funding (Round 1 – FY20 Remainder)	87,000,000
CARES Funding (Round 2 - Targeted)	164,000,000
FEMA Reimbursed COVID-19 Expenses	20,000,000
FY20 Railcar Allocation Reversal	40,000,000
Subtotal – Emergency Assistance	311,000,000
Total Operating Sources	914,853,036
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY21	1,506,672,143
TOTAL ESTIMATED FUND SOURCES	\$ 2,421,525,179
 <u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense ⁽¹⁾	\$ 624,347,674
Non-Labor Expense	226,505,491
Total Net Operating Expense	\$ 850,853,165
Revenue Bond Debt Service	47,407,197
Allocations to Capital - Rehabilitation	15,000,000
Allocations to Capital - Other	1,592,674
Total Operating Uses	\$ 914,853,036
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY20	\$ 1,506,672,143
TOTAL ESTIMATED FUND USES	\$ 2,421,525,179
NET FINANCIAL RESULT (DEFICIT)	

⁽¹⁾ Total Authorized Permanent Positions as of 07/01/20 = 4,337.75

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Attachment 3

FY21 Operating Budget Reduction (General Fund)

		<u>Op Pos. Reduction</u>	<u>Labor</u>	<u>Non-Labor</u>	<u>Total</u>
10% Challenge Reductions before Shelter in Place	Position Cuts, Op to Cap Conversions, Downgrades)	37.1	5,896,315		5,896,315
	Overtime Reduction		101,404		101,404
	Non Labor Reduction			7,089,102	7,089,102
Labor Reductions	Unbudget Frozen Positions	251.5	32,320,521		32,320,521
	Executive Staff Wage Freeze		356,320		356,320
	Lump Sum Payment Removal		3,610,770		3,610,770
Non Labor Reductions	Travel			513,236	513,236
	Clipper Fees			3,373,328	3,373,328
	Power			8,000,000	8,000,000
	Purchased Transportation			4,000,001	4,000,001
	ADA Paratransit			1,300,000	1,300,000
Operating Allocation Reductions	Capital Rehabilitation				6,297,444
	Priority Capital Projects/Programs				61,849,074
	Stations/Access Projects				2,031,400
	MET Building Repayment				3,179,749
	LCSF Sustainability Reserves				9,033,585
	Pension Liability				10,000,000
OPERATING TOTAL REDUCTION		288.6	42,285,330	24,275,667	158,952,249

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
CLERICAL & HOURLY						
ADMINISTRATIVE TECHNICIAN	\$33.6321	\$ 35.1113	\$ 36.4823	\$ 37.8889	\$ 39.3322	\$ 39.8861
PARALEGAL	40.1300	41.8937	43.5270	45.2047	46.9259	47.5801
P/T SURVEY TAKER (SINGLE RATE)	38.6050					
ENGINEER INTERN	22.5000					

NOTE: The clerical rates are effective 7/1/2020

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
15	\$196,636	\$245,795	\$297,904
14	178,760	223,450	270,821
13	162,509	203,136	246,201
12	147,736	184,669	223,819
11	138,071	172,588	209,177
10	129,038	161,297	195,493
9	120,596	150,745	182,703
8	112,707	140,883	170,751
7	105,333	131,667	159,580
6	98,442	123,053	149,140
5	92,002	115,003	139,383
4	85,983	107,479	130,265
3	80,358	100,448	121,743
2	75,101	93,877	113,778
1	69,769	87,735	105,701

NOTE: The professional/ management pay bands were effective 6/30/2019.

MANAGEMENT INCENTIVE PAY (ANNUAL)	Amount
Assistant General Manager - Operations	\$4,800
Assistant General Manager - External Affairs	\$4,800
Assistant General Manager - Administration	\$4,800
Assistant General Manager - Technology/CIO	\$4,800
Assistant General Manager - Design & Construction	\$4,800
Assistant General Manager - Performance & Budget	\$4,800
Deputy General Manager	\$4,800
Managing Director - Capitol Corridor	\$4,800
Police Chief	\$4,800

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 (27 equal pay period installments of \$177.77).

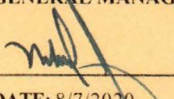
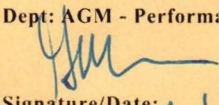
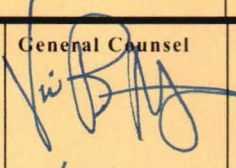
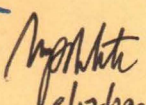
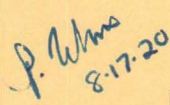
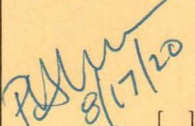
BOARD APPOINTED OFFICERS' ANNUAL SALARIES

	Base Salaries	Effective
DISTRICT SECRETARY	\$220,307.33	7/1/2020
CONTROLLER-TREASURER	\$279,829.28	7/1/2020
GENERAL COUNSEL	\$309,391.56	7/1/2020
GENERAL MANAGER	\$396,210.03	7/1/2020
INDEPENDENT POLICE AUDITOR	\$210,730.48	7/1/2020
INSPECTOR GENERAL	\$210,968.98	7/1/2020

Note: The Board approved the salary adjustments for the Board Appointed Officers on September 12, 2019.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/7/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregg Marrama Dept: AGM - Performance & Budget  Signature/Date: 8/12/20	General Counsel  8/18/20 []	Controller/Treasurer  8/17/2020 []	District Secretary  8-17-20 []	BARC  8/17/20 []

Responses to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns"

PURPOSE:

To obtain Board of Directors approval of responses to findings and recommendations contained in the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns"

DISCUSSION:

On May 20, 2020, the 2019-2020 Contra Costa County Civil Grand Jury issued Report No. 2003 "Contra Costa BART Rider Concerns" (the 'Report'), which contained eight findings and five recommendations relating to the BART system, including customer satisfaction, police staffing, safety and cleanliness, fare evasion and hardening, and strategic outlook. It acknowledged the substantial progress made in safety and cleanliness (reflecting Board priorities), but certain other conclusions were based on assumptions which could benefit from greater context, including the realities of operating the system in a volatile and uncertain COVID-19 fiscal environment. BART has responded in detail to each of the findings and recommendations to describe our position, provide explanatory information, add clarifying detail and, where appropriate, identify BART's current and planned future efforts. As we have done with a prior Contra Costa County Grand Jury, we welcome the opportunity to update the panel with further information on these topics as it becomes available.

In conformance with Grand Jury statutory response requirements, we have indicated agreement or disagreement with the Report findings (supplemented by a narrative response), and provided summary responses to the Report recommendations. These proposed responses are provided as Attachment A and are accompanied by the Report for reference.

FISCAL IMPACT:

Board approval of the responses has no fiscal impact. New initiatives or increased / accelerated staffing that would result from full implementation of the recommendations pose fiscal impacts that would be determined as part of future budgets.

ALTERNATIVES:

Direct staff to amend responses based on Board input.

RECOMMENDATION:

Approve Attachment A, Responses from the BART Board of Directors to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns".

MOTION:

The Board of Directors approves the attached Responses from the BART Board of Directors to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns" and directs staff to transmit those responses to the 2019-2020 Contra Costa County Civil Grand Jury.

Attachment A – Responses to 2019-2020 Contra Costa County Grand Jury Report No 2003, “Contra Costa BART Rider Concerns”

FINDINGS

Finding 1:

Customer Satisfaction Surveys reveal that Contra Costa County riders are increasingly dissatisfied with safety, cleanliness, and fare evasion on the BART system.

RESPONSE: *Agree with clarification*

NOTE: Our assumption is that “safety” as referenced in this Report refers to personal security in the BART system and not the safety of the trains themselves.

BART’s Customer Satisfaction Surveys are noted as the source document for several conclusions and findings contained in the Report. For this reason, we offer the following comments on the data and /or its interpretation:

1. On page 5, the report states that satisfaction decreased to a low of 54% in 2018. This figure is 56%.
2. For the attributes rated on the questionnaire, a 1 – 7 scale is used, and only numbers 1 and 7 are anchored, with “Poor” and “Excellent,” respectively. The references to 4 = Neutral, 2 = Very Dissatisfied, and 3 = Somewhat Dissatisfied are not in the BART Customer Satisfaction Survey.
3. The average ratings used in Table 2 on page 6 are not consistent with BART data. It appears that they are based on unweighted data, and missing responses were not excluded, resulting in the average scores being lower than they are. However, these attributes did experience declines between 2016 and 2018, so that is not disputed.
4. Page 7, figure 2. “Cleanliness” in chart should read “Train Interior Cleanliness.”
5. Page 9, Cleanliness, last sentence should read: County scores were lower than non-county scores for cleanliness attributes related to train, but not for all cleanliness attributes.
6. On page 10, the score for Addressing Homelessness among County riders was 2.74, not 2.57. It is correct that it was the lowest rated attribute among County riders.

Finding 2:

BART is actively addressing safety and cleanliness.

RESPONSE: *Agree*

BART appreciates the Grand Jury’s recognition of our considerable efforts over the last several years in focusing on safety, cleanliness and other quality of life issues. Since Fiscal Year 2014, BART has invested an additional \$60+ million on ongoing and new programs to address safety and security, fare evasion, homelessness, and enhanced cleanliness. These efforts have occurred in tandem with an accelerated capital rehabilitation program and an unprecedented growth in ridership during the FY14-FY20 time period.

Finding 3:

BART has no published strategic plan beyond 2020.

RESPONSE: *Agree with clarification*

Prior to the COVID-19 pandemic, BART intended to update the Strategic Plan in FY21. However, prioritization of other immediate needs has moved to the forefront in the face of this unprecedented public health and financial challenge. BART continues to follow the 2015 Strategic Plan Framework vision, mission, goals and objectives. While the strategies are associated with FY16-FY20, they will remain in place for FY21 and/or until the time that BART updates the Strategic Plan.

Finding 4:

Fare inspectors alone are not effective in deterring fare evasion.

RESPONSE: *Agree*

As the finding suggests, fare evasion is a complex problem which does not lend itself to a one-dimensional enforcement solution. Due to a variety of factors affecting BART, including the size and scope of the system, relatively open design, changing social environment, and restrictions on enforcement, we have implemented a multifaceted strategy involving deployment of both human and physical capital to reduce fare evasion. Over the last several fiscal years, we've added funding for community service officers, dedicated fare inspectors, and additional police officers, as well as the commitment of substantial capital funds directly to station hardening and incorporation of hardening design and equipment into our ongoing station modification program. Modifications and additions include raised railings, alarmed swing gates, fare gate pressure increase, enclosure of platform elevators to paid areas, additional security cameras, and electronic service gates. As will be discussed in the related Recommendation, BART is also in the process of design and funding of new fare gates, which will have fare evasion mitigation features as a principal design and deployment objective.

Contact with fare evaders occurs in several different ways. Police Officers take enforcement action for fare evasion that occurs at the fare gates. Officer must witness a subject entering or exiting the paid area without paying, and then the officer can take enforcement action for the criminal infraction violation of fare evasion. On average we typically have about 26 police officers assigned to patrol stations during revenue hours. Each officer is responsible for 2 to 3 stations; we are unable to have an officer at every array of fare gates to prevent fare evasion. Officers do provide a vital role in deterrence and enforcement. Although our non-sworn Fare Inspectors lack the general authority of a Police Officer, they do have the ability to ask everyone within the paid area of the system to show proof of payment. Prior to the ordinance, fare evaders were only concerned with getting caught upon entry or exit, but now they may be stopped anywhere along their ride to show proof of payment. Reducing fare evasion will require Police Officers, Fare Inspectors, and station hardening. Even after station hardening, enforcement by Police Officers and Fare Inspectors will continue to be necessary.

Finding 5:

BART has not allocated the funds to complete the fare gate modification program.

RESPONSE: *Disagree partially*

As explained in BART's response to Recommendation No. 2, the faregate modification program was always envisioned as a regional responsibility mirroring the strategy used to fund the first generation faregate replacement program years ago. BART typically works with the county-level transportation authorities to partner in funding regional projects, but these funding packages rely on county-level funding opportunities. As one example, in March 2020, Contra Costa voters failed to pass a sales tax measure that included \$120M in funding for a "Cleaner, Safer BART" category that could have been used as the Contra Costa share to improve fare gate reliability and reduce fare evasion. Despite this setback, BART is fully engaged with Contra Costa and other regional partners and funding agencies to secure this funding to complete the plan and meet the expected implementation schedule.

BART has directed over \$35M of in-house funding in the program and has also worked diligently to bring program costs down from \$150M in September 2019 to a projected \$90M today. We are presently prototyping the new gates at the Richmond station, with positive results to date.

Finding 6:

County riders want more police officers throughout the system- inside and outside the stations, and on trains.

RESPONSE: *Agree with clarification*

BART recently commissioned a study by the University of North Texas to analyze and assess BART police staffing levels. The study recommendations included staffing increases and a layered deployment in order to increase officer presence inside and outside the stations and on trains. In response to the study (and with the support of our Board of Directors), additional officers will be deployed on trains and on cover beats. With the first increase of 19 additional officer positions, in January 2020 we created a Train Team of 10 officers, who are dedicated to riding trains throughout the system. As predicted, this first step has been very successful. Our next step is to add a second Train Team, so that we can expand program hours and increase coverage. In addition to Police Officer presence on trains, our uniformed Community Service Officers, Fare Inspectors, and Ambassadors provide visible presence and a deterrence to crime on our trains. The most recent BART customer survey showed an increase in officer presence, and the increase is attributed to all job classifications being highly visible in the stations and on trains.

Finding 7:

Contra Costa County's revenue contribution to BART is increasing while overall fare collections are decreasing.

RESPONSE: *Agree with clarification*

In the Report, **Table 1 – Fare Collections 2017 to 2019** depicts a methodology of tracking fare collections which differs from BART practice. Our data acquisition system accounts for each entry and exit as a completed trip and assigns revenue to the destination station. Doubling this revenue to determine any jurisdiction's revenue contribution is at best a rough approximation that assumes that all trips are round trips, which is not the case. When allocating trips and associated fare revenue to geographic segments of the system, the correct way to

allocate the trips is based on exit station location, the point at which the fare is determined. Each trip contains one entry station and exit station; allocating both entries and exits results in a double counting of trips associated with a geographic area.

Overall fare revenue from Contra Costa County did increase by 0.9% from FY17 through FY19. It was during this period in which BART opened the two-station eBART extension, which serves new and existing ridership originating from eastern Contra Costa County and beyond.

Finding 8:

There is no evidence that BART has attempted to systematically survey non-riders.

RESPONSE: *Disagree*

In 2019, BART conducted two online surveys which included non-riders. One of these used a purchased panel of four-county residents which included both riders and non-riders and focused on opinions and perceptions of BART, and reasons for not riding among non-riders. The base was adults age 18+ in BART's service area. Including both riders and non-riders is preferable to a survey focused on non-riders only, as the data can be weighted to the overall population.

The other survey was via a partnership with the Metropolitan Transportation Commission (MTC). This survey focused on work commuters in the four-county service area and asked about commute mode, reasons for choosing/not choosing BART, and overall satisfaction with BART (among those who ride BART at least once a year).

In addition to quantitative surveys, BART occasionally conducts small group discussions (focus groups) with frequent riders and infrequent riders. The infrequent riders sometimes include those who are riding BART less often than in the past. These discussions allow BART to gain insight into the factors that come into play when residents make transportation decisions.

The reason that these types of surveys haven't been done regularly or more frequently, is primarily due to cost and resources. Surveying existing and former customers is much more time and cost efficient. And while using a purchased online panel to reach non-riders can be done in a cost-effective manner, the quality of the data may be questionable in some instances. When low-cost opportunities arise to gain insight from non-riders, such as in the partnership with MTC described above, BART commits staff resources to this effort. This survey can't be scheduled regularly however, as the primary data collection effort by MTC is not expected to be repeated on a regular basis.

One key question asked of those who are riding less than before, or not at all, is reasons for change in frequency of riding BART. We do acknowledge though that those who have stopped riding altogether may be less likely to complete an online survey from BART.

RECOMMENDATIONS

Recommendation 1:

The BART Board of Directors should consider publishing an updated strategic plan to address improvements to safety, cleanliness, and fare evasion over the term of the plan by December 31, 2020.

RESPONSE:

Given the unprecedented financial uncertainty created as a result of the COVID-19 pandemic, BART is currently assessing whether adequate resources are available for this effort. If adequate resources are identified, BART may initiate an update in Calendar year 2021. BART's existing mission and goals do support focus in these areas which are ongoing priorities for the district. In the interim, the currently adopted Strategic Plan remains in place.

Recommendation 2:

The BART Board of Directors should consider continuing to modify or replace fare gates and establish a timeline and funding for implementation by December 31, 2020

RESPONSE:

In the Fall of 2019, the BART Board designated as a priority the replacement of BART fare gates with Next Generation Fare Gates, which would deter fare evasion, improve maintainability and reliability of fare gates and improve passenger throughput. Following this direction, BART initiated a design effort.

On June 11, 2020, the BART team presented to the Board a pneumatic, swing-style fare gate design, which not only accomplished these goals, but also significantly reduced the cost estimate for replacing all fare gates throughout the system from \$150M to \$90M, saving 40%. The presentation also laid out a four-year implementation timeline, procurement/installation options and a preliminary plan for securing the needed funding. The preliminary funding plan proposes that, within the BART District, BART and the BART District counties to split the cost about 50%/50%. Non-BART District counties would be responsible for the full cost of new fare gates within their county. Implementation of the fare gates will be tied to the county funding availability and timing.

BART has identified and will allocate several funding sources to cover its \$35.2M share of the project, including Measure RR bond proceeds, Federal formula funds and BART allocations from operating to capital. BART has also initiated discussions with the three BART District County Congestion Management Agencies (CMAs) – the Contra Costa Transportation Authority (CCTA – \$7.4M share), the Alameda County Transportation Commission (ACTC – \$19.6M) and the San Francisco County Transportation Authority (SFCTA – \$12.5M) – to discuss potential approaches for funding the County shares.

The Santa Clara Valley Transportation Authority (VTA) will be responsible for the Santa Clara County share (\$5M) under the terms of the Operations and Maintenance Agreement between VTA and BART. BART plans to initiate funding discussions with the San Francisco International Airport (SFO) and the San Mateo County Transportation Authority (SMCTA) over the next few months to secure their proportional share of funding.

Recommendation 3:

The BART Board of Directors should consider reconfirming its plan to add 19 police officers per year over the next five years, with 66 of them on the trains, by December 31, 2020

RESPONSE:

BART remains committed to increasing police officer staffing but must do so within a financial environment of extreme uncertainty in the wake of COVID-19. In the period FY19-20 through FY20-21, BART has hired 95 police officers, which filled 67 routine vacancies and 28 new positions, and we are currently recruiting and hiring for 16 additional positions. This rapid hiring pace was made possible by several significant steps undertaken to speed up police officer recruitment and onboarding. BART has successfully negotiated with our police labor association to allow the outsourcing of background investigations for police officer applicants, which has significantly compressed the time necessary to conduct these critical reviews. In addition, our most recent labor agreement provides for an improved compensation package that will make BART more salary competitive and support increased recruitment. BART has also instituted and recently increased a hiring bonus for lateral applicants with prior law enforcement experience, who can be trained and deployed as solo officers more quickly than entry level applicants.

Due to remaining vacancies and our current financial situation, new FY21 additions beyond those described above are being delayed at this time but will be periodically reassessed with our FY21 budget as the full financial impacts of COVID-19 become known.

BART has also taken other measures to respond to passenger safety and security concerns. In FY20 BART also expanded the number of non-sworn Fare Inspectors by four. In addition, the FY21 budget includes 10 new ambassadors to increase presence on trains and promote measurable improvements to the passenger experience.

Recommendation 4:

The BART Board of Directors should consider constructing station booths and staffing the booths with agents at the Pittsburg Center and Antioch eBART stations by December 31, 2021

RESPONSE:

As part of the stations and operations planning and development process leading to the eBART extension, staffed station booths were considered. Ultimately, this option was not selected due to the increased capital cost of adding station booths, operating cost of staffing, and the limited return on what would require significant initial and recurring investments.

Recommendation 5:

The BART Board of Directors should consider developing a plan to systematically survey non-riders by county by December 31, 2021, and implement that plan along with the 2022 Customer Satisfaction Survey.

RESPONSE:

Recommendation 5 requires further analysis and consideration within the context of other budget priorities.

Results from a non-rider survey would not be directly comparable to the Customer Satisfaction Survey due to non-complementary methodologies and questionnaires. The reason for these differences is that the target respondents are not customers and the effort would require a different survey instrument, likely focusing on perceptions of BART and reasons for not choosing BART, rather than satisfaction with BART.

Implementing this recommendation will require additional research funding at a time when BART is dealing with greatly reduced revenue and unprecedented fiscal uncertainty. BART will consider implementing a complementary non-rider survey with the 2022 Customer Satisfaction Survey if our financial capacity permits at such time.

**A REPORT BY
THE 2019-2020 CONTRA COSTA COUNTY CIVIL GRAND JURY**
725 Court Street
Martinez, California 94553

Report 2003

Contra Costa BART Rider Concerns

Primary Findings from the 2018 Customer Satisfaction Survey

APPROVED BY THE GRAND JURY

Date May 15, 2020

Anne N. Granlund
ANNE N. GRANLUND
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date MAY 15 2020

Anita Santos
ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Anne Granlund
Foreperson
(925) 608-2621

Contra Costa County Grand Jury Report 2003

Contra Costa BART Rider Concerns

Primary Findings from the 2018 Customer Satisfaction Survey

TO: BART Board of Directors

SUMMARY

The Bay Area Rapid Transit (BART) system is one of the Bay Area's most vital transportation links. Carrying roughly 450,000 travelers every day, it is the fifth most-used transit rail system in the United States, behind only New York, Washington, D.C., Chicago, and Boston. BART links four of the Bay Area's nine counties and the region's two largest airports.

The BART system represents a public investment currently valued at almost \$15 billion and is of vital importance to the local and regional economy. BART has planned expansion to San Jose, replacing all of its cars and acquiring a new control system.

The riders from Contra Costa County (the County) have specific issues with the BART service. BART's Customer Satisfaction Surveys reflect that many County riders feel safety and cleanliness have declined, and fare evasion has increased in the BART system. The Grand Jury investigated the reasons behind Contra Costa County rider dissatisfaction with three core issues - safety, cleanliness, and fare evasion.

Although BART has many current initiatives to improve these three core issues, the Grand Jury found that surveys indicate a downward trend, rather than improvement. The Grand Jury recommends that BART should consider developing plans to increase rider satisfaction in all three areas. The Grand Jury also recommends that BART consider continuing with its commitment to add 19 police officers per year over the next five years, creating a police presence on all County trains and at all stations.

To reduce fare evasion, BART should consider identifying funds to modify or replace fare gates and establish a timeline for implementation. BART has published a strategic plan that expires on June 30, 2020. BART should consider how the target of 85% customer satisfaction stated in BART's strategic plan will be achieved. BART should

also consider a survey process that includes non-riders to improve the accuracy and value of its Customer Satisfaction surveys.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Interviewed BART management, staff, and employees
- Reviewed responses from BART staff to Requests for Information (RFIs)
- Reviewed reports, newspaper articles, documents posted on BART's website (www.bart.gov), and other Internet documents

CONFLICT OF INTEREST DISCLAIMER

One or more jurors recused themselves from this investigation due to possible conflict of interest and did not participate in the investigation, preparation, or approval of this report.

BACKGROUND

In 1957, the California Legislature created BART as a Special District. BART's Mission Statement is to: "Provide safe, reliable, clean, quality transit service for riders." It has operated as a public transit system in the San Francisco Bay Area since 1972. The rail system includes 48 stations across four counties – Alameda, Contra Costa, San Mateo, and San Francisco.

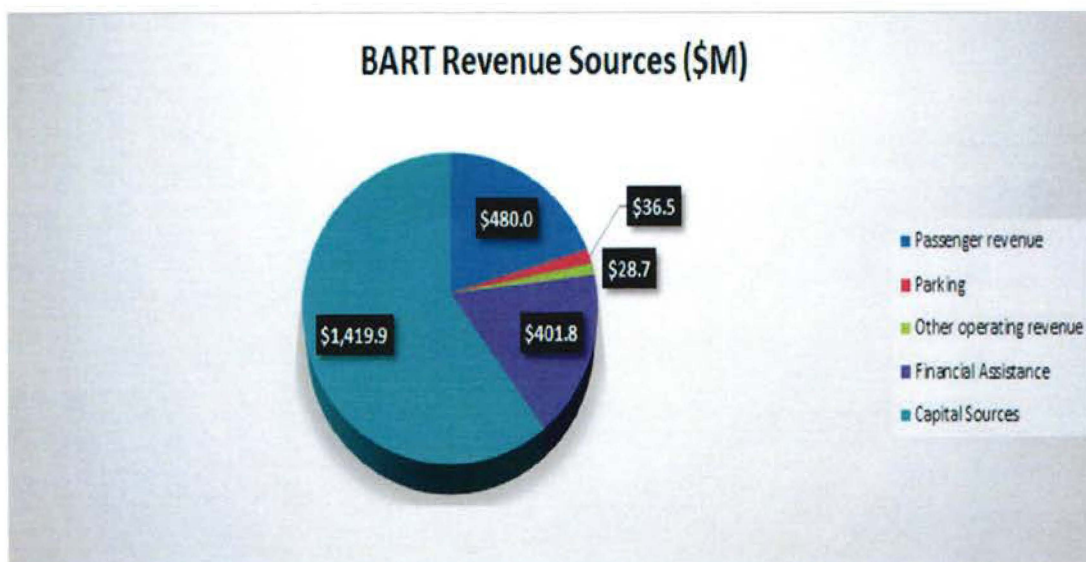
BART has expanded the system over the years, adding the following routes:

- 1997 – Daly City to Dublin/Pleasanton
- 2002 - Daly City to San Francisco International Airport and Millbrae
- 2014 – Coliseum to Oakland Airport (cable car system)
- 2018 – Bay Point to Antioch (eBART extension)
- 2020 – Warm Springs to Berryessa (under construction), in cooperation with the Valley Transit Authority

BART is divided into nine voting districts, each represented by a director. Contra Costa County has portions of four districts. The directors are elected officials who serve a four-year term on the Board of Directors (the Board). The Board appoints a General Manager who oversees the transit system's day-to-day operations. BART plans to begin service to Santa Clara County in late 2020. Santa Clara and San Mateo counties are not part of the BART Special District and do not have representation on the Board.

The transit system's \$2.3 billion annual budget (Figure 1) has the following components:

Figure 1. BART Revenue Sources (2020)



Source: SFBART District Adopted Budget FY2020, pg. 16

Capital Sources include all planned capital expenditures paid for with funds BART expects to receive in Fiscal Year 2020, as well as capital funds awarded in prior years. BART's capital budget is funded with federal, state, and regional monies, allocations from the operating budget, and regional transit bonds.

County residents have a large and continuing investment in BART. That investment includes fares and parking fees, parcel taxes, Measure RR bond repayments, and bridge toll money allocated to BART. Capital improvements are also funded with money provided through state and federal grants.

Contra Costa Revenue Contributions to BART

According to BART, fares are a significant source of revenue – 60% to 70% of operating costs. In most transit systems in the United States, fares account for about 20% of revenue. Fare evasion costs BART at least \$25 million annually. This is an issue for a transit system like BART that counts on a large portion of its operating revenue from fares.

Contra Costa County riders are paying more each year in fares (Table 1) while overall fare revenue is falling. As overall fare collections decline, the percentage of total fares paid by County riders increases. It is important to note that the Contra Costa County fares shown are only those collected within the County. If the round-trip rides of all commuters were considered, the fare revenue of County riders doubles.

Table 1. Fare Collections 2017 to 2019

	FY 17 Total Fares	FY 18 Total Fares	FY 19 Total Fares
Contra Costa County (Millions)	\$73.3	\$73.4	\$74.4
Doubled based on round trip (Millions)	\$146.6	\$146.8	\$148.8
All Counties (Millions)	\$510.0	\$510.8	\$485.0
Contra Costa County (Percentage)	14.4%	14.4%	15.3%
Doubled based on round trip (Percentage)	28.8%	28.8%	30.6%

Source: Budget Pamphlet Fiscal Year 2019, March 2018;
Budget Pamphlet Fiscal Year 2018, March 2017

BART Survey Instruments

BART routinely surveys its riders to determine how satisfied the riders are with its service. These surveys take many forms:

- Station Profile
 - The Station Profile survey has been an important source of ridership data for BART over the years. BART uses the data as a management tool to plan for the future. (<https://www.bart.gov/about/reports/profile>)
- Customer Complaints
 - BART's Customer Service Department receives a quarterly breakdown of customer complaints. (<https://data.bart.gov/group/customers>)
- Customer Satisfaction
 - BART's Customer Satisfaction Study (CSS) is a tool BART uses to achieve higher levels of customer satisfaction. Every two years the study surveys BART riders to determine how well BART is meeting customer needs and expectations. These surveys are conducted by an independent research firm. (<https://data.bart.gov/group/customers>)
- Quarterly Performance Reports
 - These reports track performance indicators including service reliability, passenger environment, train cleanliness, customer complaints, and crime. (<https://www.bart.gov/about/reports>)
 - The ratings are compiled using rider responses to BART's Passenger Environment Survey questionnaires. The questionnaires are handed out

on trains by employee survey takers who work throughout BART operating hours, including evenings and weekends, to mirror ridership patterns. They collect between 5,000 and 6,000 questionnaires per quarter. (<https://www.bart.gov/news/articles/2019/news20190821-0>)

These surveys inform BART management on how to best maintain and improve the customer experience. The CSSs have shown a recent decrease in overall customer satisfaction. BART's CSS does not survey non-riders systematically. Non-riders are former riders and those who have never ridden BART.

The Grand Jury investigated the key areas of County riders' dissatisfaction with BART. The Alameda County Grand Jury previously investigated the 2018 CSS pertaining to three counties - Alameda, Contra Costa, and San Francisco. The current investigation focuses on Contra Costa County riders only, comparing the results from the 2016 and 2018 CSSs, and uses trend analysis to examine the top areas of increased dissatisfaction identified by County riders. The Grand Jury studied the following issues and BART's responses to the 2016 and 2018 CSSs:

- Trending of major concerns of County riders
- Concerns of County riders compared to riders from other counties within the BART system
- BART's actions to address the concerns of County riders
- BART's initiatives to improve the rider experience for County riders

DISCUSSION

The 2012 biannual Customer Satisfaction Survey (CSS) rated BART's customer satisfaction (percent of customers who are very or somewhat satisfied) at 84%. Since then, satisfaction has decreased with each survey to a low of 54% in 2018. This report draws from the 2016 and 2018 CSSs and focuses on the level of satisfaction for County residents who ride and pay for BART.

Areas of Contra Costa County Dissatisfaction

BART provided County-specific data from the 2016 and 2018 CSSs, using the zip codes in the responses. About 25% (1,300) of the total number surveyed in each year were Contra Costa riders. In the survey, riders rate more than 40 attributes (characteristics) of BART service. Examples of areas rated include cleanliness, parking, and police presence.

Each attribute is rated on the same scale, where 1=Poor, 4=Neutral, and 7=Excellent. Questions have varied somewhat from survey to survey. The Grand Jury examined the data for Contra Costa riders only and identified trends of concern. Some attributes in the surveys were combined into the general areas of safety and cleanliness.

Three areas stand out:

- Safety: Crime and personal security
- Cleanliness: Throughout the system, from stations to inside trains
- Fare Evasion: Lost revenue and illegal

Table 2 displays the satisfaction trends for County riders in the three main areas of concern cited above. Included are specific attributes that had low satisfaction scores in 2016 and lower scores in 2018.

Table 2. Comparing 2016 to 2018 for Contra Costa County

Area of Concern	2016	2018	Unfavorable Trend
Personal Security	3.77	3.22	-0.55
Train Interior Cleanliness	3.87	3.34	-0.52
Fare Evasion	3.27	2.83	-0.44
Police in Stations	3.50	3.09	-0.41
Station Cleanliness	3.70	3.30	-0.40

2 = Very dissatisfied 3 = Somewhat dissatisfied 4 = Neutral

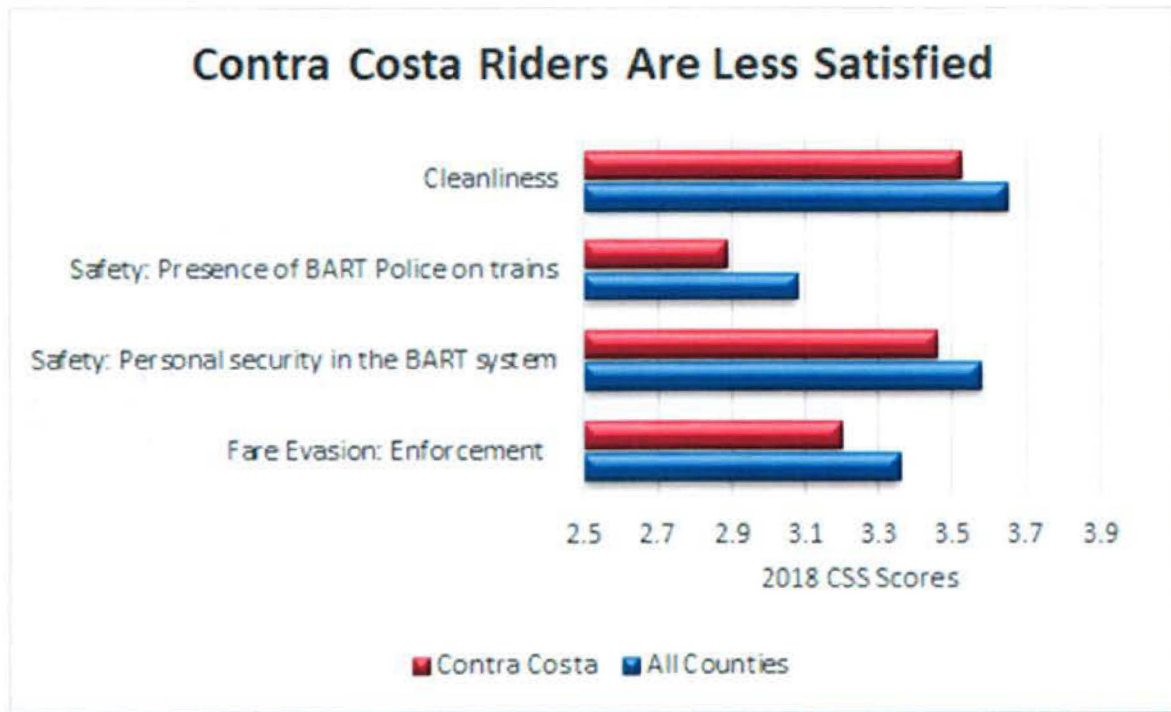
Source: BART Customer Satisfaction Survey (<https://data.bart.gov/group/customers>)

Safety, cleanliness, and fare evasion are the primary issues of Contra Costa County riders and scores for those attributes declined between 2016 and 2018.

Contra Costa Responses Compared to Other Counties

The survey results from the 2018 CSS for all respondents were compared to the responses from County riders (Figure 2). Note that Contra Costa County riders are included in the All Counties responses. Figure 2 indicates that County riders consistently rate BART lower than all riders.

Figure 2. Main Satisfaction Issues for Contra Costa County Riders



2 = Very dissatisfied 3 = Somewhat dissatisfied 4 = Neutral

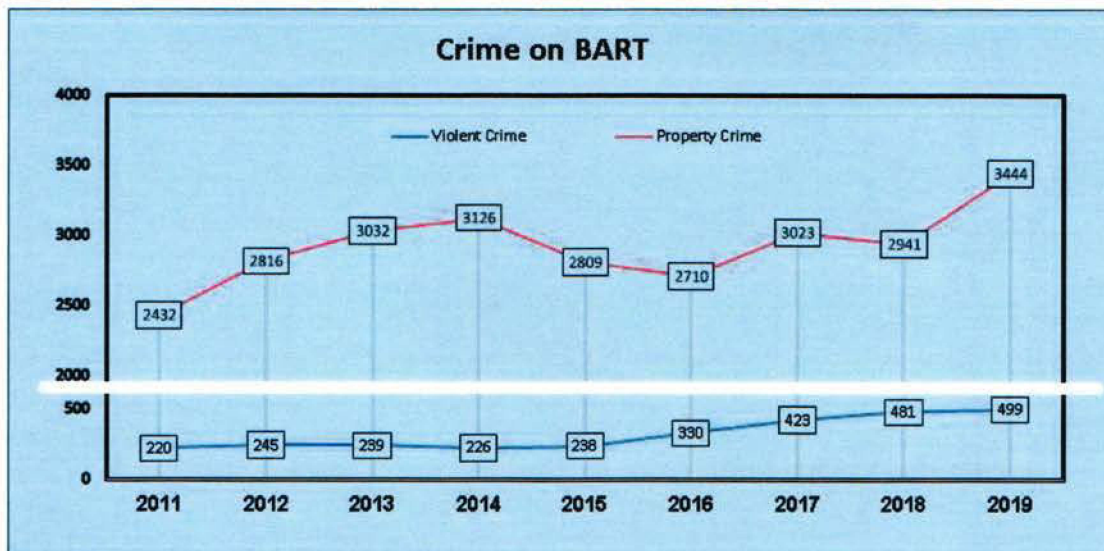
Source: BART Customer Satisfaction Survey (<https://data.bart.gov/group/customers>)

Safety

Survey attributes of safety include BART police on trains, police inside and outside of stations, and personal security. For all of these attributes, the CSSs reveal that Contra Costa County riders are more dissatisfied than riders system-wide (Figure 2) and that satisfaction is trending down (Table 2).

Crime levels are a key element when assessing BART safety. Both violent and property crimes are increasing in recent years (Figure 3). The Grand Jury's investigation indicates that a few high-profile incidents have led to the widespread perception that BART is not safe. As a result, some riders are avoiding BART, especially on nights and weekends when crimes are more likely to occur. From 2015 to 2018, BART ridership declined by up to 17% on weekends. (<https://escholarship.org/uc/item/3v14m47j> , p.28).

Figure 3. Reported Crimes on BART



Source: (<https://escholarship.org/uc/item/3v14m47j>, p.28).

Reported property crimes (burglary, larceny, auto theft, and arson) have risen between 2011 and 2019, and violent crime (homicide, rape, robbery, and aggravated assault) also rose. BART crimes rose to 3.5 per million riders in Fiscal Year 2018, more than double the rate since 2011. BART has a target of fewer than 2.0 crimes per million riders.

Over the past two years, Priority One (emergency) response time by BART police has averaged under its goal of five minutes. The Grand Jury investigation did not reveal a goal for non-emergency response times, which average about 20 minutes.

BART's Actions to Improve Safety

BART contracted with the Department of Criminal Justice at the University of North Texas to prepare its *Five-Year Strategic Patrol Staffing Plan* study in August 2018. The study recommended hiring 94 Police Officers and putting 66 of them on trains. BART has a plan to hire 19 police officers each year for the next five years. Eleven of the first 19 officers hired are to be on trains. Budget approval has been granted for only the first two years. BART has increased compensation for officers and BART hired 24 additional police in 2019, which is more than in any previous year.

If the plan is fully implemented, BART police presence and visibility will increase. BART anticipates this will help deter crime, improve response times, and provide a greater sense of security to riders. In addition, police can assist with issues of cleanliness and fare evasion. Additional unsworn uniformed personnel, including Community Service

Officers and Ambassadors, are being hired to assist the police. The Ambassadors receive de-escalation and anti-bias training and started to ride trains on evenings and weekends in February 2020. The goal is to improve the rider experience and respond to issues they encounter.

Cameras are at some stations and trains and may deter crime. BART is installing them system-wide in phases. BART personnel assert that videotaping may provide evidence for the prosecution of serious crimes. Visible camera feeds in the stations may deter crime from occurring and reduce police response time.

Cleanliness

Survey attributes of cleanliness include outside and inside the stations, restroom and elevator cleanliness, enforcement of the no eating and drinking policy, and the condition and cleanliness of train seats, floors, and windows. All Contra Costa County scores for cleanliness attributes were lower in 2018 than in 2016 (Table 2). County scores were lower than system-wide scores for all cleanliness attributes in 2018 (Figure 2).

BART's Actions to Improve Cleanliness

BART is actively addressing the cleanliness issue. It has budgeted for or hired 21 additional janitorial staff. In 2018, cleaning teams were trained by the Cleaning Management Institute (a BART contractor), received their certification, and were strategically deployed. The addition of elevator attendants in downtown San Francisco has improved cleanliness. It is expected that the transition to new trains will help with cleanliness as there are fewer seats and the seats are designed to be easier to clean.

Other measures that BART is taking which may impact cleanliness are more police, the Ambassador program, and addressing homelessness. BART's expectation is that new trains and a new operating system may improve train cleanliness by reducing congestion during rush hour periods. Recent limited BART surveys indicate some improvement in satisfaction with cleanliness, but that improvement will need to be verified in the next CSS. BART Police enforce state laws against eating and discarding trash within the system.

Fare Evasion

Table 2 and Figure 2 reveal how County riders who participated in the CSS feel about fare evasion on BART. County rider satisfaction scores regarding fare evasion declined between 2016 and 2018 and were lower than for all riders in 2018.

BART relies on fare revenue for its operating budget at a higher rate than other transit agencies. County riders are paying more each year due to fare increases, while overall fare revenue is falling. Fare evasion costs BART at least \$25 million annually. BART collects less than 2% of the fines that fare inspectors issue for fare evasion.

BART's Actions on Fare Evasion

BART has considered several options to address fare evasion. It is hiring more fare inspectors and has tested new designs for fare gates, part of BART's station hardening program. Station hardening is changing infrastructure other than the fare gates to prevent fare evasion. This includes installing higher barriers.

BART estimates that it will cost about \$150 million to fully address fare evasion and the money is not yet available. Fare evasion may be reduced by deploying more police, Ambassadors, and cameras in stations.

Other Issues

Homelessness on BART

Another issue for County riders is the impact of homelessness on the BART system. This was first measured in the 2018 Customer Satisfaction Survey, so trending data is not available. The Grand Jury found that there is a perception that the homeless contribute to problems of cleanliness and safety. The attribute, Addressing Homelessness, received a score of 2.57 in the 2018 CSS, the lowest satisfaction score of all the attributes by County riders. A recent UCLA study states: "Notably, many of BART's key issues are tied to factors outside of the agency's control, specifically the homelessness and drug/opioid addiction crises, which likely affect passengers' perceptions of personal security and system cleanliness." (<https://escholarship.org/uc/item/3v14m47j>, p.80)

BART is engaged in dealing with the effects of homelessness, from outside and inside the stations, on platforms, and inside the trains. Concerns about homeless riders are often cited when assessing the rider's experience.

BART has an employee who coordinates with each county's Homeless Program. BART staff check for any individuals who remain on the train at the end of the line on each run. At the end of BART's operating hours, the individuals who remain are removed from that station and taken to a shelter or a hospital. More police and Ambassadors can assist by directing these people to other places for shelter or food. In July 2019, the BART Board approved a contract with Contra Costa Health Services for one dedicated Homeless Outreach Team in Contra Costa County. Outreach workers try to connect homeless on or near BART with needed social services.

Station Agents on eBART

There are no station agents for the two eBART stations in Antioch or Pittsburg Center. They are the only BART stations without station agents. In addition to being a resource for customers, agents can monitor and report safety, cleanliness, and fare evasion issues.

Overall Strategic Plan

BART has identified safety, cleanliness, fare evasion, and the impact of homelessness as Quality of Life issues, corresponding to the most significant concerns of the Contra Costa County riding public. BART has begun to implement several programs to address these issues, such as cleanliness teams, new fare gates, new train cars, homeless outreach, and station hardening.

BART's current Strategic Plan (2015-2020) sets a long-term goal to return to 85% customer satisfaction (<https://www.bart.gov/kpi/experience>). BART has not issued an updated plan to achieve this goal.

FINDINGS

- F1. Customer Satisfaction Surveys reveal that Contra Costa County riders are increasingly dissatisfied with safety, cleanliness, and fare evasion on the BART system.
- F2. BART is actively addressing safety and cleanliness.
- F3. BART has no published strategic plan beyond 2020.
- F4. Fare inspectors alone are not effective in deterring fare evasion.
- F5. BART has not allocated the funds to complete the fare gate modification program.
- F6. County riders want more police officers throughout the system – inside and outside the stations, and on trains.
- F7. Contra Costa County's revenue contribution to BART is increasing while overall fare collections are decreasing.
- F8. There is no evidence that BART has attempted to systematically survey non-riders.

RECOMMENDATIONS

Note: The Grand Jury conducted the majority of its investigation before Contra Costa County and the State of California issued shelter-in-place orders. The Jury recognizes that County departments, agencies, and cities are currently addressing COVID-19 related matters and the Jury has adjusted implementation dates in the recommendations accordingly.

- R1. The BART Board of Directors should consider publishing an updated strategic plan to address improvements to safety, cleanliness, and fare evasion over the term of the plan by December 31, 2020.
- R2. The BART Board of Directors should consider continuing to modify or replace fare gates and establish a timeline and funding for implementation by December 31, 2020.
- R3. The BART Board of Directors should consider reconfirming its plan to add 19 police officers per year over the next five years, with 66 of them on the trains, by December 31, 2020.
- R4. The BART Board of Directors should consider constructing station booths and staffing the booths with agents at the Pittsburg Center and Antioch eBART stations by December 31, 2021.
- R5. The BART Board of Directors should consider developing a plan to systematically survey non-riders by county by December 31, 2021, and implement that plan along with the 2022 Customer Satisfaction Survey.

REQUIRED RESPONSES

	Findings	Recommendations
BART Board of Directors	F1, F2, F3, F4, F5, F6, F7, F8	R1, R2, R3, R4, R5

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

Civil Grand Jury – Foreperson
 725 Court Street
 P.O. Box 431
 Martinez, CA 94553-0091



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/10/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Catherine Westphall Dept: Ad Revenue Signature/Date: <i>[Signature]</i> 8-17-20 FOR C. WESTPHALL	General Counsel <i>[Signature]</i> 8/17/20	Controller/Treasurer <i>[Signature]</i> 8/17/2020	District Secretary []	BARC <i>[Signature]</i> 8/17/20 []

Amendment to the Advertising Franchise Agreement (No. 6M7266)

PURPOSE:

To obtain Board authorization for the General Manager to execute the First Amendment to Agreement No. 6M7266 with OUTFRONT Media Group LLC.

DISCUSSION:

The District makes space available for advertising in order to generate revenue to support BART operations. Like many other major transit systems, the District engages a Franchisee which operates and manages the advertising program. The Franchisee sells and posts advertising on District property and provides the District with a portion of the ad revenue.

On June 25, 2018, the District entered into its latest Advertising Franchise Agreement with OUTFRONT Media Group LLC (OUTFRONT), with OUTFRONT assuming responsibility for sales from October 1, 2018 through June 30, 2029. The contract provided the District with a one-time signing bonus of \$10 million, received on October 1, 2018, plus \$150 million in guaranteed payments, and reimbursement for various support costs. OUTFRONT also pledged approx. \$25 million in capital investments for digital screens and other improvements to modernize the advertising infrastructure.

In March 2020, as a result of COVID-19 and shelter-in-place orders, BART ridership fell more than 90%. BART's advertising revenue is directly related to ridership and the drop in ridership has caused a precipitous drop in BART's advertising revenue. The current Agreement terms would make our arrangement unsustainable. OUTFRONT has the ability to terminate the Agreement (just as we retain that power) with certain consequences. It also has the ability to seek relief from the strict terms of the existing Agreement through a provision

similar to that of a force majeure provision. This would put our expectations regarding advertising revenue under this Agreement in limbo. Both parties prefer a renegotiation of franchise terms through an amendment to the Agreement that would provide certainty to this situation. BART staff believes a renegotiated Agreement is better than no Agreement. Should the Agreement be terminated, it would take approximately 15-18 months to issue a Request for Proposals, during which time BART would receive no revenue. BART also risks having fewer and possibly worse proposals than the proposed Agreement as amended. As a result, BART and OUTFRONT have worked together to craft a flexible approach that addresses the loss of revenue and which adjusts as ridership rebounds.

The proposed amended Agreement 6M7266 would retain much of the general structure of the original Agreement, with a base amount of revenue, then Incremental Revenue to be shared and to reimburse OUTFRONT for their \$25 million capital investment. The Agreement would be modified as follows.

In lieu of Minimum Annual Guarantee (MAG) payments outlined in the original Agreement, BART would receive the greater of the following, up to a redefined Revenue Sharing Threshold, starting July 1, 2020 and continuing through June 30, 2031:

- 70% of net revenue

Or

- Monthly payment of original MAG, prorated based on % of ridership achieved (based on 3-month average ridership, if 50% or more of pre-emergency levels, up to 100%)

The Revenue Sharing Threshold (currently the annual original total MAG divided by 70%) would be the greater of the following:

- FY20 revenue (approximately \$12.9 million), growing at 3% per year

Or

- The annual total monthly payments divided by 70%

To allow adequate time for OUTFRONT to recoup their capital investment of approximately \$25 million for installation of digital advertising screens, the District would exercise the two, one-year options to extend the term of the Agreement from July 1, 2029 to June 30, 2031. OUTFRONT would resume work on the digital advertising screen installations, paying directly for work to be performed. Work would resume immediately toward installations at five key stations (12th St., Embarcadero, Montgomery, Powell, and Civic Center), then at several others once we reach 65% of pre-COVID ridership (based on 3-month rolling average). Capital investments would continue until four years remain on the Agreement (i.e.,

until June 30, 2027), up to OUTFRONT's total original commitment of approx. \$25 million in digital advertising screen construction.

FISCAL IMPACT:

OUTFRONT has invoked the provision in the Agreement relieving them of the responsibility to pay MAG during shelter in place orders for April, May, and June 2020, however they did pay 70% revenue share for those months. The result is a net loss to the District of \$2.2 million. Beginning July 1, 2020 ridership recovery and ad sales would be the determining factors of the fiscal impact of COVID-19 under the Agreement, as amended. Based on ridership recovery estimates and OUTFRONT's initial estimates of resulting revenue, the following are the estimated total revenue and loss to the District under three scenarios (prior to deduction of potential revenue shares to SFMTA or VTA) from April 2020 through June 2031:

	Agreement Termination	Amended Agreement-Low Ridership Recovery Scenario	Amended Agreement-Middle Ridership Recovery Scenario
Total Estimated Revenue to the District	\$0	\$126.5 Million	\$140.7 Million
Total Estimated Loss to the District	-\$168 Million (Avg. of -\$14 Mil./Year)	-\$41.5 Million (Avg. of -\$3.5 Mil./Year)	-\$27.3 Million (Avg. of -\$2.3 Mil./Year)

ALTERNATIVES:

The District could reject the proposed changes. It can propose new and/or different terms than those that have been proposed. Failure to proceed with the changed financial landscape due to COVID-19 could result in Agreement termination and zero advertising revenue to the District for at least 15-18 months while a Request for Proposals is circulated, with no guarantee that any proposals would be received or that any proposals would be better than the proposed Agreement as amended.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to execute the First Amendment to Agreement No. 6M7266, Advertising Franchise, with OUTFRONT Media Group LLC as directed by the Board subject to the approval of the General Counsel as to form.

Amendment to the Advertising Franchise ➤ Agreement (No. 6M7266)

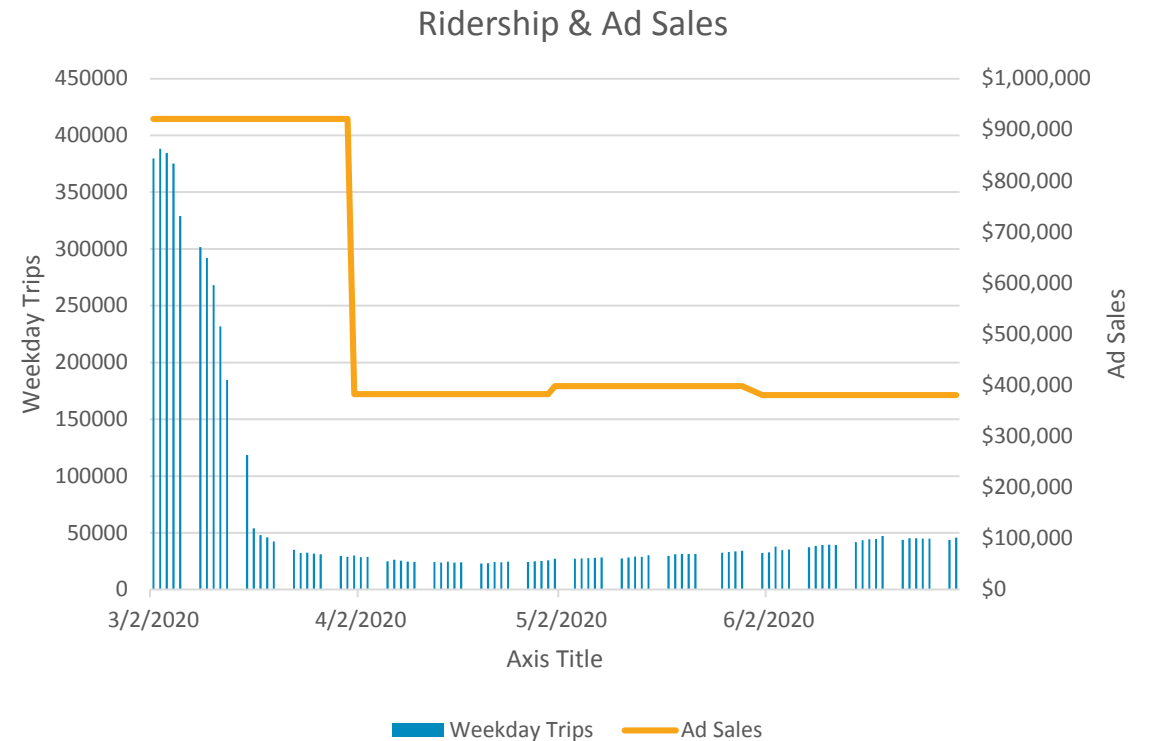
BART Board of Directors, August 27, 2020

OUTFRONT Ad Franchise Agreement

- Entered into Agreement in 2018
- Objectives:
 - Continue to increase revenue to support BART services
 - Modernize infrastructure with digital screens to add value
- Total of Minimum Annual Guarantee (MAG) payments:
\$150 mil. (\$18 mil. received so far)
- Signing Bonus: \$10 mil. (OUTFRONT paid to BART on Oct. 1, 2018)
- Capital Investment by Franchisee for digital buildout:
\$25 mil. (\$4 mil. spent to date)

Impact of COVID-19 on Advertising Franchise

- Precipitous drop in ridership
- Campaign cancellations, postponements, time extensions to fulfill obligations, and ad sales declined
- Transit ad sales are directly related to ridership
- Ad sales fund investment of capital for digital deployment



Agreement Terms & Negotiation

- Terms unsustainable under current circumstances
- Provision gives OUTFRONT right to terminate Agreement
- Provision similar to force majeure
 - Invoked by OUTFRONT on June 16
 - OUTFRONT paid revenue share not MAG for April, May, and June, resulting in net loss of \$2.2 million
- Preservation of Agreement is in BART's best interest

Current Proposal

- Beginning July 1 BART receives the greater of:
 - 70% of net revenue**
 - OR**
 - Monthly payment of original Minimum Annual Guarantee (MAG), prorated based on % of ridership achieved (if 50% or more of pre-COVID levels, up to 100%)**
- Redefine Revenue Sharing Threshold as the greater of:
 - FY20 revenue (approx. \$12.9 mil.), growing at 3%/yr**
 - OR**
 - Annual total of monthly payments divided by 70%**
- District to exercise two, one-year options to extend the Agreement
- Digital buildout resumes:
 - Immediately at 12th St., Embarcadero, Montgomery, Powell, Civic Center, and**
 - Additional stations upon reaching 65% pre-COVID ridership**

Other Transit Agencies

Agency	Franchise Agreement(s)	Status
WMATA	OUTFRONT	68% revenue share through 2020, adjusts down based on % of service reduced, extended agreement
LA Metro	OUTFRONT and Intersection	55% revenue share through 2020, waived MAG
VTA	OUTFRONT	Considering revenue share only, deferred MAG through Jun. 2020
SFMTA	Intersection and Clear Channel	65% and 55% revenue share, forbear MAG through Dec. 2020/ Oct. 2020, respectively
MBTA	OUTFRONT	70% revenue share, paused capital improvements
MARTA	OUTFRONT	50% revenue share through Sep. 2020, waived MAG
Miami-Dade	OUTFRONT	60% revenue share for duration of emergency, no MAG (force majeure), extended agreement
King Co. Metro	Intersection	65% revenue share through 2020, waived MAG
Sound Transit	Intersection	64% revenue share through Sep. 2020, waived MAG

Financial Comparison

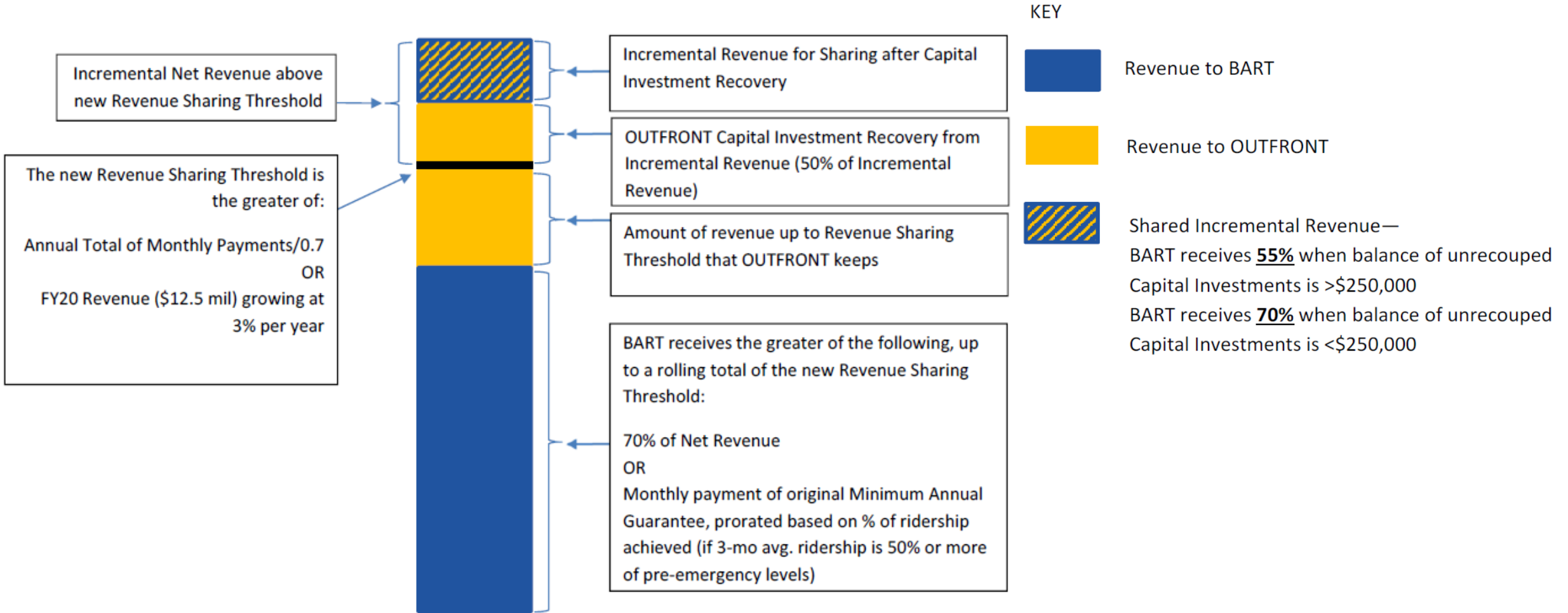
	Agreement Termination	Amended Agreement— Low Ridership Recovery Scenario	Amended Agreement— Middle Ridership Recovery Scenario
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Total Estimated Loss to the District	-\$168 Million (Avg. -\$14 Million per Year)	-\$41.5 Million (Avg. -\$3.5 Million per Year)	-\$27.3 Million (Avg. -\$2.3 Million per Year)

- Total amounts April 2020 through June 2031, with amended scenarios based on OUTFRONT revenue estimates and BART ridership recovery scenarios, prior to deduction of potential shares to SFMTA or VTA
- Amendment revenue terms retroactive to July 1, 2020
- 15-18 months to rebid in the event of termination—expect bids, if any, to be inferior to proposed amendment



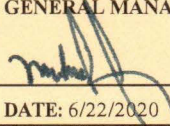

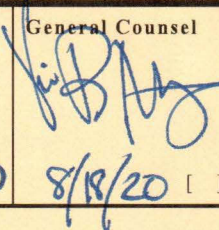
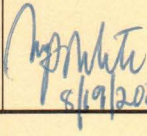
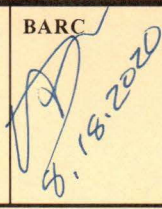
Financial Structure

BART/OUTFRONT Agreement No. 6M7266—Proposed New Financial Structure





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/22/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  8/18/20	 8/18/20 []	 8/19/2020 []	[]	 8.18.2020 []
Status: Approved		Date Created: 6/22/2020		

Sole Source to Overhaul the Wheel Truing Machine Control System at the Hayward Facility

PURPOSE:

To request Board authorization to award a sole source contract to Simmons Machine Tool Corporation to overhaul the Wheel Truing Machine control system at the Hayward Facility in an amount not to exceed \$306,000. Two Thirds Vote Required.

DISCUSSION:

BART operates three Simmons Machine Tool Corporation Stanray Wheel Truing Machines that are needed to correct undesirable wear conditions and defects on revenue vehicle wheels that develop during normal operating conditions. These machines remove surface metal and restore the designed profile of the running surface of the wheel.

The Wheel Truing Machines are critical to BART operations. Without them, defective wheels cannot be reprofiled and railcars must remain out of service until the defective conditions can be corrected. If the machines are not updated properly by the original equipment manufacturer (OEM), and no longer work, then BART Rolling Stock and Shops will be required to perform an axle changeout and in turn remove the wheel from the axle and press on a new one. With the machines operating properly, wheels can be trued easily on the railcars and consistently between shops.

It has been determined by staff that an overhaul of these machines will not only extend their life but will also upgrade their functionality in order to support changing technologies. The overhaul can only be done by the original equipment manufacturer (OEM), Simmons, who can upgrade the equipment in the most effective, time efficient, and safest way.

Pursuant to Public Contract Code Section 20227 the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon the finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of replacing equipment currently in use.

Wheel Truing Machines are very specialized and unique computer numerical control (CNC) machines. Simmons, the OEM, is the only supplier that has the knowledge and expertise to perform the upgrade and replacement of the District's Wheel Truing Machine control systems. Thus, this procurement may be authorized under section 20227.

FISCAL IMPACT:

Funding for the \$306,000 contract is included in the total budget for FMS# 01SX001, Wheel Truing Machine Overhaul - OHY.

F/G 8534 FY20 Operating Capital Allocation

\$400,000

As of June 2, 2020, \$400,000 is the total budget for this project. BART has expended \$12,195, committed and reserved \$0 to-date for other action. This action will commit \$306,000 leaving an available fund balance of \$81,805 in these fund sources for this project.

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

This action is not anticipated to have any fiscal impact on unprogrammed District Reserves

ALTERNATIVES:

The Board can elect not to authorize the General Manager to approve this contract. In this case, the District would have to source a new system from an alternate supplier or utilize the services of a local mobile vendor. All options will increase the burden on other District resources, increase revenue vehicle downtime and increase wheel repair lead-times:

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

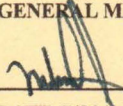
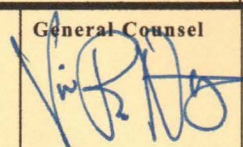
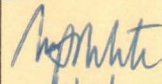
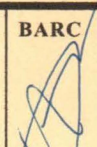
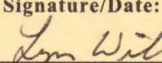
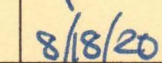
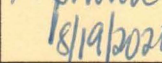

Pursuant to California Public Contract Code Section 20227, the Board of Directors finds that Simmons is the single source for the procurement of the overhaul of the Wheel Truing Machine control system. For the sole purpose of replacing the Wheel Truing Machine control systems currently in use throughout the District.

The Board of Directors authorizes the General Manager to execute a Procurement Contract with Simmons for the overhaul of the District's Wheel Truing Machine control systems, in an amount not to exceed \$306,000

Two thirds vote required



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/19/2020		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 7/23/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lyn Williams Dept: Strategic Engineering	General Counsel 	Controller/Treasurer 	District Secretary	BARC 
Signature/Date:  8/18/20	 8/18/20 []	 8/19/2020 []	[]	 8-18-2020 []

Vehicle and Equipment Leasing and Rental Service Agreements for RR funded Capital Projects

PURPOSE:

To authorize the General Manager to execute agreements for the lease and rental of non-revenue vehicles and equipment with the vendors specified in Attachment I, for an aggregate amount not to exceed \$15,000,000.00 for a period of 5 years.

DISCUSSION:

On August 9, 2018 the Board authorized the General Manager to execute Lease and Rental Agreements for non-revenue vehicles and equipment with certain identified vendors for a period of five (5) years for an aggregate amount not to exceed \$20,000,000.00. Greater than 80% of the aggregate amount has been encumbered for Leases and Rental Agreements. Additional funding authorization is necessary to meet the equipment needs of projects entering construction in the current and coming years.

To effectively and efficiently support work to be performed under the Measure RR Bond Program, the District will need to utilize dedicated non-revenue vehicles and equipment for Measure RR funded projects. Since Measure RR Bond funds may not be used for the purchase of vehicles and other equipment the required non-revenue vehicles and equipment necessary to complete the work must be leased or rented. The District's traditional procurement method of developing specifications and advertising a formal Request for Proposals, evaluating the Proposals and awarding an all-encompassing agreement is not a viable method of procuring the lease or rental of this equipment and vehicles due to various specialized and unique requirements for such equipment and vehicles. Therefore, Staff is seeking Board authorization for the General Manager to execute

multiple agreements with the vendors listed in Attachment I. Individual service agreements are not anticipated to exceed \$2,000,000 per agreement.

To identify the vendors in attachment I, District staff prepared the potential Bidders List, (see Attachment I), from "questionnaires" submitted to and received from potential vendors indicating their ability to meet all or part of BART's vehicle and equipment needs. To date, District staff has 52 firms on our prospective Bidders List, of which 7 are Small Business (SB) vendors, see attachment I. In order to increase the pool, additional firms will be added to the Bidders List after receipt of completed questionnaires. The agreements will be subject to the provisions of the SB program.

Prior to awarding any agreement, the District will conduct informal competitive procurement through an informal request for quotations process, consistent with currently adopted practices and procedures for informal procurement, and award service agreements accordingly. The informal request for quotations shall be issued to vendors on the Bidders list as identified in Attachment I, for vehicles and equipment identified on Attachment II. To ensure a continuous competitive bid process, the vendor list will be evaluated quarterly by Maintenance and Engineering and newly identified vendors will be added as identified.

The Office of General Counsel will approve lease and rental agreements as to form before they are executed.

The Procurement Department will review these agreements to confirm compliance with the District's procurement standards

FISCAL IMPACT:

Funding in the amount of \$15,000,000 for Leasing agreements will come from the following projects.

The tables below reflect funding assigned to the referenced projects and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

**Project: 15EJRR1 – 34.5 KV AC Cable Replacement
\$5,000,000**

As of July 8, 2020, \$76,106,663 is available for this project from the following sources:

F/G 802A - Measure RR GOB Issued #1: 31,746,771

F/G 802B - Measure RR GOB Issued #2: 44,359,892

TOTAL: 76,106,663

BART has expended \$48,408,591, committed \$19,887,353, and reserved \$276,000 to-date for other action. This action will commit \$5,000,000 leaving an available fund balance of \$2,534,719 in these fund sources for this project.

Project: 15CQ002 – Rails, Ties, Fasteners Ph3 Meas. RR
\$5,000,000

As of July 8, 2020, \$185,972,511 is available for this project from the following sources:

- 8529 - Capital Allocation FY15: 197,246
- F/G 802A - Measure RR GOB Issued #1: 63,005,813
- F/G 802B - Measure RR GOB Issued #2: 122,769,452

TOTAL: 185,972,511

BART has expended \$105,038,651, committed \$23,230,364, and reserved \$90,109 to-date for other action. This action will commit \$5,000,000 leaving an available fund balance of \$52,613,387 in these fund sources for this project.

Project: 15TC002 – Renewal of Tunnels & Structures
\$5,000,000

As of July 8, 2020, \$78,636,571 is available for this project from the following sources

- 6814 - SFMTA Muni: 294,230
- F/G 802A - Measure RR GOB Issued #1: 13,883,659
- F/G 802B - Measure RR GOB Issued #2: 64,458,682

TOTAL: 78,636,571

BART has expended \$21,530,075, committed \$11,286,174, and reserved \$0 to-date for other action. This action will commit \$5,000,000 leaving an available fund balance of \$40,820,322 in these fund sources for this project

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

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

ALTERNATIVES:

To not authorize the execution of lease & rental service agreements up to \$15 Million for non-revenue vehicles and equipment to support the delivery of Measure RR Bond Projects. The District currently does not possess the necessary equipment and vehicles needed to support work funded by Measure RR. Failure to authorize could result in delays in Measure RR bond project work.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute lease and rental agreements for non-revenue vehicles and equipment as identified in Attachment II up to \$15,000,000.00, in the aggregate, for a period of 5 years with vendors listed in the current Attachment I, and those vendors added to that list thereafter.

Prospective Bidders Lists - RR Project Support Leases and Rentals

	Status	Date Added	SB/LSB	Vendor
1	On List	6/28/2018		Custom Truck - CTE
2	On List	7/2/2018		Danella
3	On List	6/29/2018	SB	Doc Bailey Construction
4	On List	7/10/2018		Golden Gate Truck Center
5	On List	6/29/2018		Herr Rentals
6	On List	6/28/2018		NESCO Specialty
7	On List	7/3/2018		SELAM
8	On List	7/31/2019		Owen Equipment
9	On List	7/23/2020		1435 Rail
10	On List	6/29/2018		Ballast Tools Equipment BTE
11	On List	7/9/2018		RCE
12	On List	7/16/2018		Geismar - Modern Track Machinery
13	On List	3/22/2019		Swingmaster
14	On List	8/19/2018		Ohio Crane / IPS
15	On List	11/26/2019		Railworks
16	On List	8/17/2018		Ahern
17	On List	7/8/2018		CRESO
18	On List	3/27/2019		H&E Equipment Services
19	On List	12/21/2018		National Rentals (not car rental)
20	On List	8/18/2018		Right Manufacturing Systems / Mix Right
21	On List	7/10/2018		Sunbelt
22	On List	7/11/2018		Sunstate
23	On List	8/27/2018		United Rentals
24	On List	7/5/2018		Volvo Construction Equipment
25	On List	11/9/2018		Bancorp
26	On List	7/16/2018		BARCO
27	On List	8/24/2018		Honda of Oakland
28	On List	8/28/2018		Mission Valley Ford
29	On List	7/10/2018		Monarch
30	On List	7/19/2018		Volkswagen of Oakland
31	On List	7/19/2018		A Tool Shed
32	On List	7/17/2018		S & S, Supplies and Solutions
33	On List	12/26/2018		Security Contractor Services
34	On List	2/12/2019		Silver and Black Enterprises
35	On List	1/7/2019		BIGGE Crane and Rigging / King Crane
36	On List	1/11/2019		Peninsula Crane
37	On List	12/20/2018		Sheedy Drayage
38	On List	4/12/2019		Design Space
39	On List	5/10/2019		WillScot
40	On List	5/21/2020		Mobile Modular
41	Sent Questionair	6/23/2020		Trailers Plus
42	On List	7/14/2020		Big Tex Trailer World
43				
44	Submitted Quest.	pending		FC Safety
45	Submitted Quest.	pending		Western First Aid
46	SB / LSBs - Certified by California General Services Agency as a Small Business			
47	On List	6/29/2018	SB	CH RULL COMPANY
48	On List	10/2/2018	SB	Makai Solutions
49	On List	7/9/2018	LSB	PINTANE LLC - *plSB
50	On List	7/2/2018	LSB	SDV SERVICES INC. - *LSB
51	On List	7/12/2018	SB	CAL SAFETY INC. - *plSB
52	On List	7/13/2018	LSB	YOLANDA'S CONSTRUCTION ADMINISTRATION & TRAFFIC

ATTACHMENT II

RR FUNDED SERVICES FOR LEASES AND RENTALS OF VEHICLES AND EQUIPMENT

Services for vehicle and equipment of general nature used in construction and railroad applications:

- **Road Vehicles & Equipment**
- **Construction & Material Handling Equipment**
- **Hi-Rail Vehicles & Equipment**
- **Railroad Vehicles & Equipment**
 - Trucks: Light to Heavy duty utility
 - Trucks: Fuel; crane; aerial lift
 - Truck, Personnel Crew; Mechanic; Inspection
 - Truck, Cable Reel
 - Truck, Flat Bed
 - Truck, Rotary Dump
 - Truck, Tunnel Washer
 - Vans
 - Puller Tensioner, Cable
 - Earth Moving Equipment
 - Forklifts; Telehandlers;
 - Compactors
 - Mobile Batch Plant
 - Lifts
 - Signs
 - Compressors; Fans; Air moving; Climate Control equipment
 - Chipper
 - Concrete & Masonry equipment
 - Demolition Equipment
 - Fans
 - Floor and vacuum equipment
 - Generators
 - Ground protection
 - Lighting equipment
 - Trailers
 - Cables, pumps, accessories
 - Road graders, saws, accessories
 - Small tools – air and accessories
 - Trailers
 - Welding equipment
 - Vehicle communications
 - Telematics
 - Shunting equipment
 - Low Railers
 - Switch Tampers
 - Tie Extractor/Insertter
 - Tie Handlers
 - Cranes
 - Flat cars



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/14/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Vicki Tan Dept: Extensions	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: Vicki Tan 8/17/2020	8/17/20 []	8/17/2020 []	[]	8.17.2020 []
Status: Routed		Date Created: 8/14/2020		

PROFESSIONAL SERVICES AGREEMENTS NO. 6M8176, 6M8177, 6M8178, 6M8179, 6M8180, 6M8181, 6M8182, AND 6M8183 CONSTRUCTION MANAGEMENT SERVICES FOR BART PROJECTS

PURPOSE: To authorize the General Manager to award Agreement No. 6M8176 to PGH Wong Engineering, Inc.; Agreement No. 6M8177 to PreScience Corporation; Agreement No. 6M8178 to WSP USA, Inc.; Agreement No. 6M8179 to HDR; Agreement No. 6M8180 to The Allen Group, LLC; Agreement No. 6M8181 to Atkins North America, Inc.; Agreement No. 6M8182 to Ghirardelli Associates; and Agreement No. 6M8183 to TRC; to provide Construction Management Services for BART Projects.

DISCUSSION:

The eight \$25,000,000 Construction Management Services agreements that the District awarded in 2018 are reaching the limits of the commitment authority allowed in their scope. New agreements are needed to provide the District with the essential Construction Management Services needed to implement the District's Capital Improvement Program. As a result, the District issued Request for Proposals (RFP) No. 6M8176 on March 11, 2020 to engage up to eight consulting firms or joint ventures to provide Construction Management services in the amount not to exceed \$40,000,000 per agreement, each with a five-year term.

On March 11, 2020, an Advance Notice to Proposers was sent out to 46 prospective proposers. The RFP was also advertised on March 11, 2020 in local publications. The RFP was also posted to the District's Procurement Portal and was made available to Proposers to download electronically. A total of one hundred forty four (144) firms downloaded the RFP

through the Procurement Portal. A pre-proposal meeting was conducted on April 22, 2020, with 179 prospective proposers in attendance.

A total of fourteen written proposals were received by the District on May 19, 2020. The Proposers are listed in alphabetical order below:

1. 4Leaf, Inc., Pleasanton, CA
2. Alta Vista Solutions, Oakland, CA
3. AMC Joint Venture, Oakland, CA
4. Atkins North America, Inc., Oakland, CA
5. C2PM, Mission Viejo, CA
6. Ghirardelli Associates, Oakland, CA
7. HDR, Walnut Creek, CA
8. Jacobs Project Management Co., Oakland, CA
9. Parsons Transportation Group, Inc., Oakland, CA
10. PGH Wong Engineering, Inc., San Francisco, CA
11. PreScience Corporation, Oakland, CA
12. The Allen Group, LLC., Oakland, CA
13. TRC, Concord, CA
14. WSP USA Inc., Oakland, CA

The written proposals were reviewed by a Selection Committee (“Committee”) consisting of four members from Design & Construction, three members from Maintenance & Engineering, and one member from the Office of Civil Rights. Proposals were first reviewed to determine if the proposals were responsive to the requirements of the RFP. One of the proposals, from C2PM, was determined to be non-responsive to the requirements of the RFP due to major omissions in the proposal.

Subsequently, the remaining thirteen proposals were evaluated, reference-checked, and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the proposing firms and the qualifications of the proposed project teams. As a result, the following twelve firms (in alphabetical order) were shortlisted

and selected for the oral interviews:

1. Alta Vista Solutions, Oakland, CA
2. AMC Joint Venture, Oakland, CA
3. Atkins North America, Inc., Oakland, CA
4. Ghirardelli Associates, Oakland, CA
5. HDR, Walnut Creek, CA
6. Jacobs Project Management Co., Oakland, CA
7. Parsons Transportation Group, Inc., Oakland, CA
8. PGH Wong Engineering, Inc., San Francisco, CA
9. PreScience Corporation, Oakland, CA
10. The Allen Group, LLC., Oakland, CA
11. TRC, Concord, CA
12. WSP USA Inc., Oakland, CA

The oral interviews were conducted between July 27, 2020 and July 31, 2020, by the same Selection Committee members as those who evaluated the written proposals. Based on the combined scores for the oral interviews and written statement of qualifications for RFP No. 6M8176, the Committee determined that the eight highest scoring proposers and therefore the most qualified firms (in alphabetical order) were:

1. Atkins North America, Inc., Oakland, CA
2. Ghirardelli Associates, Oakland, CA
3. HDR, Walnut Creek, CA
4. PGH Wong Engineering, Inc., San Francisco, CA
5. PreScience Corporation, Oakland, CA
6. The Allen Group, LLC., Oakland, CA
7. TRC, Concord, CA

8. WSP USA Inc., Oakland, CA

After making these determinations, negotiations were entered into with these eight most qualified firms. BART Contract Administration, with support from Internal Audit and Design & Construction, evaluated and discussed the rates and mark-ups (for a cost-plus fixed-fee rate agreement) received from the eight Proposers. These discussions were concluded on terms favorable to BART and each of the Proposers. Staff determined that the recommended rate structures are fair and reasonable and that the eight above-listed firms are responsible organizations.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were Small Business Entity (SBE) subconsulting opportunities. Therefore, an SBE participation goal of 30% was set for this Agreement. All of the Proposers committed to meeting the 30% SBE participation goal. Atkins North America committed to meeting a 30% SBE participation goal; Ghirardelli Associates committed to meeting a 30% SBE participation goal; HDR committed to meeting a 30% SBE participation goal; PGH Wong Engineering committed to meeting a 30% SBE participation goal; PreScience Corporation committed to meeting a 70% SBE participation goal; The Allen Group committed to meeting a 30% SBE participation goal; TRC Engineers committed to meeting a 30% SBE participation goal; and WSP USA committed to meeting a 30% SBE participation goal. The Office of Civil Rights will monitor the actual SBE participation attained based on individual work plans issued and amounts actually paid to SBE firms. The Agreements require the Consultants to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following eight awards under RFP No. 6M8176, each in an amount not to exceed \$40,000,000 for a five-year performance period as follows (in alphabetical order):

1. Atkins North America, Inc., Oakland, CA
2. Ghirardelli Associates, Oakland, CA
3. HDR, Walnut Creek, CA
4. PGH Wong Engineering, Inc., San Francisco, CA
5. PreScience Corporation, Oakland, CA
6. The Allen Group, LLC., Oakland, CA

7. TRC, Concord, CA
8. WSP USA Inc., Oakland, CA

Work Plans (WP's) under each Agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule, and budget.

The Office of General Counsel will approve the Agreements as to form.

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$40,000,000. District obligations will be subject to a series of WP's. Each WP will have a defined scope of services, and separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. The Controller/Treasurer issues fund codes based on grant awards for allocation to capital projects. Capital Budget and Funds Management will certify the eligibility of identified funding sources prior to incurring project costs against these Agreements and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Reissuing these RFP's would adversely impact the implementation of BART's Capital Improvement Program and would not likely result in better quality bids.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award the below listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$40,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and Federal Transit Administration (FTA) requirements related to protests.

1. Agreement No. 6M8176 to PGH Wong Engineering, Inc., San Francisco, CA
2. Agreement No. 6M8177 to PreScience Corporation, Oakland, CA
3. Agreement No. 6M8178 to WSP USA Inc., Oakland, CA

4. Agreement No. 6M8179 to HDR, Walnut Creek, CA
5. Agreement No. 6M8180 to The Allen Group, LLC., Oakland, CA
6. Agreement No. 6M8181 to Atkins North America, Inc., Oakland, CA
7. Agreement No. 6M8182 to Ghirardelli Associates, Oakland, CA
8. Agreement No. 6M8183 to TRC, Concord, CA



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/20/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/19/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Kevin Franklin Dept: Police Operations Division	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 8/20/2020	<i>[Signature]</i> 8/20/2020	<i>[Signature]</i> 8/20/2020	[]	<i>[Signature]</i> 8.20.2020
Status: Routed		Date Created: 8/19/2020		

Surveillance Annual Report

Purpose

Pursuant to the District's surveillance ordinance, staff must bring an annual report to the Board regarding the use of approved surveillance technologies and request approval for continued use of those technologies. This report is intended to allow the Board of Directors an opportunity to determine whether the benefits to the community of the Surveillance Technologies implemented outweigh the costs, and that civil liberties and civil rights are safeguarded.

Discussion

This Annual Surveillance Report covers the initial time period through June 30, 2020 and includes all surveillance technology previously approved by the Board. It is important to note that BART has taken a community based and collaborative approach with regards to policy development and implementation of surveillance technology.

There are several guiding principles with respect to the use of District approved surveillance technology. First and foremost is the inherent principle that the decision to use surveillance technology should balance security and privacy interests, and shall not be used to harass, intimidate, or discriminate against any individual or group and further, the technology shall

not be used for immigration enforcement actions.

A key success in the District's implementation of its Surveillance Program has been community collaboration. Each of the surveillance technologies approved by the Board included transparent public notice and outreach to the both the community and privacy groups.

The Surveillance Annual Report includes information on seven (7) specific surveillance technologies:

BART Closed Circuit Television

Department: Maintenance & Engineering

ID Number: ME-BCCTV-SUP-01

Board Approved: October 2018

BART CCTV Public Video Monitors

Department: Maintenance & Engineering

ID Number: ME-BCCTVPVM-SUP-01

Board Approved: October 2018

BART Public Emergency Phone Towers

Department: Maintenance & Engineering

ID Number: ME-BPEPT-SUP-01

Board Approved: October 2018

BART Mobile Applications & Related Modifications to BART.gov

Department: Office of the Chief Information Officer

ID Number: OCIO-BMAARMTB-SUP-01

Board Approved: October 2018

BART Automated License Plate Recognition (ALPR)

Department: BART Police Department

ID Number: BPD-ALPR-SUP-02

Board Approved: April 2019

BART Research Data Collection and Usage

Department: Marketing & Research

ID Number: OEA-BMRDDCU-SUP-06

Board Approved: March 2019

BART Trip Verification Technology

Department: Planning & Development

ID Number: PD-TVD-SUP-01

Board Approved: October 2019

Fiscal Impact

This item does not include any requests for additional funding.

Alternative

- 1) The ordinance requires, based on the information included in the report, that the Board determine that the benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights have been safeguarded. The Board could decline to make such a finding for any or all of the surveillance technologies. At that point, the District would need to cease utilizing that particular technology.

Recommendations

Approve the following motion:

Motion

The Board determines, based on information provided in the 2020 Surveillance Annual Report, that the benefits to the community of the 7 surveillance technologies described in such report outweighs the costs, and that civil liberties and civil rights are safeguarded.

Surveillance Annual Report

2020

San Francisco Bay Area Rapid Transit District



Executive Summary

2020 Surveillance Annual Report

Pursuant to the District's surveillance ordinance, staff must bring an annual report to the Board regarding the use of approved surveillance technologies and request approval for continued use of those technologies. This report is intended to allow the Board of Directors an opportunity to determine whether the benefits to the community of the surveillance technologies implemented outweigh the costs, and that civil liberties and civil rights are safeguarded.

The Bay Area Rapid Transit District's Annual Surveillance Report covers the initial time period through June 30, 2020 and includes all surveillance technology previously approved by the Board. It is important to note that BART has taken a community based and collaborative approach with regards to policy development and implementation of surveillance technology. All the surveillance technology deployed at BART has the sole goal of improving public safety and security, or otherwise enhancing public trust and the communities experience at BART. This is reflected in the entire process of surveillance technology proposal through policy development and implementation of technology. Each technology must go through several steps before being presented to the BART Board of Directors for approval and implementation.

There are several guiding principles with respect to the use of District approved surveillance technology. First and foremost is the inherent principle that the decision to use surveillance technology should balance security and privacy interests, and shall not be used to harass, intimidate, or discriminate against any individual or group and further, the technology shall not be used for immigration enforcement actions. Additionally, the program must have robust controls in place to prevent the release or misuse of the data collected.

A key success in BART's implementation of its Surveillance Program has been community collaboration. In each area of surveillance technology packages that were presented and approved by BART's Board of Directors; transparency and outreach to

the both the community and privacy groups was vital in understanding the concerns expressed by the community as to how the technology would be used and the data protected. BART met with key community partners, such as Oakland Privacy and Secure Justice to understand the privacy concerns and ensure protective measures are put in place to prevent release or misuse of data collected by the technologies.

Per the San Francisco Bay Area Rapid Transit District's Code of Ordinances, this **Surveillance Annual Report** is a written report concerning the specific surveillance technology in active use by the District. Per Ord. No. 2018-1, this report includes all of the following for the 7 Board approved surveillance technologies:

- a) A reasonably specific description of **how the surveillance technology was used**;
- b) Whether and **how often data acquired through the use of the surveillance technology was shared** with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
- c) A **summary of community complaints** or concerns received by the BART District related to the surveillance technology;
- d) The **results of any internal audits**, any information about violations of the Surveillance Use Policy, and any actions taken in response;
- e) Information, including **crime statistics**, if the equipment is used to deter or detect criminal activity, that help the community assess whether the surveillance technology has been effective at achieving its identified purposes;
- f) Statistics and information about **public records act requests** related to surveillance technology; and
- g) Total **annual costs** for the new surveillance technology, including personnel and other ongoing cost.

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2020 Surveillance Annual Report

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Approved Surveillance Use Policies

At the time of this report, the following Surveillance Technologies have been approved by the Board:

1. BART Closed Circuit Television

Department: Maintenance & Engineering

ID Number: ME-BCCTV-SUP-01

Board Approved: October 2018

2. BART CCTV Public Video Monitors

Department: Maintenance & Engineering

ID Number: ME-BCCTVPVM-SUP-01

Board Approved: October 2018

3. BART Public Emergency Phone Towers

Department: Maintenance & Engineering

ID Number: ME-BPEPT-SUP-01

Board Approved: October 2018

4. BART Mobile Applications & Related Modifications to BART.gov

Department: Office of the Chief Information Officer

ID Number: OCIO-BMAARMTB-SUP-01

Board Approved: October 2018

5. BART Automated License Plate Recognition (ALPR)

Department: BART Police Department

ID Number: BPD-ALPR-SUP-02

Board Approved: April 2019

6. BART Research Data Collection and Usage

Department: Marketing & Research

ID Number: OEA-BMRDDCU-SUP-06

Board Approved: March 2019

7. BART Trip Verification Technology

Department: Planning & Development

ID Number: PD-TVD-SUP-01

Board Approved: October 2019

1. BART Closed Circuit Television

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The use of cameras based on closed-circuit television (CCTV) technology to increase the confidence of the community in public transportation and improve the protection of patrons, employees, railcars, and critical infrastructure. The authorized use includes constant facility surveillance, 24 hours a day, 7 days per week within all San Francisco Bay Area Rapid Transit District properties. The cameras are not used in areas where there is a reasonable expectation of privacy, such as restrooms. CCTV data provides critical situational awareness for Transportation Staff and OCC for managing busy stations and special events. Information provided by CCTV systems also reduce delays in revenue service by allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV. CCTV data is also used for accident/incident investigations, mechanical failure investigations, and CPUC compliance checks.

Surveillance technology within the BART system has proven to be a vital resource for police criminal investigations. In order to meet the burden of proof of, “beyond a reasonable doubt”, every District Attorney’s office the BART Police Department interacts with has routinely based their decision to file a criminal complaint based on the availability of quality surveillance video. CCTV footage has provided vital pieces of direct evidence in several homicides and other investigations of violent crimes and has led to the identification and capture of multiple perpetrators. BART Police detectives use surveillance videos on a daily basis to solve a variety of crimes against property and crimes against persons.

Data Sharing

The BART CCTV system is deployed on a secure network that is segmented and isolated from other network traffic. Access to the CCTV network for BART employees is limited to a need to know, right to know basis and no direct access is provided to any persons or organizations outside of BART, other than providing copies of video evidence as required by subpoena, judicial order, other legal obligation, or to assist with criminal

investigations by law enforcement agencies in compliance with the District's Safe Transit Policy.

Complaints

BART customer service has received 15 complaints from passengers who feel that there is insufficient CCTV coverage in the BART system.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the CCTV system.

Crime Statistics

Video surveillance is essential for the effective operation of a public transit system. One of the primary benefits of a robust CCTV system is the deterrent effect that is provided by the presence of cameras monitoring public spaces. CCTV footage also provides critical information for civil cases and accident investigations. The presence of the CCTV cameras pre-dates the Surveillance Ordinance by several decades. BART stations have always been commissioned with CCTV cameras already in place, making a before/after comparison based on crime statistics impossible. However, there are numerous incidents every year at BART where CCTV evidence provides critical information to solve a crime or identify suspects.

Crime statistics are published monthly and are available at;

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

Public Records Act Requests

Outside of numerous public records act requests for video footage, there were no public records requests located which were associated with the CCTV technology itself.

Costs

4,252 individual requests for video evidence were processed by the BART Police Video Recovery Unit in FY20. Processing the volume of video requests requires 4 FTE's assigned to the unit. There were 440 requests for train car video evidence processed by the staff assigned to RS&S.

Overall, the maintenance and operational cost for the 4,563 CCTV cameras operational on train cars (including video recovery from the cameras) in FY20 was approximately \$270,000.

The cost to maintain the 3,570 CCTV cameras, including supporting network and data-center infrastructure, deployed in facilities across the BART system (not including train cars) in FY20 was approximately \$2,250,000. The cost includes maintenance of CCTV equipment in non-public areas of the BART system that are not covered by the Surveillance Ordinance.

2. BART CCTV Public Video Monitors

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The CCTV Public Video Monitors are deployed above two entry fare gate arrays at Civic Center BART Station. The locations of the monitors were jointly determined by the BART Police Department and BART Operations to deter fare evasion and reduce crime in these areas by alerting the public that a CCTV system is operating in these areas. Authorized use includes public information and awareness that CCTV surveillance is in the BART stations.

Data Sharing

The CCTV Public Monitors are a passive display only device, no recording capabilities exist. Any person in proximity to the display may view the images on the screen which are live streamed from selected CCTV cameras in the area.

Complaints

There were no complaints received for the CCTV Public Video Monitors.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the CCTV Public Video Monitors.

Crime Statistics

See crime statistics for Item 1 – BART Closed Circuit Television.

Public Records Act Requests

There were no public records act requests for the CCTV Public Video Monitors.

Costs

Beyond the installation costs for the Board approved project, the ongoing maintenance and operational expenses are expected to be minimal and in-line with maintenance for the other public information systems in use by the District.

3. BART Public Emergency Phone Towers

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The primary use for the Public Emergency Phone Towers is to provide a direct connection to the BART Police Integrated Security Response Center for BART passengers and employees to report emergencies or unsafe conditions. Under the approved project, the Public Emergency Phone Towers are being deployed at every BART station throughout the District totaling 204 units on 69 station platforms. The design specifications call for three units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobe lights, and surveillance cameras. Where installed, the Public Emergency Phone Towers are available 24 hours a day, 7 days per week. The Public Emergency Phone Towers provide a quick and simple way for BART passengers and employees to alert BART Police that emergency assistance is needed while also providing additional platform CCTV surveillance.

Data Sharing

See data sharing for Item 1 – BART Closed Circuit Television

Complaints

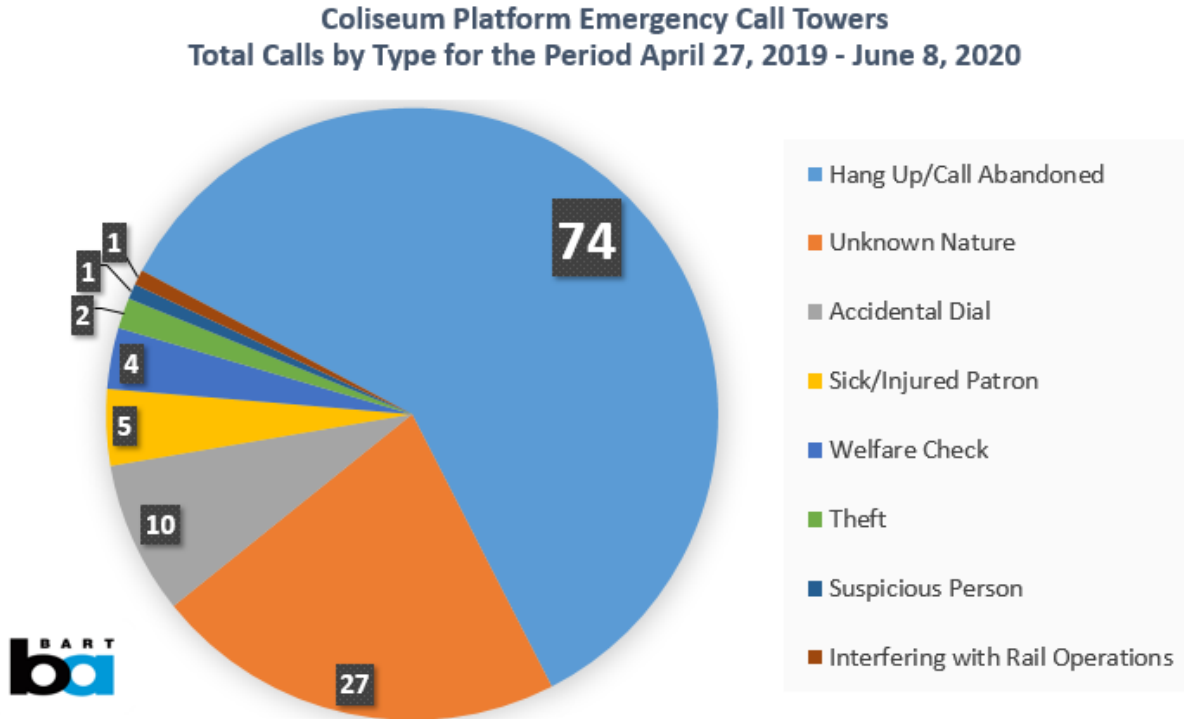
There were no complaints received for the Public Emergency Phone Towers.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the Public Emergency Phone Towers.

Crime Statistics

The following chart reflects the usage of the Public Emergency Phone Towers at the Coliseum Station.



Additional crime statistics are published monthly and are available at;

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

Public Records Act Requests

There were no public records act requests located for the Public Emergency Phone Towers.

Costs

Beyond the installation costs for the Board approved project, the ongoing maintenance and operational expenses are expected to be minimal and in-line with maintenance for the other emergency telephone systems in use by the District.

4. BART Mobile Applications & Related Modifications to BART.gov

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The primary use for this technology is to provide consistent transit information, transit incentives and maps to BART riders through BART.gov and BART Mobile apps, collectively referred to as “BART Applications”. These BART Applications are also used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement. Authorized use includes Navigation, Trip Planning, Fares, Parking, Bike Storage Transactions, Transaction Enforcement, Transit System Analysis & Demand Management, Providing & Redeeming Incentives, Transit Information & Communication, and Surveys.

Data Sharing

The following Authorized BART Service Providers provide elements of support, and infrastructure related to the ongoing operation of the BART Mobile Applications & Related Modifications to BART.gov:

Authorized BART Service Providers		
Hacon	TransSight	Amazon Web Services
Moovel	Auth0	Salesforce Service Cloud
PayPal/Braintree	Acquia	Salesforce Marketing Cloud

Complaints

There were no complaints received for the BART Mobile Applications & Related Modifications to BART.gov.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the BART Mobile Applications & Related Modifications to BART.gov.

Crime Statistics

Implementation of parking features on the mobile application is supporting more robust and efficient enforcement of BART's parking rules, such as automating carpool validation and checking that those paying for parking are using BART. When the carpool user enters BART, the system automatically checks to make sure they and their carpool partner entered within a twenty (20) minute window.

Public Records Act Requests

There were no public records act requests for the BART Mobile Applications & Related Modifications to BART.gov.

Costs

Beyond the installation costs of \$1.76M for the Board approved project, the actual ongoing maintenance and operational expenses related to this Surveillance Technology are \$622,000 per year.

5. BART Automated License Plate Recognition (ALPR)

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The goal of installing Automated License Plate Recognition (ALPR) technology is to improve the safety and protection of BART patrons, employees and their vehicles while in BART owned and or operated parking areas and garages. The Use Policy and Impact Reports were drafted in early January 2019 and updated in October 2019. The Impact and Use Reports were produced as collaborative effort with key privacy groups such as Oakland Privacy and Secure Justice. The collaborative nature of this effort allowed for a transparent and robust policy that met all elements of BART's Surveillance Ordinance and California Civil Code Sections 1798.90.51 and 1798.90.53. Over a four-month period from January to April 2019 BART Police met with Privacy Groups to understand privacy concerns and put in place protective measures to prevent misuse of data aired by the ALPR. The ALPR project was approved by the BART Board of Directors for a pilot program on 25 April 2019 for a single installation at Macarthur Parking Garage. This location was chosen because of the high numbers of parking related crimes in the parking garage as well as having existing electronic and structural infrastructure that was already in place in the garage. Since the existing wiring and mounting infrastructure was in place at Macarthur Parking Garage, it made sense to install the cameras at this garage with the goal to see if it made a positive impact in reducing crime in the parking garage prior to making a larger capital investment for installing additional cameras.

Additionally, ALPR has been approved to assist with the efficient enforcement of parking program compliance through the automated enforcement of BART's parking rules. Using ALPR for parking enforcement improves compliance with parking rules, provides documentation support for complaint resolution, and can increase customer satisfaction by providing improved data on space availability. The proposed use of ALPR for parking enforcement has not yet been implemented.

Data Sharing

Following the BART ALPR project approval, the next steps included establishing and ensuring the security of the data collected by the BART Police ALPR system. The Board approved project transmits the data to a secure location at the Northern California Regional Intelligence Center (NCRIC) where physical access is limited to authorized individuals and involves significant physical access protections and digital firewalls.

A Memorandum of Understanding and Agreement (MOU) was signed between the BART Police Department and the NCRIC on October 23, 2019. It should be noted that while signatories of the MOU were between the two agencies, privacy groups such as Oakland Privacy and Secure Justice were also involved in the development of this document to ensure transparency and community collaboration to the greatest extent possible. The MOU development process took from May - September 2019. Key components of the MOU mandated that all ALPR data be secure and must have encryption requirements from the data source capture through transmission to the NCRIC data center for storage. The data would be stored in the NCRIC facilities in the Federal Building in San Francisco. NCRIC offices have 24/7 staffed security, multiple locked doors requiring both electronic keys and knowledge-based PINs. It also requires that only active NCRIC employees who possess a valid security clearance of SECRET or better are allowed physical access. Lastly NCRIC requires all activity is logged for audit and tracking purposes. Audits are available for an agency to view the actions of their officers.

The MOU specifically limits the retention of ALPR data collected from the BART ALPR cameras to 30-days, except where required by a subpoena, court order, or ongoing investigation. Additionally, the MOU specifically prohibits sharing of ALPR data collected from the BART owned cameras with federal immigration officials or immigration agencies either directly or indirectly. Authorized access to ALPR data in the NCRIC database is restricted to authorized public safety entities who possess a need to know and right to know the shared data except where explicitly denied by BART.

Computer Domains with NCRIC ALPR data access		
fremont.gov	unioncity.org	srpd.org
sanjoseca.gov	ncric.ca.gov	riversidesheriff.org
dalycity.org	placer.ca.gov	ci.el-cerrito.ca.us
ssf.net	wildlife.ca.gov	losbanos.org
sfgov.org	ACGOV.ORG	so.cccounty.us
sanleandro.org	countyofnapa.org	mendocinocounty.org
oaklandnet.com	sonoma-county.org	ci.berkeley.ca.us
fbi.gov	sunnyvale.ca.gov	danville.ca.gov
turlock.ca.us	santaclaraca.gov	pd.broadmoor.ca.us
doj.ca.gov	cityofconcord.org	ci.milpitas.ca.gov
cityofvallejo.net	cityofsanmateo.org	sebpd.com
smcgov.org	sanbruno.ca.gov	dmv.ca.gov
newark.org	hayward-ca.gov	belmont.gov
cityofberkeley.info	usdoj.gov	ociac.ca.gov
oaklandca.gov	nps.gov	burlingamepolice.org
chp.ca.gov	uspsdig.gov	yolo911.org
losaltosca.gov	state.gov	ci.healdsburg.ca.us
cityofpaloalto.org	ebparks.org	ic.fbi.gov
ci.irs.gov	colma.ca.gov	co.santa-cruz.ca.us
shf.sccgov.org	cityofvacaville.com	

Complaints

BART has not received any complaints with ALPR technology installed at Macarthur Parking Garage. BART regularly receives complaints from passengers who have been victimized by property crimes in the District’s parking lots. ALPR technology is one of the tools that they District may use to deter criminal activity in the parking lots.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the ALPR technology. A review of the NCRIC ALPR audit log revealed that the BART Police Crime Analyst has requested ALPR Data on twelve occasions from May 13-29, 2020. All twelve requests were for a specific police case number requesting information on stolen, wanted or suspect vehicles.

Crime Statistics

The ALPR cameras were installed in February 2020. Comparing the period of February through June for property crimes occurring in the Macarthur Parking Garage between 2019 and 2020, there were 9 incidents in 2019 and 7 incidents in 2020. There currently is insufficient data to establish a link between the deployment of ALPR technology and property crime rates at this location.

The COVID-19 pandemic also impacted ridership and parking in 2020, making a comparison between the time periods difficult. Additionally, the COVID-19 pandemic has impacted training and the BART Police Department has not yet had the opportunity to fully train employees on how to use the ALPR data generated by this project for investigative purposes.

BART crime statistics are updated monthly and made available at the following URL's;

<https://www.bart.gov/about/police/reports>

<https://www.crimemapping.com/map/agency/454>

Public Records Act Requests

BART has not received any public records requests for data collected by the ALPR system. One public records request was received in 2019 for information about which agencies BART shares ALPR data with.

Costs

The total cost for reinstalling the ALPR cameras at the Macarthur Parking Garage was \$2,050.00. Beyond the installation costs for the Board approved project, the ongoing per-unit maintenance and operational expenses are expected to be in-line with maintenance for the other CCTV technology in use by the District. There is no cost for the services provided by the MOU with the NCRIC. BART is working on developing a future procurement for additional ALPR cameras to be used for both law enforcement and parking enforcement purposes.

6. BART Research Data Collection

2020 Surveillance Annual Report

Surveillance Technology Use

Description:

BART conducts research for a variety of research and learning purposes, such as to:

- Provide market information and metrics to help inform District decisions related to strategic planning, budget priorities, station access policy, marketing strategy, and other areas.
- Gather insight into latent demand, usage of TNCs and other emerging travel modes, and understand impact on public transit usage.
- Understand effectiveness of marketing initiatives by analyzing riders' aggregate travel behavior changes over time.
- Identify reasons for change in ridership patterns.

Methodologies using electronic and/or mobile data collection may be used to facilitate the following:

- Faster and less expensive data collection by eliminating the need to manually enter survey results.
- Expanded research capabilities using real time and location-based mobile technologies.
- "In the moment" ratings of BART facilities to improve rating accuracy, and image data that helps explain the reasons for ratings.
- The use of research panels to detect changes in travel patterns over time.
- Analysis of Bay Area residents' travel behavior, e.g., trip purposes, travel modes, travel mode shifts, vehicle occupancies, changes in car ownership habits, as well as demographics (for both riders and non-riders) in soliciting respondent consent for BART research projects.

BART discloses the types of data that will be collected, the nature of potential uses of such data by BART and, as applicable, third party partners in research, and describe the mitigations taken to protect respondent privacy.

Data Sharing

BART research data is not shared with any third party unless such disclosure is required by law or court order, or if shared under an agreement that ensures that the requirements of the Surveillance Use Policy (SUP), approved by the Board in 2018, are met. For example, BART may transfer select data to consulting firms or governmental organizations to use for travel modeling or environmental impact assessment, provided that data handling and security requirements are met. In such cases, where data at the individual record level are required for analysis, the third party will be required to be under contract with BART or bound by a Non-Disclosure Agreement (NDA) with BART. Such contracts and NDAs require adherence to provisions of this SUP and associated Surveillance Impact Report.

The District shared data with the following Authorized BART Service Providers for purposes of statistical analysis, transit modeling and transit system capacity analysis:

Authorized BART Service Providers	
The Behavioralist	The Steer Group

Complaints

There were no complaints received for the Data Collection and Usage for Research and Learning surveillance technology.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the Data Collection and Usage for Research and Learning surveillance technology.

Crime Statistics

Not applicable. This solution is not a Crime Prevention tool.

Public Records Act Requests

There were no public records act requests for the Data Collection and Usage for Research and Learning surveillance technology.

Costs

The annual software license fee is approximately \$30,000.

7. BART Trip Verification Technology

2020 Surveillance Annual Report

Surveillance Technology Use

Description: The Trip Verification Software (TVS) was developed to be used by BART staff and authorized service providers to provide the transit-riding public with new features and benefits. Handheld Trip Verification Devices (TVDs) were designed to be used to scan Clipper cards to grant access to unique BART or partner incentives aimed at increasing transit ridership. The initial deployment of the technology was to be used to incentivize travelers to take public transit to the San Francisco International Airport (SFO); however, the pilot implementation was postponed due to COVID-19. BART, SFO and the other stakeholders involved are waiting for favorable market conditions to move forward with the pilot. When the pilot is deployed, travelers who use Clipper to ride public transit to SFO will be entitled to use a priority lane (queue jump) through Airport security for ticketed airline passengers at designated terminals, saving time at the airport.

Data Sharing

This is a pilot program between BART, the San Francisco International Airport (SFO), San Francisco County Transportation Authority (SFCTA), and SAMTRANS. In compliance with the Surveillance Use Policy, limited data is made available to the agencies listed above on a mobile handheld device in order to confirm eligibility for qualifying incentives by scanning fare media. No other disclosures have been made.

Complaints

None received.

Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the Trip Verification technology.

Crime Statistics

Not applicable. This solution is not a Crime Prevention tool.

Public Records Act Requests

There were no public records act requests for the Trip Verification technology.

Costs

Per the approved Surveillance Impact Report for Trip Verification Technology, the start-up development costs for the trip verification technology included the software development, hardware (android phones), device management and an initial marketing strategy for a total of \$40,000.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

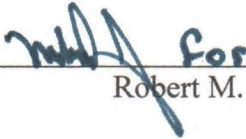
DATE: August 21, 2020

FROM: General Manager

SUBJECT: Quarterly Service Performance Review – Fourth Quarter FY 2020

Attached is the “Quarterly Service Performance Review – Fourth Quarter FY 2020” presentation that will be presented at the August 27, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.

 for

Robert M. Powers

cc: Board Appointed Officers
Executive Staff



Quarterly Service Performance Review 4th Quarter, FY20

April – June, 2020

**Engineering & Operations Committee
August 27, 2020**

PERFORMANCE INDICATORS	SUMMARY CHART 4th QUARTER FY 2020									
	CURRENT QUARTER				PRIOR QTR ACTUALS		YEAR TO DATE			
	ACTUAL	STANDARD	STATUS		LAST QUARTER	THIS QTR LAST YEAR	ACTUAL	STANDARD	STATUS	
Average Ridership - Weekday	32,071	404,963	NOT MET		314,816	413,362	288,271	404,825	NOT MET	
Customers on Time										
Peak	95.93%	94.00%	MET		92.69%	91.49%	92.20%	94.00%	NOT MET	
Daily	95.32%	94.00%	MET		93.96%	92.05%	93.14%	94.00%	NOT MET	
Trains on Time										
Peak	92.22%	N/A	N/A		86.83%	85.75%	86.75%	N/A	N/A	
Daily	91.94%	91.00%	MET		89.01%	87.72%	88.71%	91.0%	NOT MET	
Peak Period Transbay Car Throughput										
AM Peak	98.79%	97.50%	MET		96.07%	97.27%	97.20%	97.50%	NOT MET	
PM Peak	98.43%	97.50%	MET		95.66%	98.29%	96.42%	97.50%	NOT MET	
Car Availability at 4 AM (0400)	541	472	MET		667	644	617	591	MET	
Mean Time Between Service Delays	5,556	4,650	MET		5,477	5,138	4,844	4,650	MET	
Elevators in Service										
Station	98.93%	98.00%	MET		99.00%	98.60%	98.81%	98.00%	MET	
Garage	99.60%	97.00%	MET		97.80%	97.67%	97.83%	97.00%	MET	
Escalators in Service										
Street	97.27%	93.00%	MET		93.87%	94.43%	94.68%	93.00%	MET	
Platform	96.03%	96.00%	MET		96.57%	96.93%	96.59%	96.00%	MET	
Automatic Fare Collection										
Gates	99.52%	99.00%	MET		99.40%	99.38%	99.39%	99.00%	MET	
Vendors	96.56%	95.00%	MET		99.00%	98.72%	98.34%	95.00%	MET	
Wayside Train Control System	1.28	1.00	NOT MET		0.93	1.73	1.23	1.00	NOT MET	
Computer Control System	0.17	0.08	NOT MET		0.117	0.163	0.104	0.08	NOT MET	
Traction Power	0.02	0.20	MET		0.36	0.23	0.20	0.20	MET	
Track	0.01	0.30	MET		0.18	0.23	0.08	0.30	MET	
Transportation	0.30	0.50	MET		0.52	0.58	0.46	0.50	MET	
Environment Outside Stations	N/A	N/A	N/A		67.0%	65.4%	65.3%	66.0%	NOT MET	
Environment Inside Stations	N/A	N/A	N/A		65.8%	64.2%	63.2%	64.0%	NOT MET	
Station Vandalism	N/A	N/A	N/A		71.8%	72.4%	70.4%	73.0%	NOT MET	
Train Interior Cleanliness	N/A	N/A	N/A		66.7%	23.4%	66.3%	70.0%	NOT MET	
Train Temperature	N/A	N/A	N/A		84.3%	19.4%	81.0%	82.0%	NOT MET	
Customer Service	N/A	N/A	N/A		75.9%	74.5%	74.7%	75.0%	NOT MET	
Homelessness	N/A	N/A	N/A		23.2%	69.6%	24.5%	N/A	N/A	
Fare Evasion	N/A	N/A	N/A		19.9%	81.2%	20.5%	N/A	N/A	
Customer Complaints										
Complaints per 100,000 Passenger Trips	40.53	5.07	NOT MET		12.26	13.14	19.45	5.07	NOT MET	
Safety										
Station Incidents/Million Patrons	4.13	2.00	NOT MET		0.85	1.16	1.80	2.00	MET	
Vehicle Incidents/Million Patrons	0.41	0.60	MET		0.31	0.46	0.37	0.60	MET	
Lost Time Injuries/Illnesses/Per OSHA	3.96	6.50	MET		3.85	7.25	6.06	6.50	MET	
OSHA-Recordable Injuries/Illnesses/Per OSHA	7.19	12.00	MET		9.69	11.07	11.50	12.00	MET	
Unscheduled Door Openings/Million Car Miles	0.080	0.200	MET		0.160	0.200	0.160	0.200	MET	
Rule Violations Summary/Million Car Miles	0.170	0.250	MET		0.260	0.300	0.183	0.250	MET	
Police										
BART Police Presence	N/A	N/A	N/A		12.6%	12.5%	11.3%	12.0%	NOT MET	
Quality of Life per million riders	446.29	N/A	N/A		73.62	77.02	163.74	N/A	N/A	
Crimes Against Persons per million riders	31.85	2.00	NOT MET		4.82	4.03	11.26	2.00	NOT MET	
Auto Burglaries per 1,000 parking spaces	1.67	6.00	MET		4.85	4.90	4.93	6.00	MET	
Auto Thefts per 1,000 parking spaces	0.49	2.25	MET		1.02	1.30	1.11	2.25	MET	
Police Response Time per Emergency Incident (Minutes)	3.73	5.00	MET		3.58	4.94	4.43	5.00	MET	
Bike Thefts (Quarterly Total and YTD Quarterly Average)	7	100.00	MET		42	76	57	100.00	MET	

LEGEND: Goal met Goal not met but within 5% Goal not met by more than 5%

FY20 Four Quarter Overview



- **Average Weekday Ridership** **decreased** due to the pandemic; Total ridership 92.0% lower; Average peak ridership 93.5% lower; weekends 90.5% lower
- **Train on time performance** **increased** to 91.94%, and was above goal for each month
- **ROW Equipment Reliability:** Rail Cars, Traction Power, and Track **met goal**. Computer Systems and Wayside Train Control **did not meet goal**
- **Station Equipment Availability:** All elements **met goal**. Elevators (Station), Elevators (Garage), Escalators (Platform), Escalators (Street) Ticket Machines and Fare Gates.
- **Passenger Environment:** **Field survey data was not collected this quarter due to the pandemic.** *No score is presented for Environment Inside Stations, Customer Service, Train Temperature, Police Presence, Homeless, Vandalism, Grounds, Train Cleanliness, and Fare Evasion.*
- **Total rate of Customer Complaints** **increased** to 40.5 per 100,000 trips; influenced by the reduction in ridership and numerous schedule changes this quarter

eBART Service Report



eBART SERVICE REPORT FOR 4TH QUARTER FY20										
PERFORMANCE INDICATORS	CURRENT QUARTER			PRIOR QTR ACTUALS		FY20 YEAR TO DATE				
	ACTUAL	STANDARD	STATUS	LAST QUARTER	THIS QTR LAST YEAR	ACTUAL	STANDARD	STATUS		
Ridership										
Average Ridership - Weekday	1,327	6,530	NOT MET		6,650	8,117	6,120	6,530	NOT MET	
Average Ridership - Weekend	424	n/a	n/a		1,662	2,184	1,592	n/a	n/a	
Service Delivery										
On-Time Performance	96.91%	95.00%	MET		95.84%	93.61%	94.57%	95.00%	NOT MET	
Transfers to BART										
On-Time Connections	99.27%	98.50%	MET		98.50%	98.55%	98.44%	98.50%	NOT MET	
Equipment										
Train Mean Distance Between Failures (miles)	21,118	14,000	MET		35,346	12,118	18,673	14,000	MET	
Station Elevator Availability	99.84%	98.50%	MET		98.92%	99.22%	99.50%	98.50%	MET	
Station Escalator Availability	96.29%	96.00%	MET		98.73%	99.60%	98.60%	96.00%	MET	
Customer Feedback										
Complaints/Hundred Thousand Patrons	2.08	7.00	MET		1.51	9.87	3.34	7.00	MET	
Safety										
Passenger Incidents	0.00	0.00	MET		0.00	0.00	0.00	0.00	MET	
Workplace Injuries	0.00	0.00	MET		1.00	0.00	2.00	0.00	NOT MET	

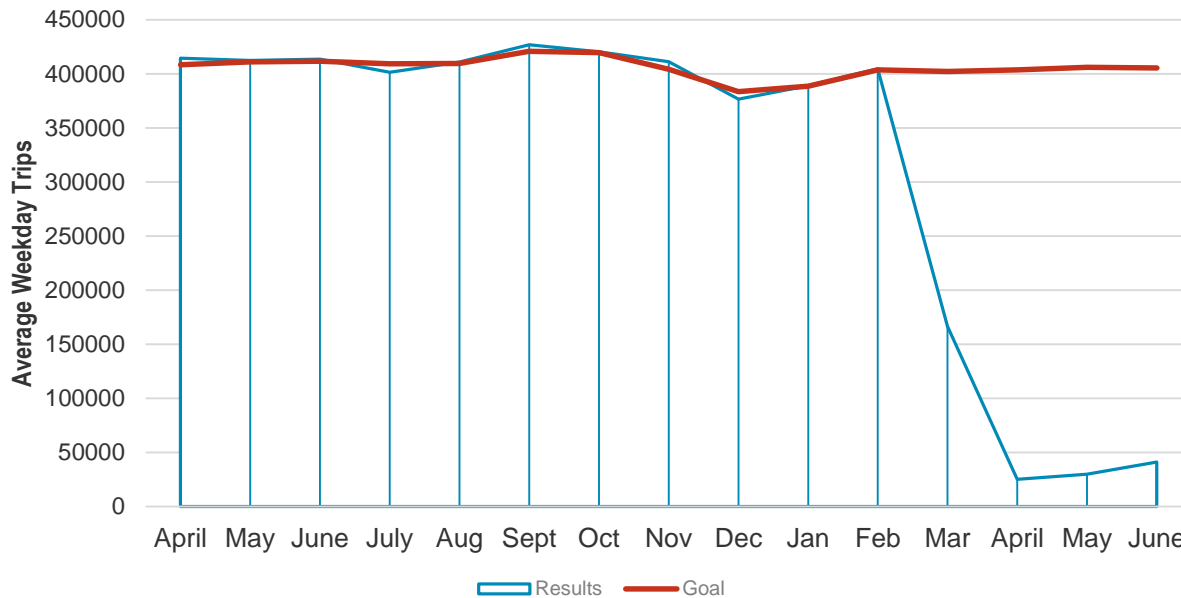
LEGEND:

Goal Met

Goal Unmet by <= 5%

Goal Unmet by > 5%

Customer Ridership - Weekday Trips

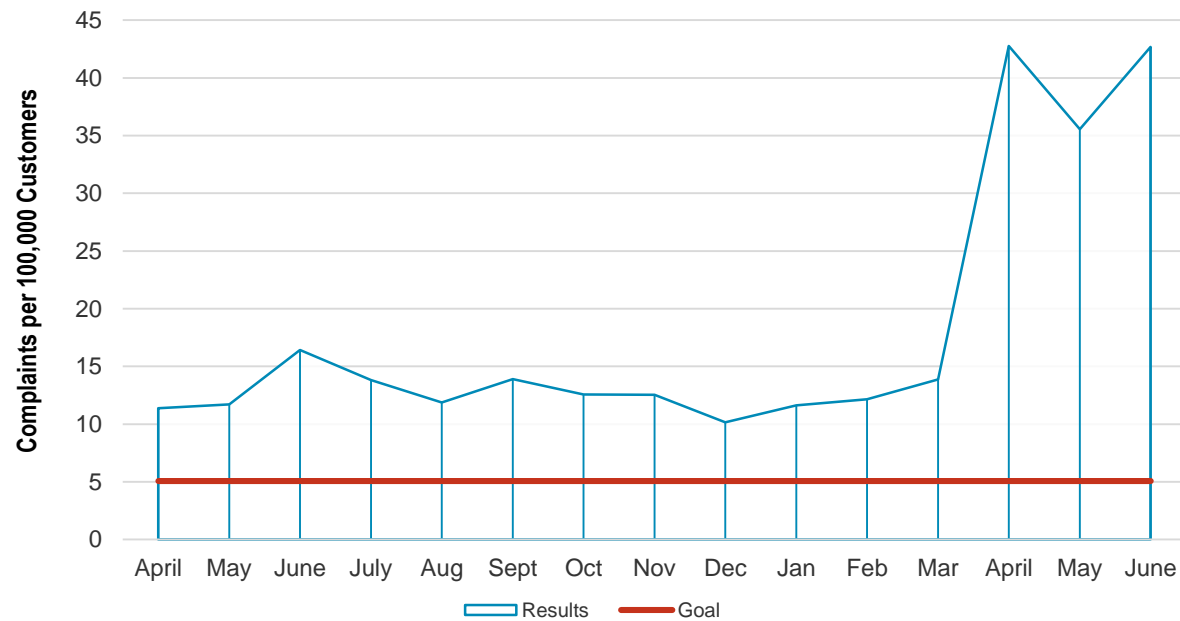


Goal:	404,963
Actual:	32,071
Met:	No

Driven by continued Covid19 orders, this quarter compared to same quarter last year

- Total ridership decreased by 92.0%
- Average weekday ridership down by 92.2%
- SFO Extension weekday ridership down by 94.1%
- Average peak ridership down by 93.5%
- Saturday and Sunday both down by 90.5%

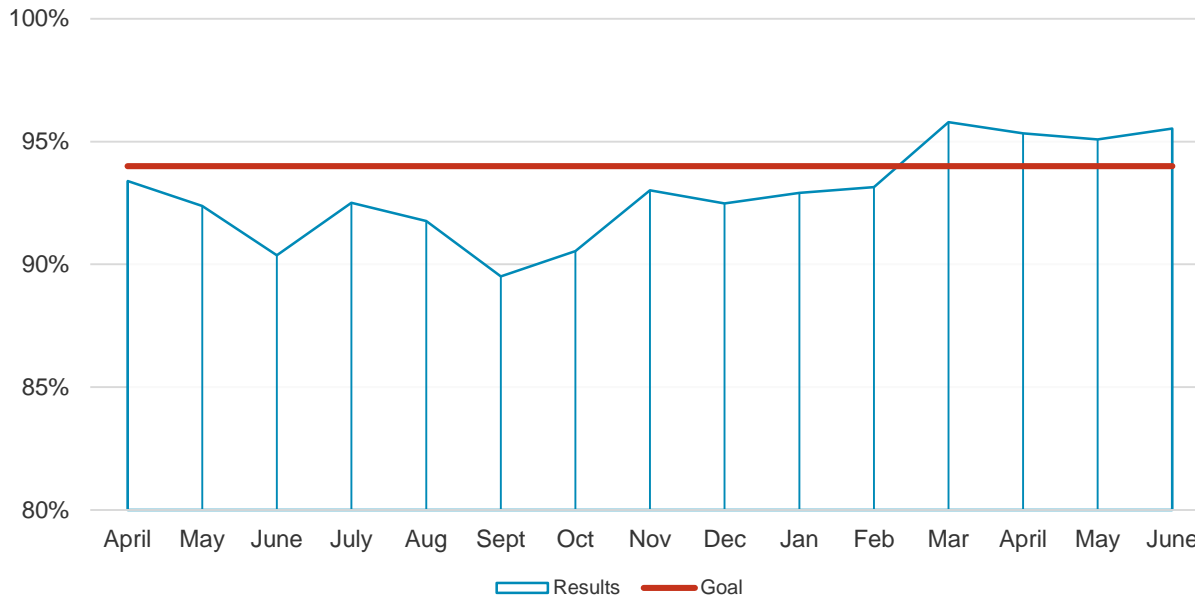
Customer Complaints



Goal:	5.07
Actual:	40.5
Met:	No

- Complaints/100K riders:** increased 64.2% from the third quarter and 75.5% from same quarter last year, 4th quarter. Quarter over quarter data not meaningful
- Areas with the greatest number of complaints:** Police Services, Service, Train Cleanliness, Personnel, Quality of Life

On-Time Service - Customer

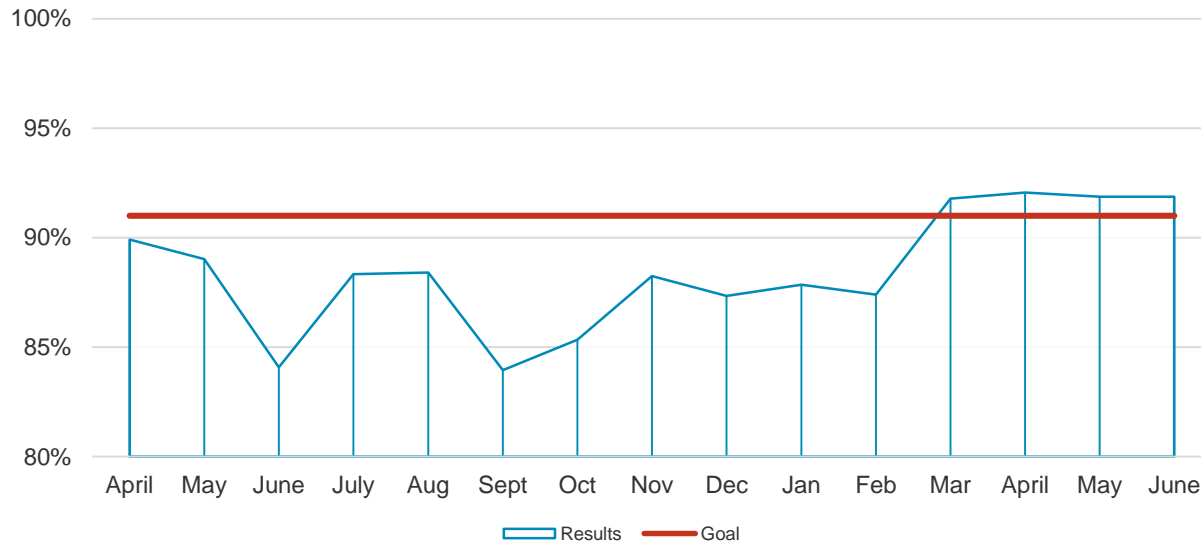


Goal:	94.00%
Actual:	95.32%
Met:	Yes

Delay Source	% of Trains
TRAIN CONTROL	48.2%
POLICE ACTIONS	35.7%
VEHICLE	25.3%
VANDALISM	12.3%
TRANSPORTATION	11.2%
MISC OTHER	8.1%
PERSON ON TRACKWAY	7.8%
COMP. CTRL (ICS/SORS/NET)	6.4%
CONGESTION	6.2%
CIVIL PROTEST	5.9%

- 1.44% improvement over last quarter and 3.55% improvement over last year the same quarter
- Reduced ridership has led to significant decrease in train delays attributable to rider related issue (BPD and Medical calls). Increased headways allow for recovery when there are delays.

On-Time Service - Train

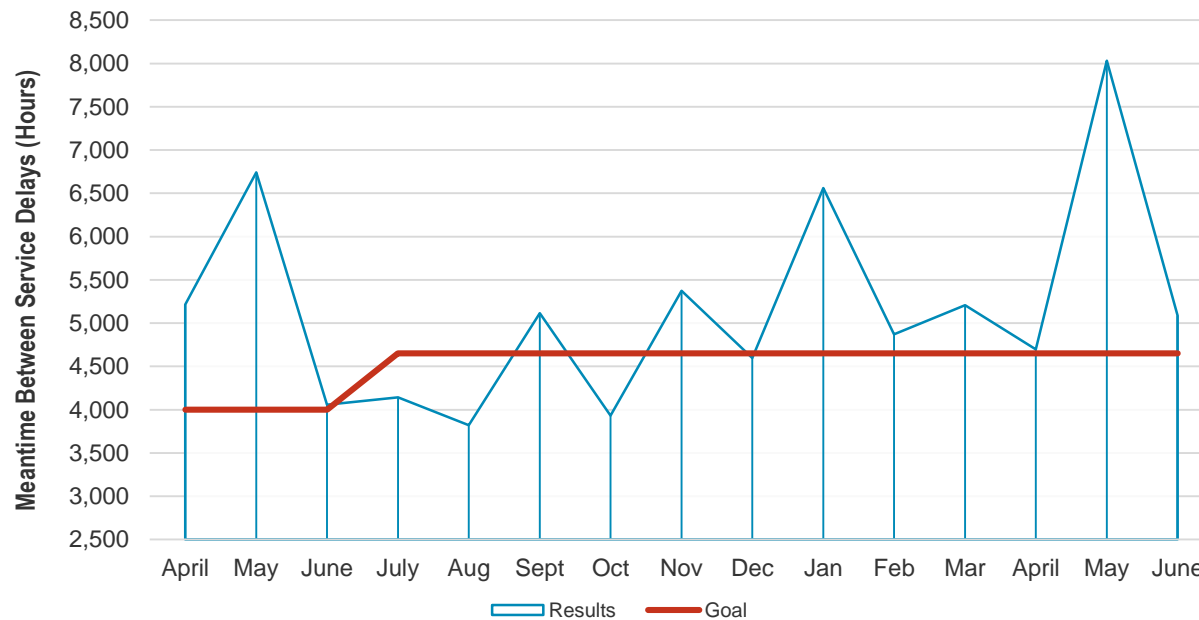


Goal:	91.00%
Actual:	91.94%
Met:	Yes

#	Date	Location	Description	Time	Cause	Trains
1	04/07/20	H.Yd. I-k SLd	False Occupancy(Manual Operation Req.)	0500-1848	Equip	56
2	05/03/20	Pleasant Hill	MUX	0832-2016	Equip	33
3	05/31/20	Bay Fair	Station Closed(Looters at Bayfair Mall)	1718-2200	People	32
4	05/17/20	Fruitvale	Weather (Cyclone Blow Fence Down onto Right of Way)	0750-2036	Environment	29
5	04/04/20	Laf. I-Lock	Zero Speed Code	0946-1426	Equip	26
6	05/22/20	Pleasant Hill	False Occupancy (Bad Eprom on DBO Board)(Crank Installed/Inspection)	0734-1428	Equip	24
7	05/31/20	12th Street	Civil Protest (Station Closed)	1750-2200	People	24
8	04/03/20	E.C.D. Norte	Train Struck A Person On Trackway	1238-1434	People	21
9	04/07/20	Civic Center	ATO(FOTF Post Breakin)(Unable To Move ATO)	0607-0819	Vehicle	20
10	05/19/20	N.C. I-Lock	False Occupancy (Power Amp Board Replaced)	1522-1948	Equip	16

Car Equipment – Reliability

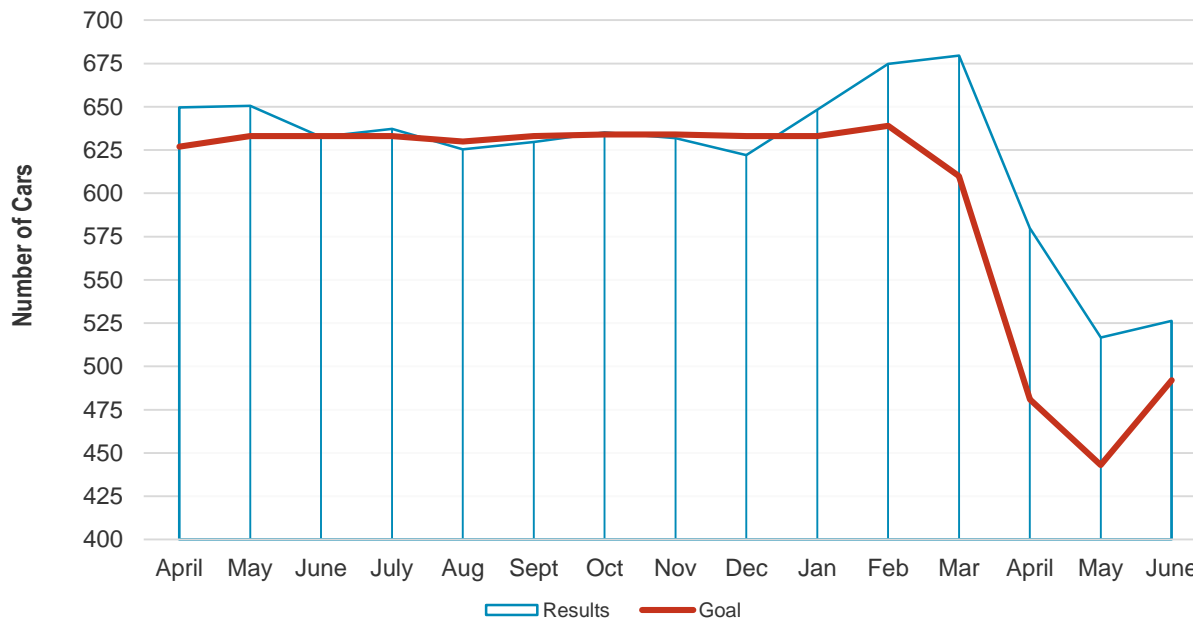
Meantime Between Service Delays



Goal:	4,650 Hours
Actual:	5,556 Hours
Met:	Yes

- 1.44% improvement over last quarter and 8.14% improvement over last year the same quarter
- Overall Mean Time Between System Delays – 5556 hours (Legacy Fleet MTBSD 6865, FOTF MTBSD 3090)

Car Equipment – 4:00AM Availability

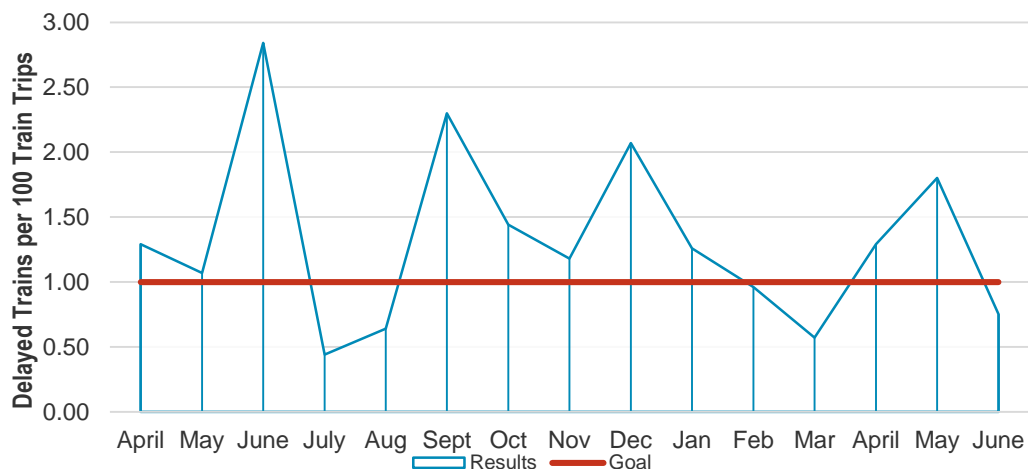


Goal:	472
Actual:	541
Met:	Yes

- Goal changed this quarter: lower with service reductions due to COVID; higher due to opening of Berryessa service
- As a cost saving measure RS&S has parked labor intensive cars above current requirement into 2 fleets:
 - **Contingency Fleet** – Serviceable cars that may be needed to fill in for increased service requirements or should fleet defects arise with FOTF trains.
 - **Inactive Fleet** – Cars with poor reliability and heavy maintenance burden will be first retired.

Wayside Train Control System

Delayed Trains per 100 Train Trips

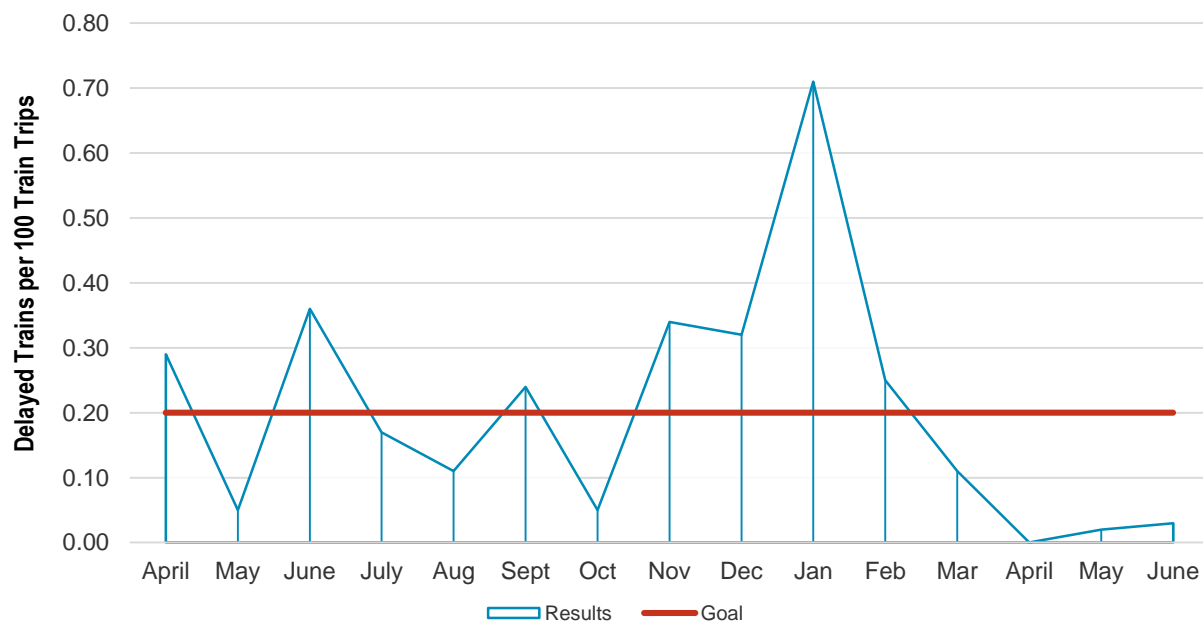


Goal:	1.00
Actual:	1.28
Met:	No

- Up by 0.4 from previous quarter. Down by 0.43 from same quarter in the previous year.
- April 7 – False Occupancy at Hayward – Replaced bad Time Recovery and Data Back card. (MUX synchronization card)
- May 3 – Mux failure at Pleasant Hill – Replaced bad Central Processing Unit and Double Break Output boards.
- April 4 – Zero Speed Codes Lafayette – Replaced bad Speed Code Generation card. (Generates correct speed codes)
- Capital projects progressing (Aspect Signal Lights Complete, NSMUX, Tx Loops / Receiver Coils Replacement, MUX Cable Replacement Project)

Traction Power

Delayed Trains per 100 Train Trips

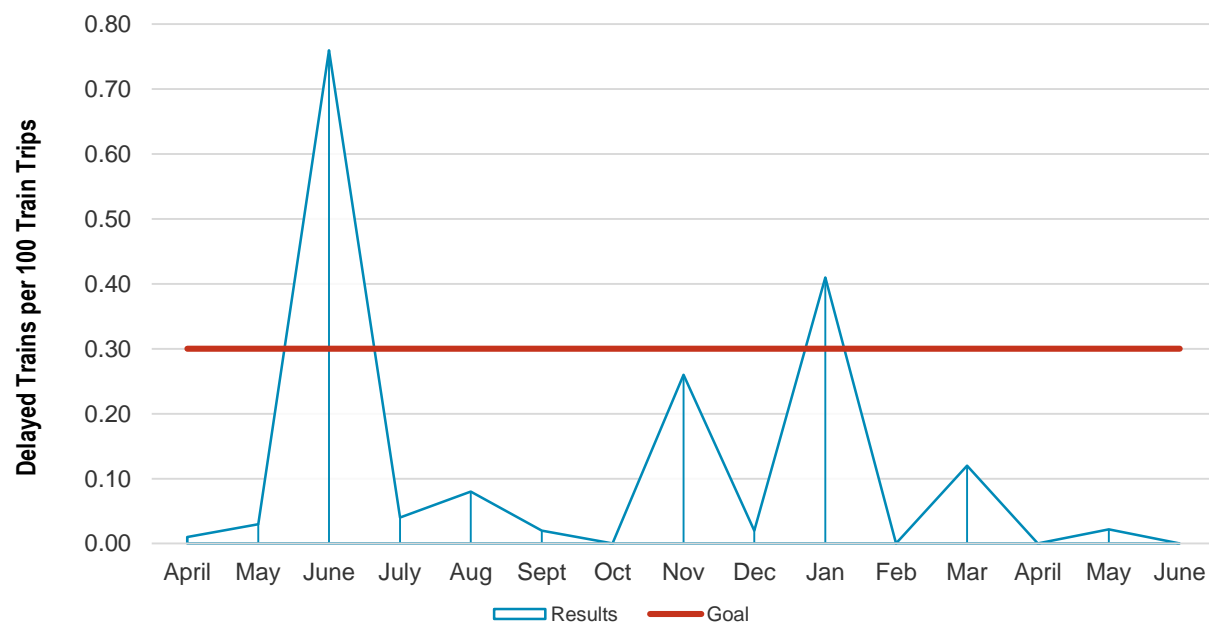


Goal:	0.20
Actual:	0.02
Met:	Yes

- Completed New 34.5kv Cable install downtown Oakland restoring normal configuration with redundancy.
- RR Funded Project are progressing (3rd Rail Replacement, Rectifier Rehab and Multi Protective Relay in Substations Upgrade).

Track

Delayed Trains per 100 Train Trips

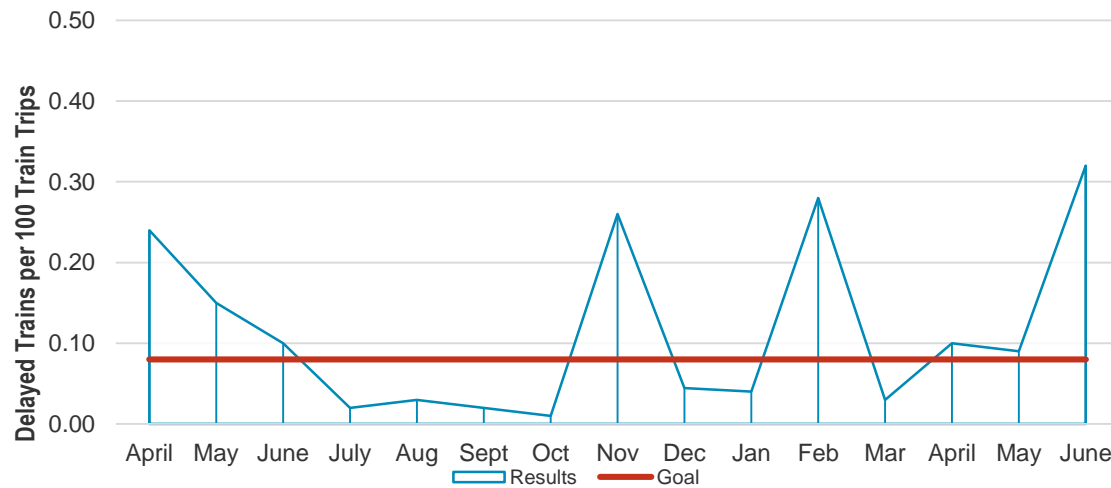


Goal:	0.30
Actual:	0.01
Met:	Yes

- 4th Quarter replaced 3.18 Miles of Mainline Rail. FY20 Rail Total stands at 13.16 Miles.
- 4th Quarter replaced 8820 Direct Fixation Pads. FY20 Total DF Pad count is 23,746 Pads.

Computer Control System

Delayed Trains per 100 Train Trips

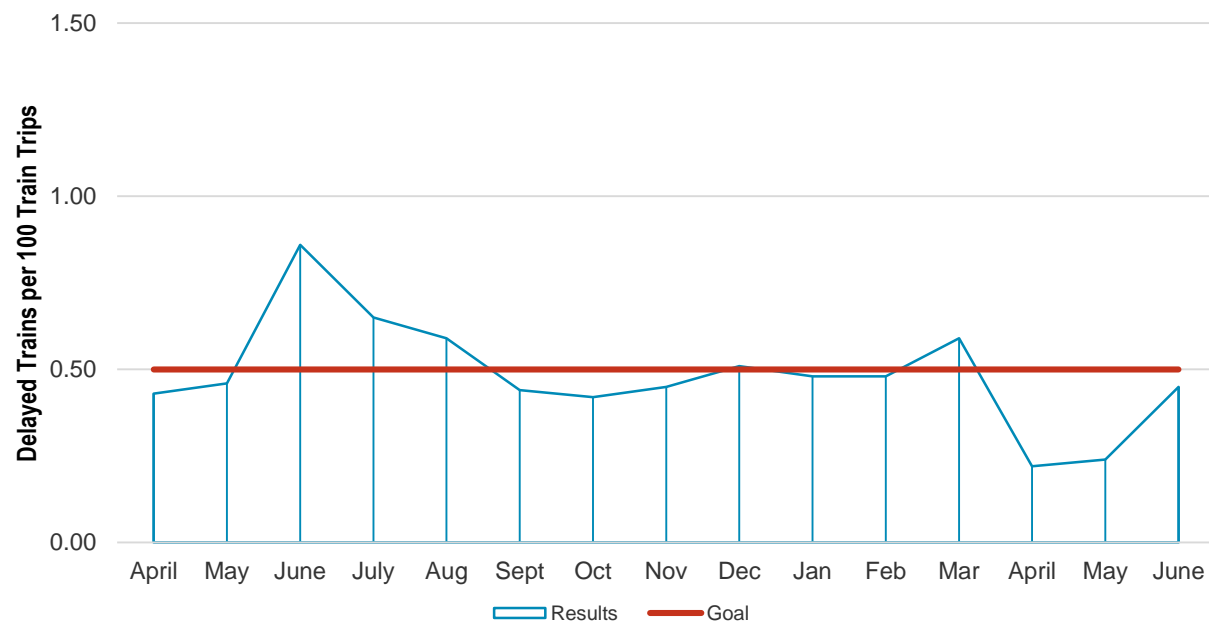


Goal:	0.08
Actual:	0.17
Met:	No

- June 23, 2020 – Net.com power supply failed during Daly City Train Control room Power reset. Replaced power supply to resolve issue.

Transportation

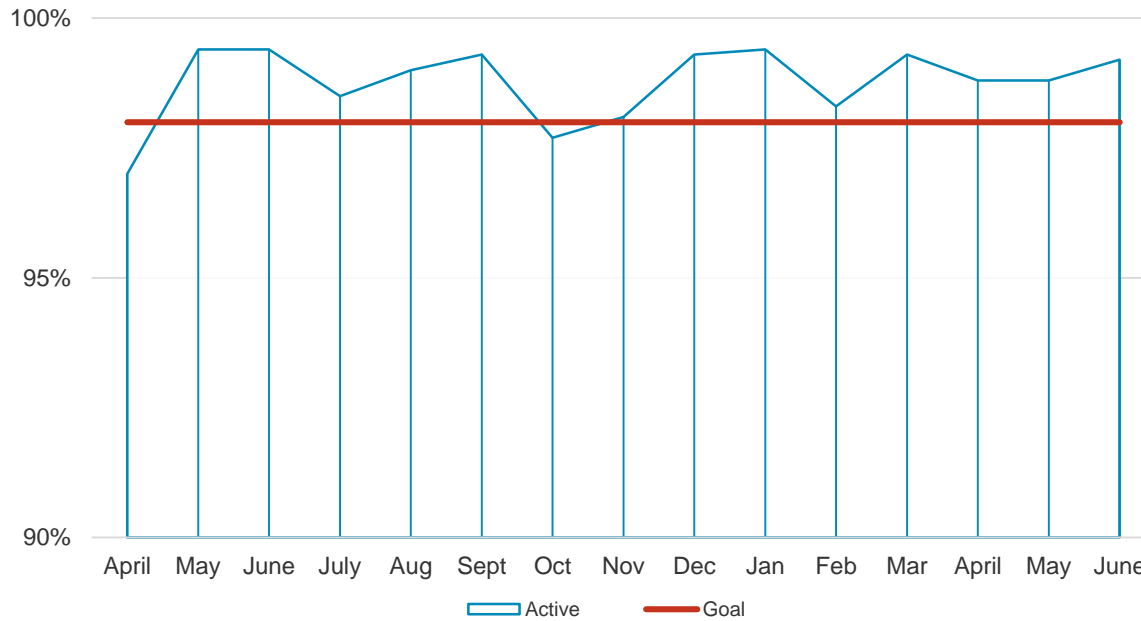
Delayed Trains per 100 Train Trips



Goal:	0.50
Actual:	0.30
Met:	Yes

- Decrease in operational errors resulting in train delays – 63% reduction from last quarter
- No late dispatches this quarter
- Modified schedule allows for more efficient recovery time of delayed trains at merge/diverge points and transfer stations

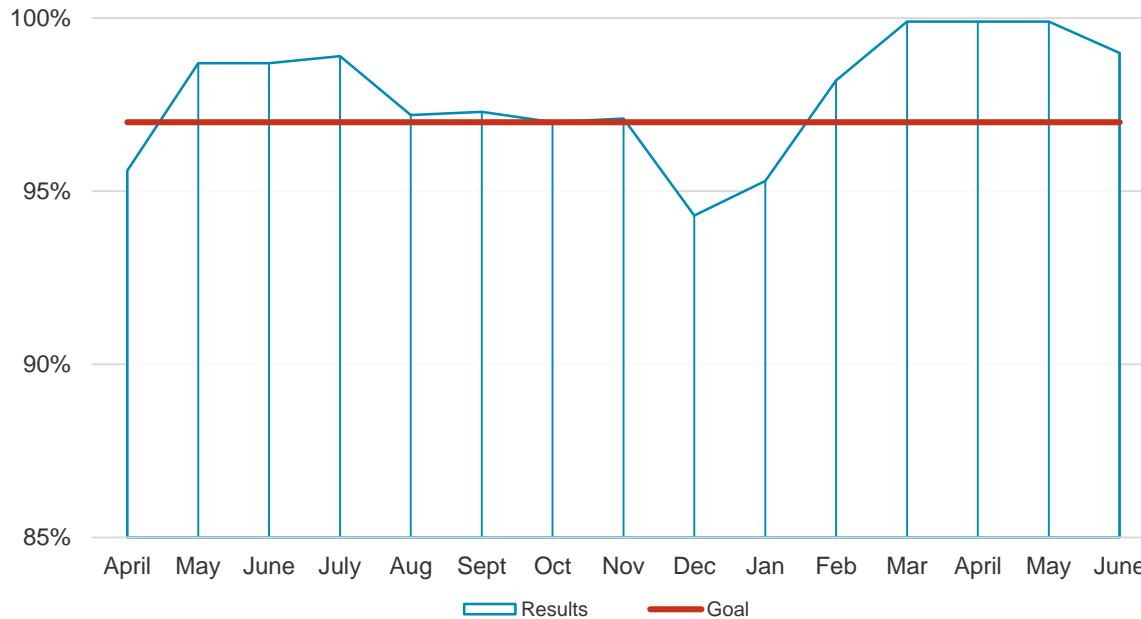
Elevator Availability - Stations



Goal:	98.00%
Actual:	98.93%
Met:	Yes

- Major Outages:**
 - 24 St. Station planned motor replacement, out of service 278 hours
 - Powell St Station planned motor replacement, out of service 256 hours
 - MacArthur Station hydraulic valve replacement, out of service 188 hours

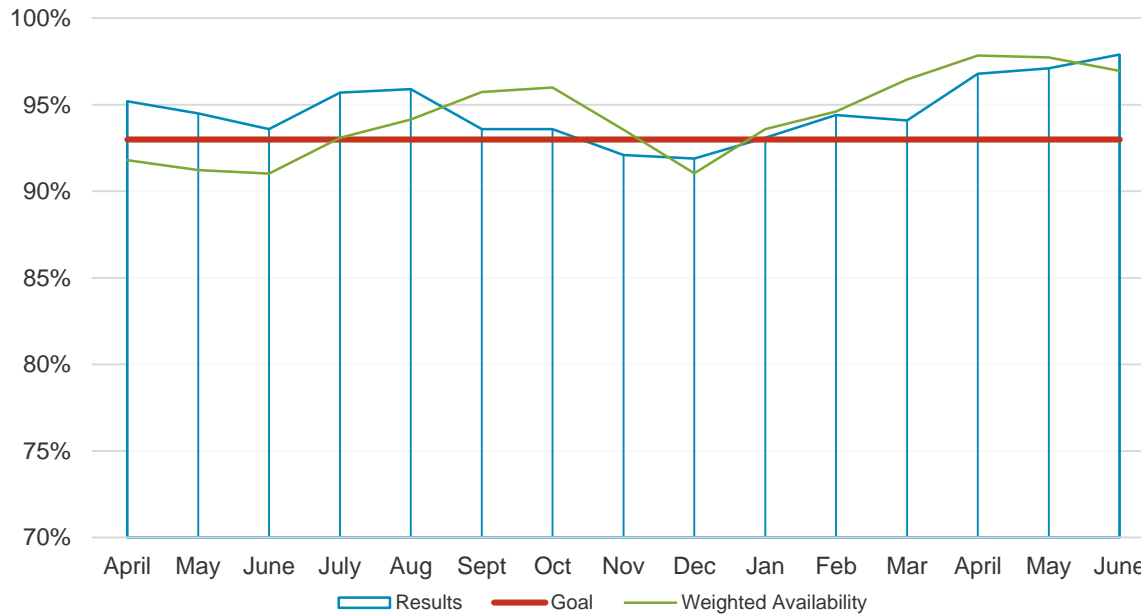
Elevator Availability - Garage



Goal:	97.00%
Actual:	99.60%
Met:	Yes

- Parking structure elevators, where ADA parking is on first floor of structure, disabled on May 14 to reduce maintenance costs.

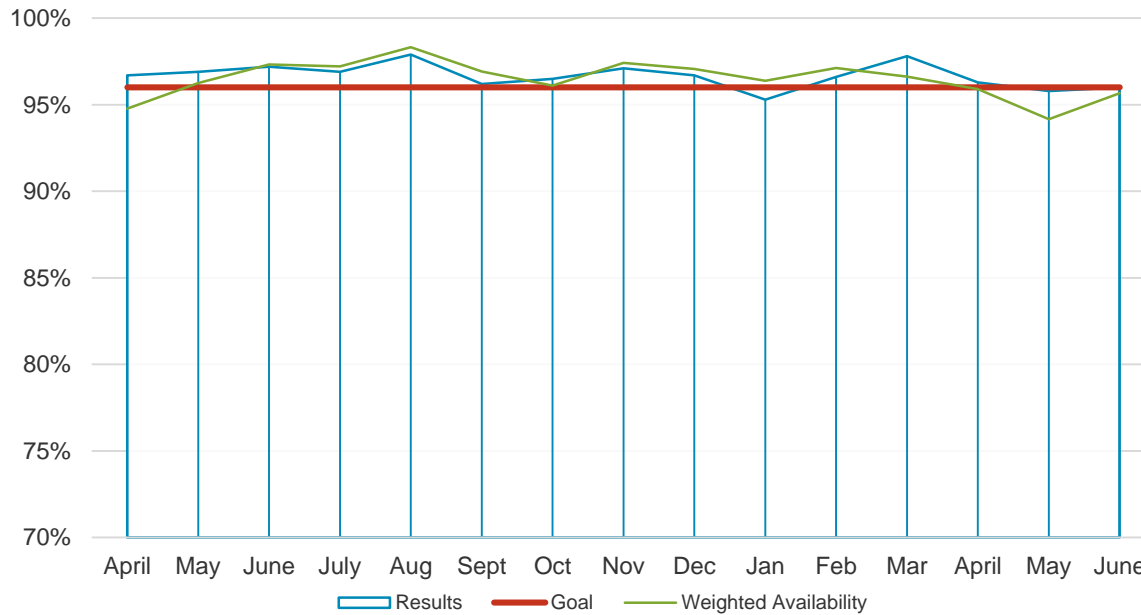
Escalator Availability - Street



Goal:	93.00%
Actual:	97.27%
Met:	Yes

- Major Outage:
 - 12th Street station planned step chain replacement, 237 hours out of service

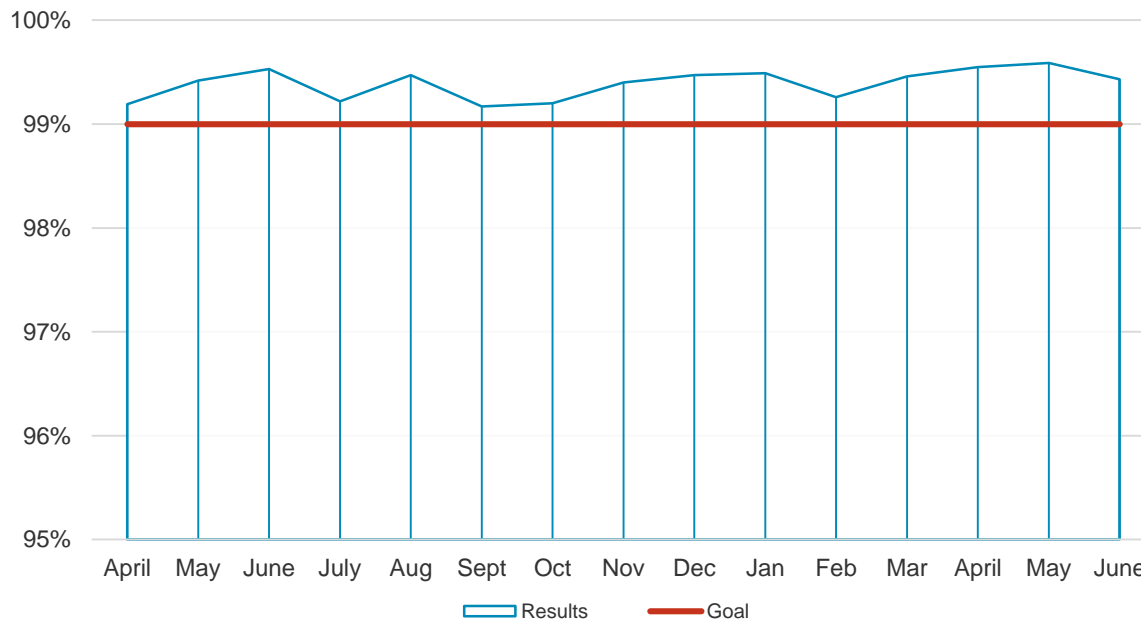
Escalator Availability - Platform



Goal:	96.00%
Actual:	96.03%
Met:	Yes

- Major Outages:
 - Richmond Station bull gear rebuild, out of service 1,163 hours
 - Hayward Station handrails replacement, out of service 513 hours
 - Union City Station handrails replacement, out of service 470

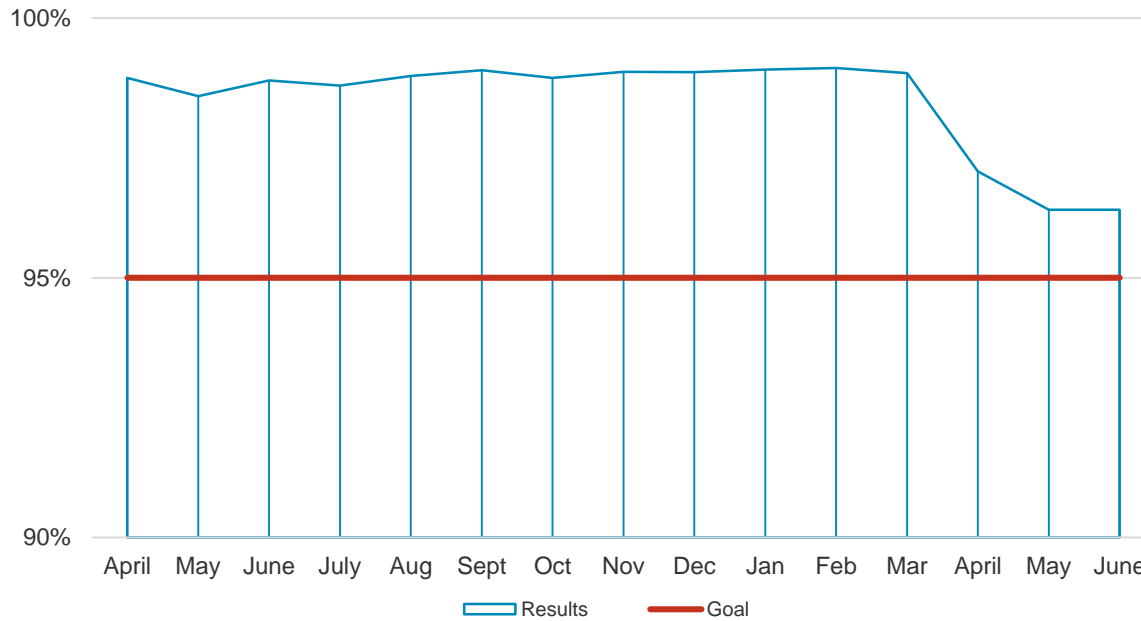
AFC Gate Availability



Goal:	99.00%
Actual:	99.52%
Met:	Yes

- Richmond Pneumatic Swing Gate performing great despite repeated vandalism attempts.

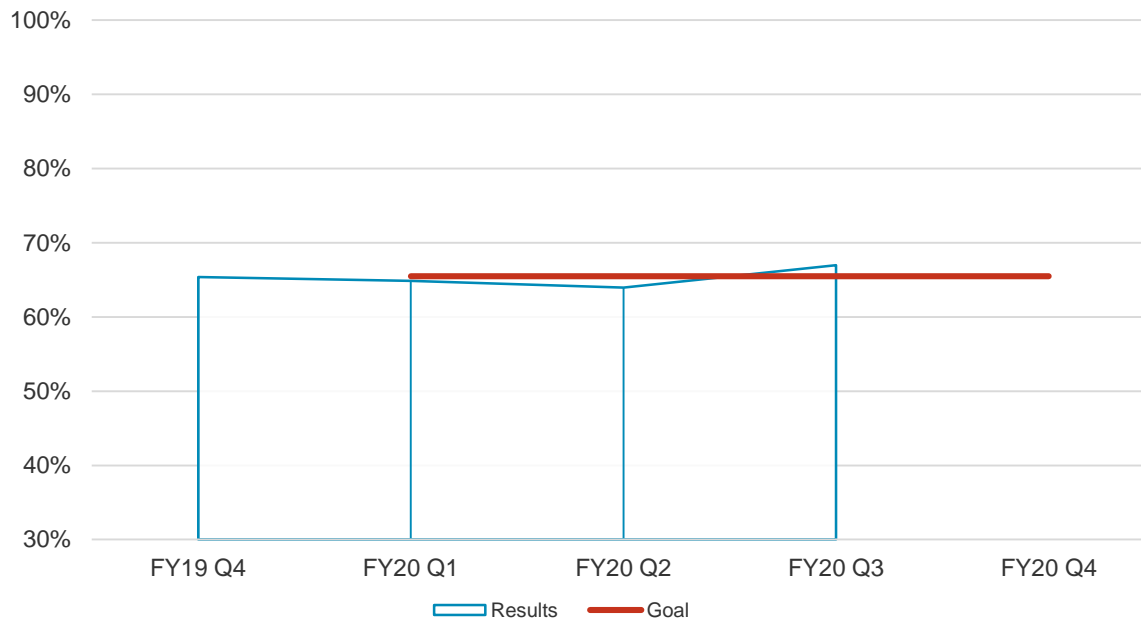
AFC Vendor Availability



Goal:	95.00%
Actual:	96.56%
Met:	Yes

- Clipper ONLY stations conversions ahead of schedule. Expect to complete by January 1, 2021.

Environment – Outside Stations



Goal:	66.0%
Actual:	N/A
Met:	N/A

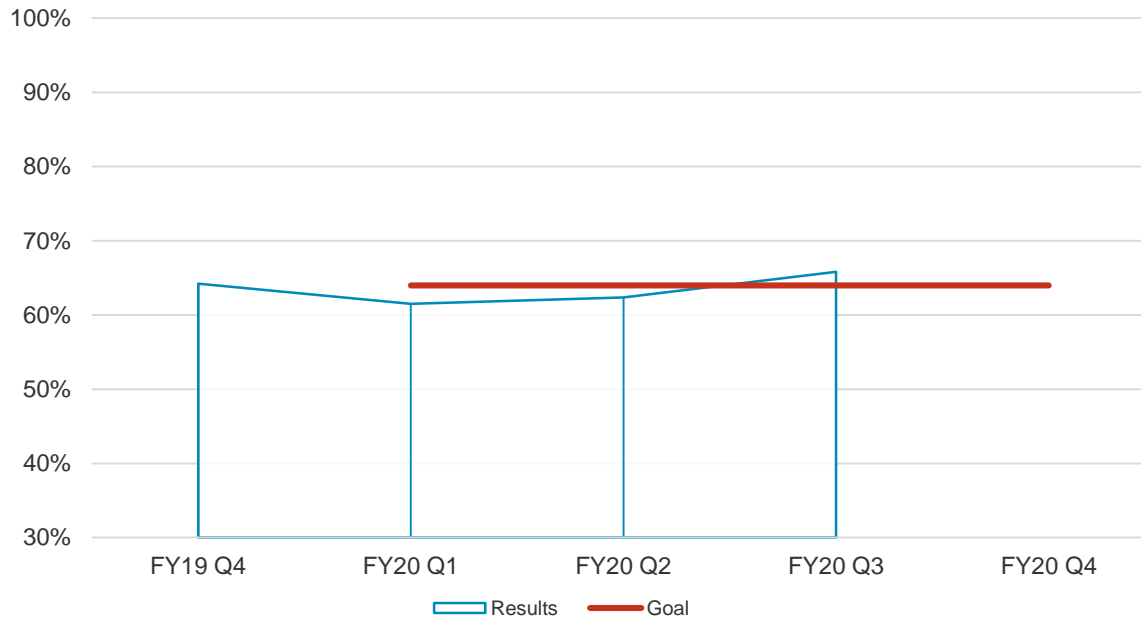
Composite Rating Based on Appearance of:

- **Landscaping Walkways, & Entry Plaza: N/A** (Weighted 67%)
- **Parking Lot Cleanliness: N/A** (Weighted 33%)

↑ indicates a statistically significant increase from prior quarter

- **Field survey data was not collected this quarter due to COVID 19.**

Environment – Inside Stations



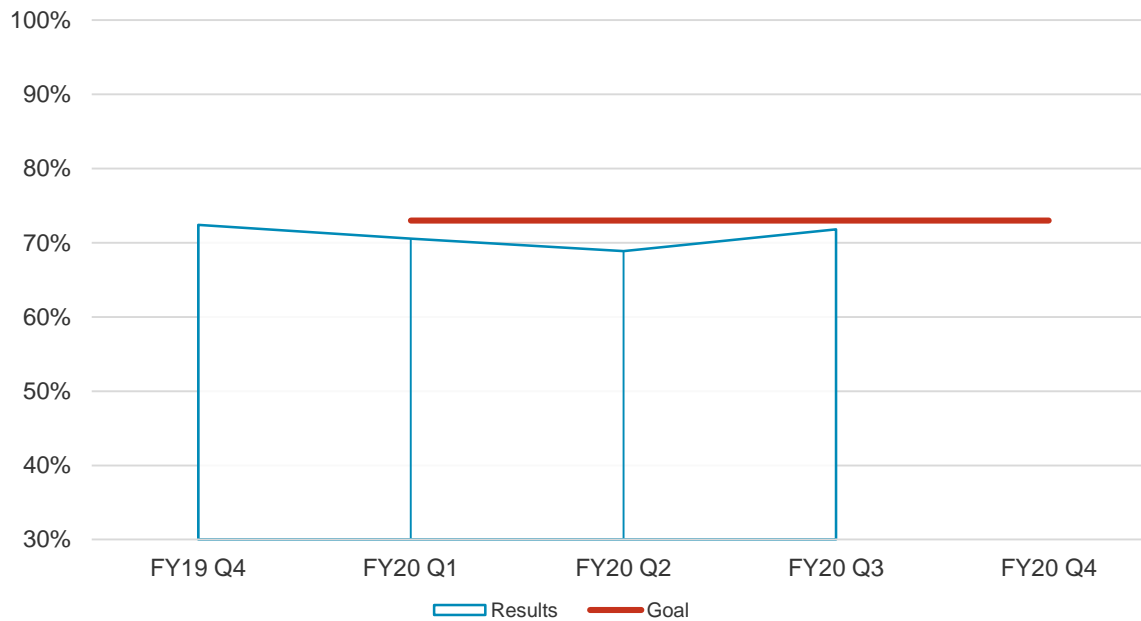
Goal:	64.0%
Actual:	N/A
Met:	N/A

- Composite Rating Based on Appearance of :
- Platform: N/A (Weighted 40%)
 - Concourse: N/A (Weighted 25%)
 - Escalator: N/A (Weighted 10%)
 - Stairwells: N/A (Weighted 7.5%)
 - Elevator: N/A (Weighted 10%)
 - Restroom: N/A (Weighted 7.5%)

↑ indicates a statistically significant increase from prior quarter

- Field survey data was not collected this quarter due to COVID 19.

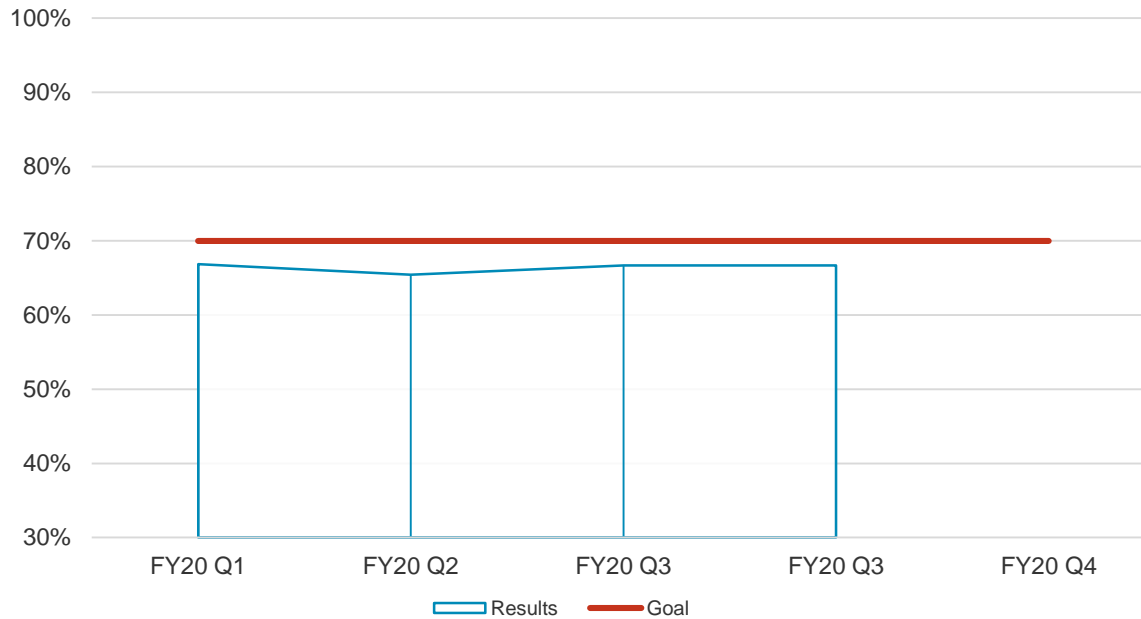
Station Vandalism



Goal:	73.0%
Actual:	N/A
Met:	N/A

- Field survey data was not collected this quarter due to COVID 19.

Train Interior Cleanliness



Goal:	70.0%
Actual:	N/A
Met:	N/A

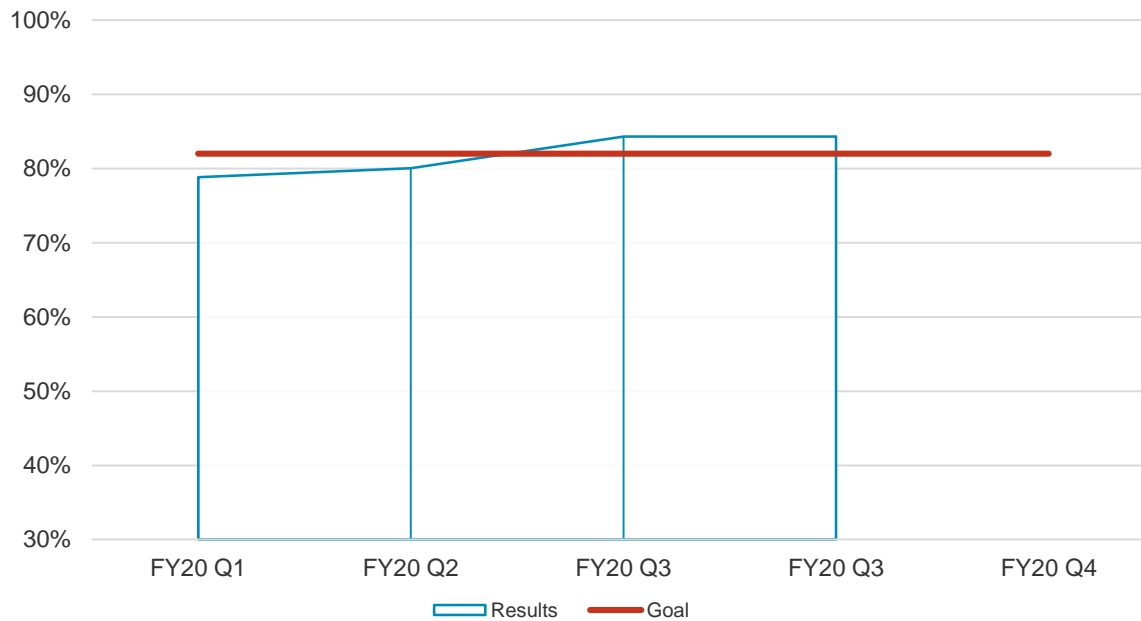
Composite Rating Based on Train Interior:

- **Cleanliness: N/A** (Weighted 60%)
- **Kept Free of Graffiti: N/A** (Weighted 40%)

↑ indicates a statistically significant increase from prior quarter

- **Field survey data was not collected this quarter due to COVID 19.**
- Nightly disinfection of Revenue Vehicles taking place at all home yards and terminal zones.
- 90-day thorough cleaning falling behind due to COVID related activities.

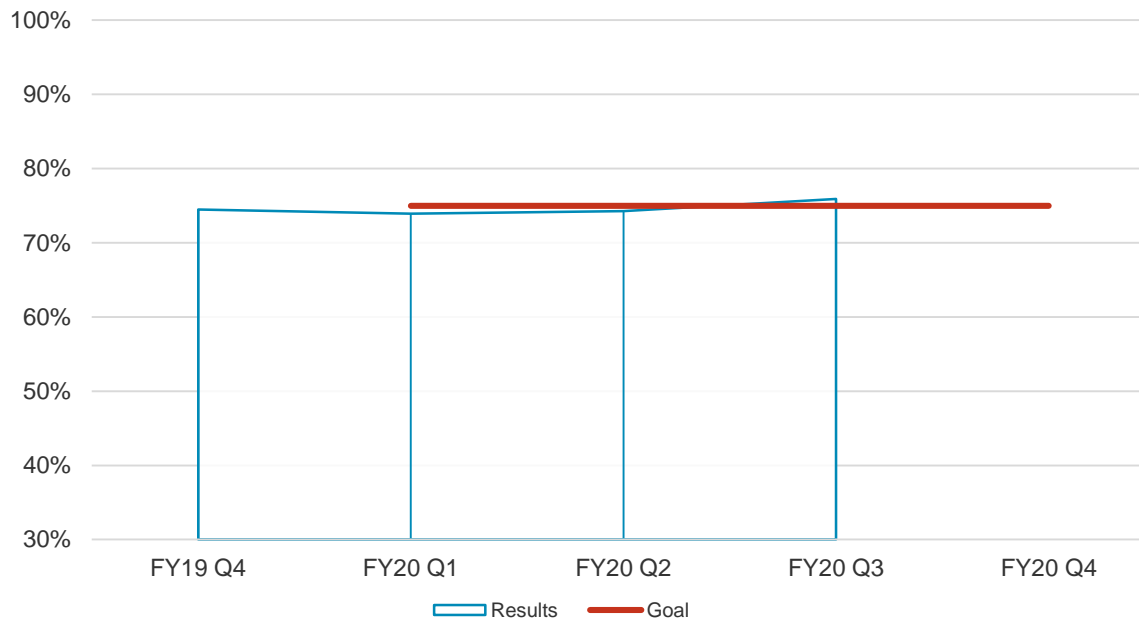
Train Temperature



Goal:	82.0%
Actual:	N/A
Met:	N/A

- Field survey data was not collected this quarter due to COVID 19.

Customer Service

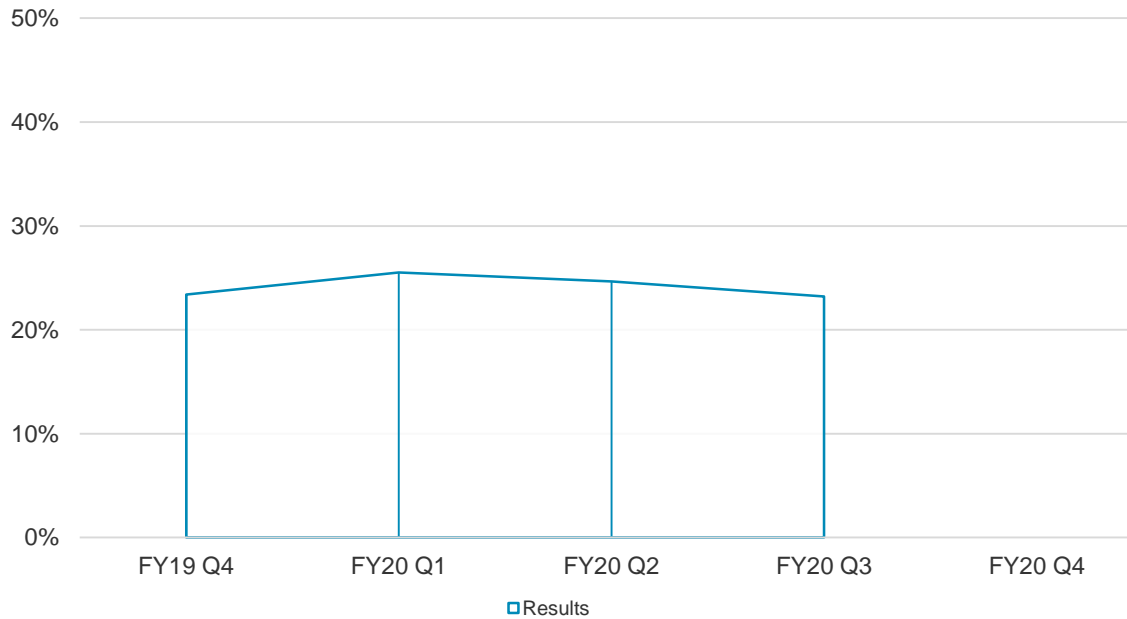


Goal:	75.00%
Actual:	N/A
Met:	N/A
Average Rating of:	
<ul style="list-style-type: none"> Customer Service Station Agent (if used today): N/A Onboard Next Stop, Destination and Transfer Announcements: N/A Onboard Delay Announcements (if delayed today): N/A 	
↑ indicates a statistically significant increase from prior quarter	

- Field survey data was not collected this quarter due to COVID 19.

Homelessness - Passenger Survey

“How well is BART addressing homelessness?”



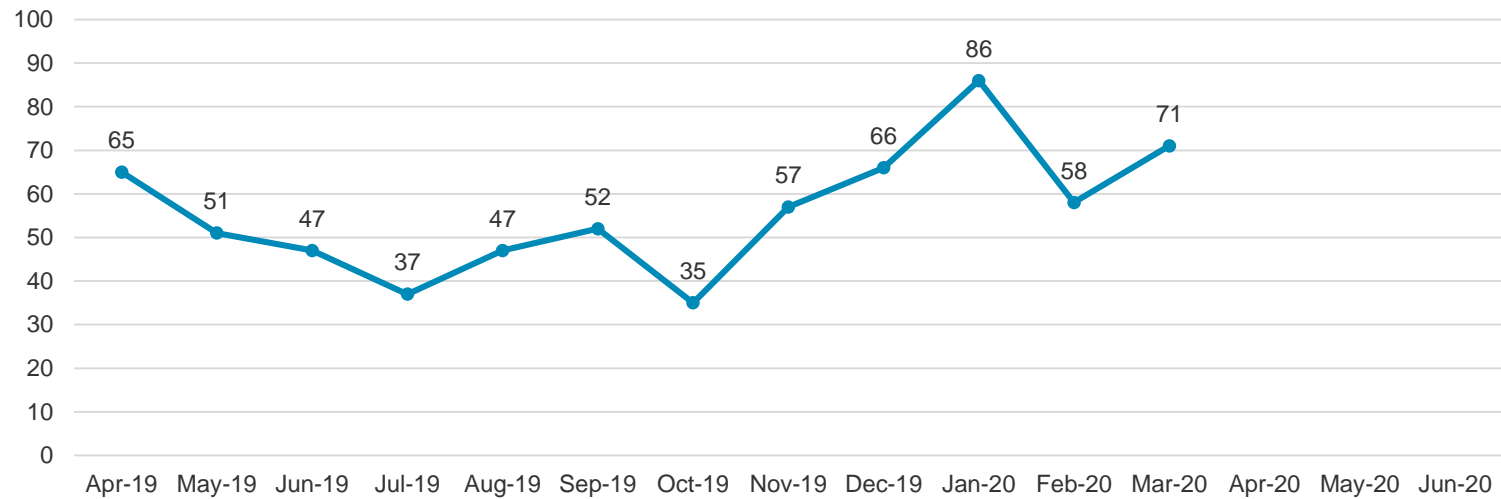
Goal:	N/A
Actual:	N/A
Met:	N/A

- Field survey data was not collected this quarter due to COVID 19.

Transient Counts in San Francisco Stations

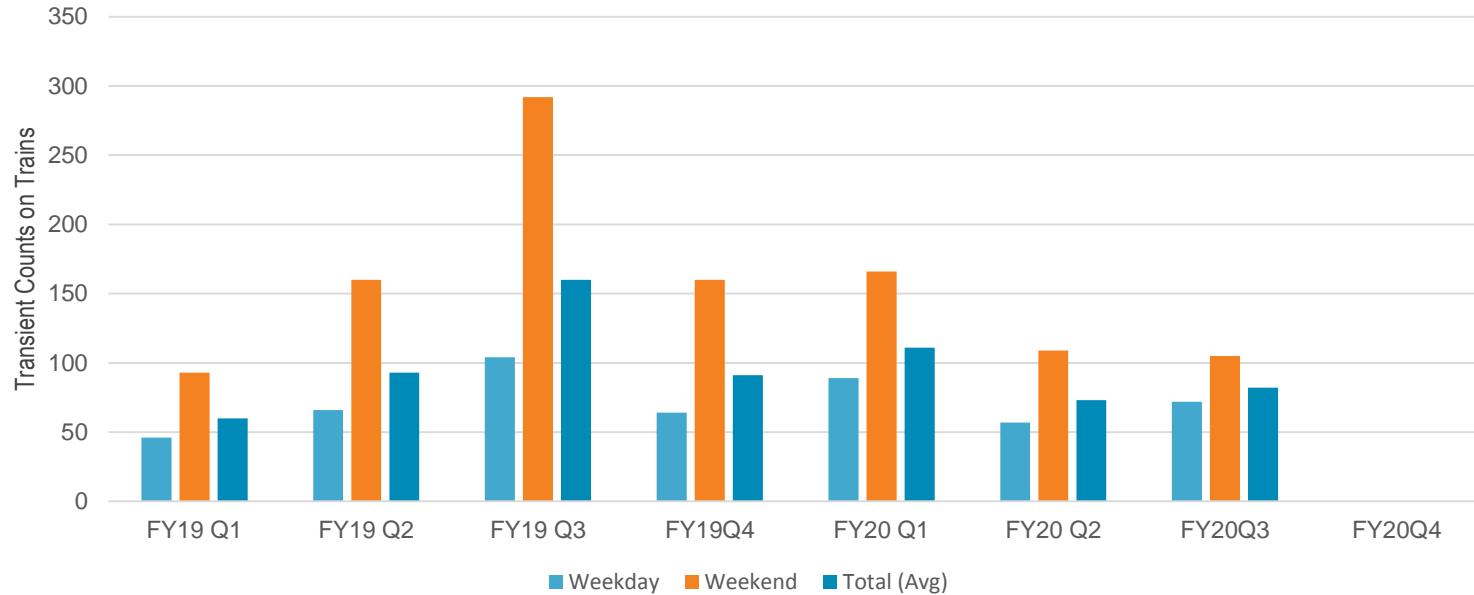


Downtown San Francisco Station Counts April 2019 - January 2020



- Field survey data was not collected this quarter due to COVID 19.

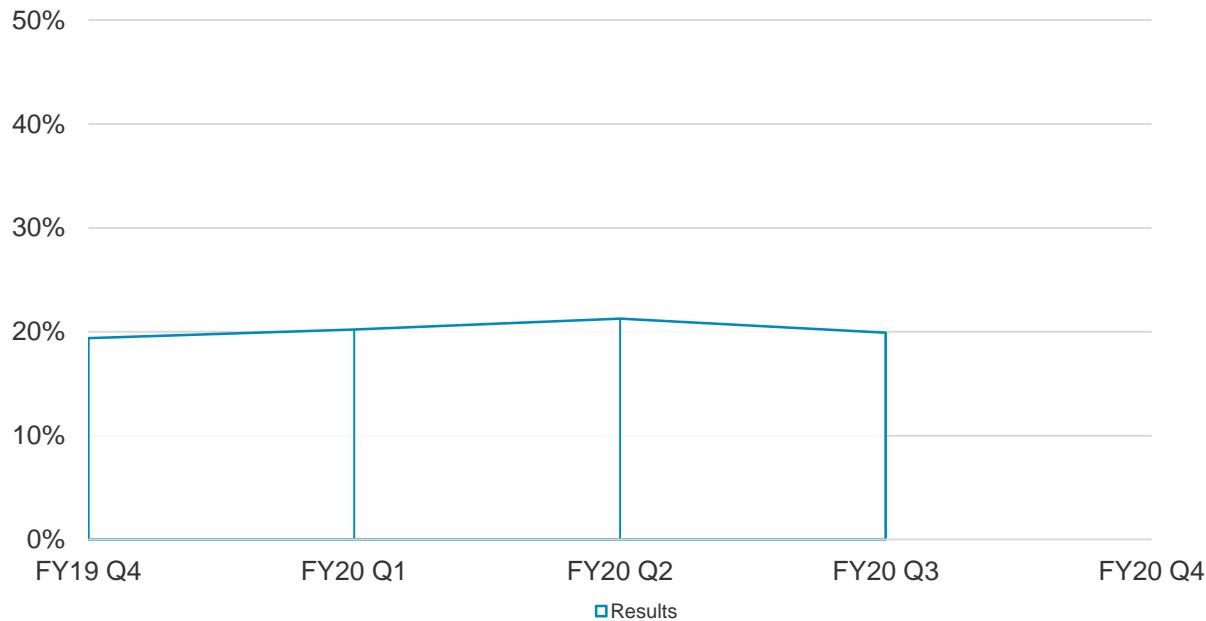
Transient Counts on Trains



- Field survey data was not collected this quarter due to COVID 19.

Fare Evasion Passenger Survey

“Did you see anyone not pay their fare at the station you entered?”

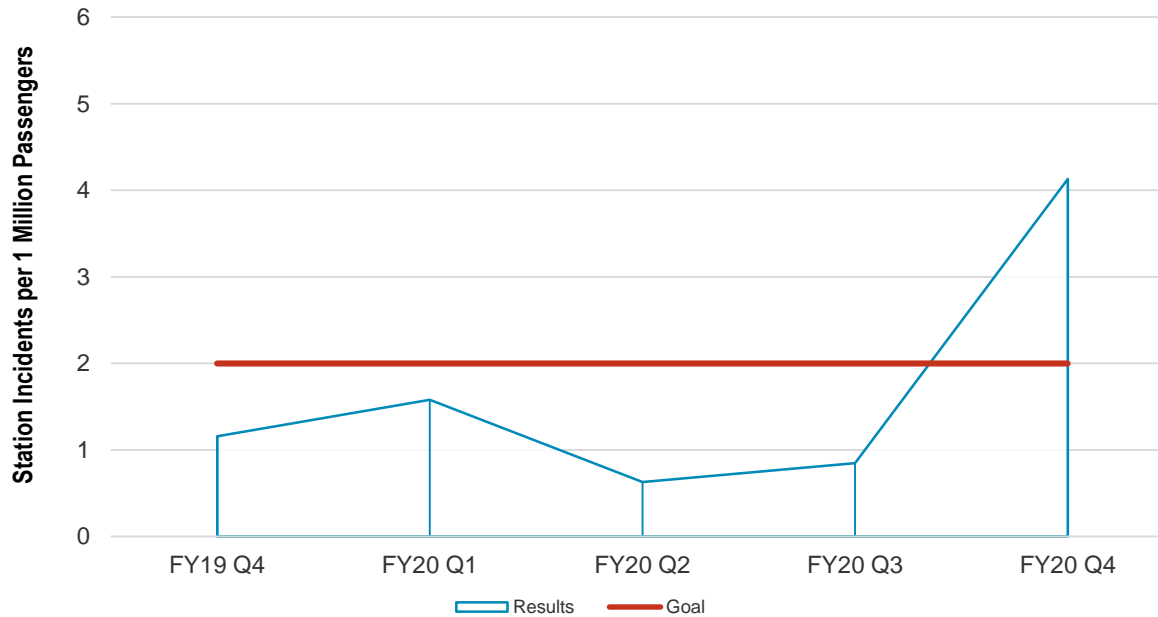


Goal:	N/A
Actual:	N/A
Met:	N/A

- Field survey data was not collected this quarter due to COVID 19.

Patron Safety – Station

Incidents per 1 Million Passengers

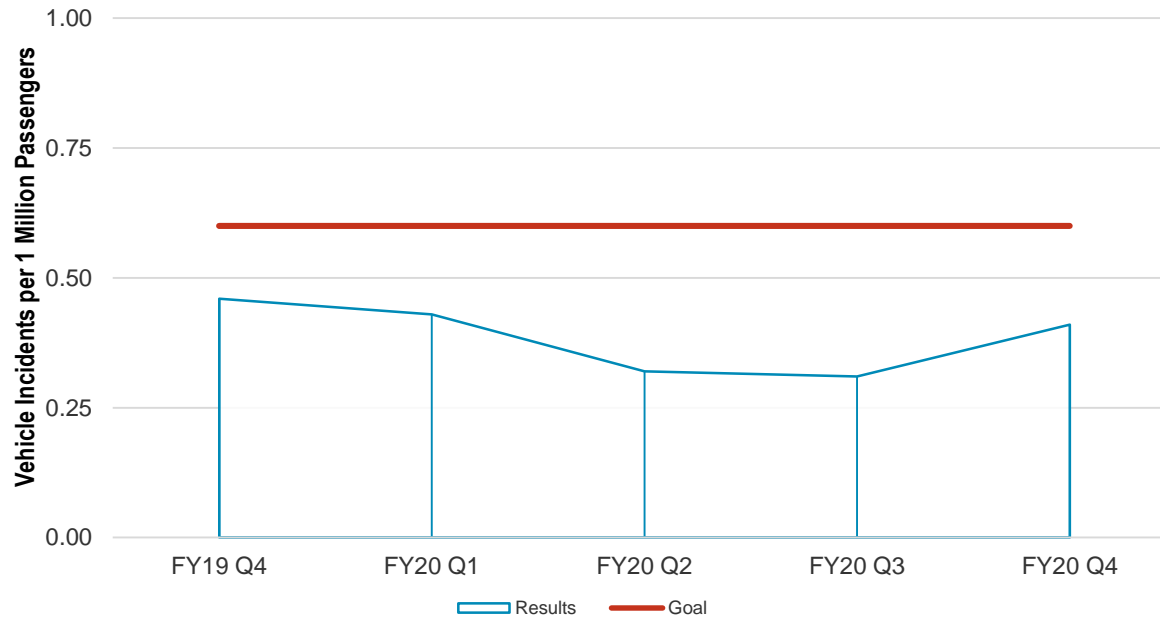


Goal:	2.00
Actual:	4.13
Met:	No

- Total station incidents (10) divided by the much smaller ridership yields this high number: 6 individuals fell down, 3 were struck by train or elevator doors and 1 was struck by closing fare gate.

Patron Safety – Vehicle

Incidents per 1 Million Passengers

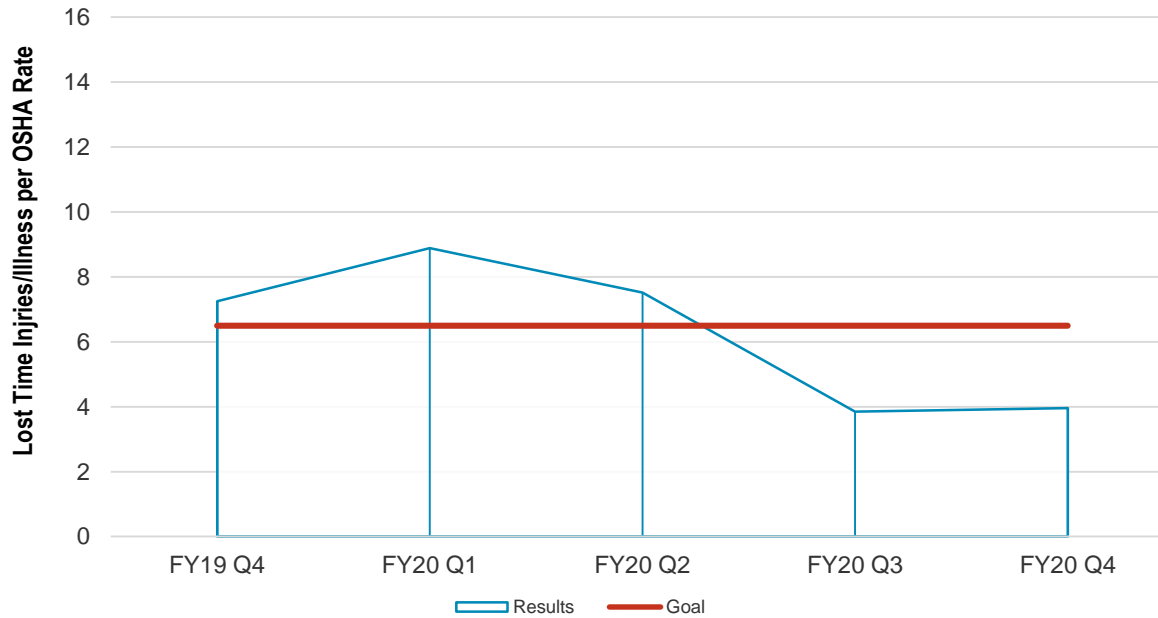


Goal:	0.60
Actual:	0.41
Met:	Yes

- One incident this quarter.

Employee Safety – Lost Time

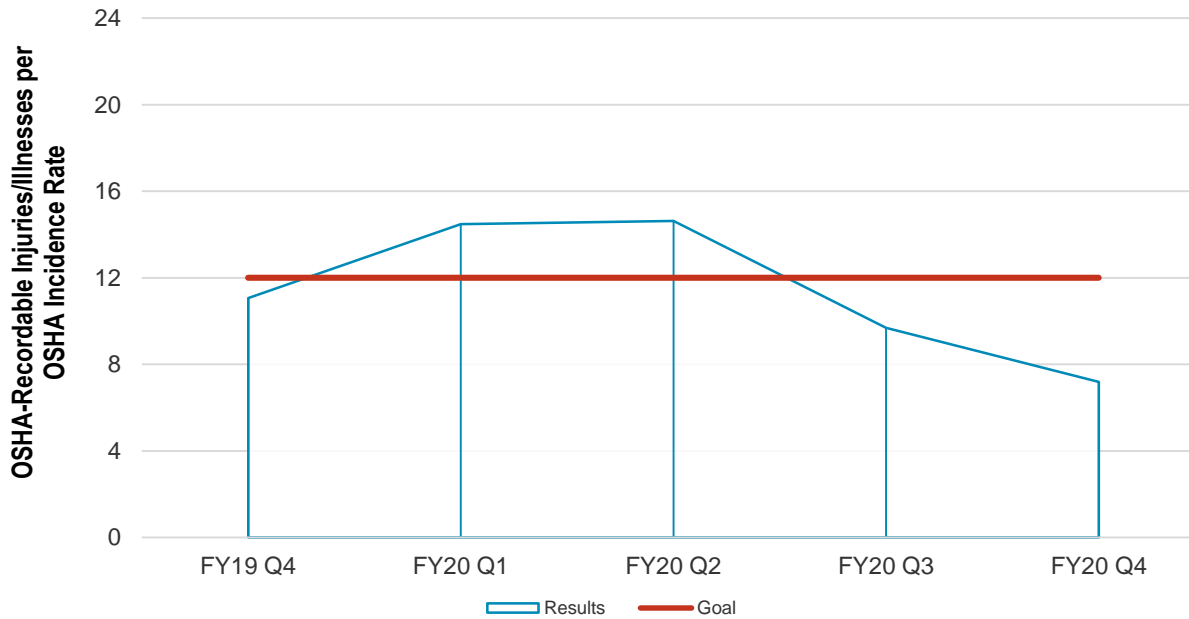
Lost Time Injuries per OSHA Rate



Goal:	6.50
Actual:	3.96
Met:	Yes

Employee Safety – Injury Count

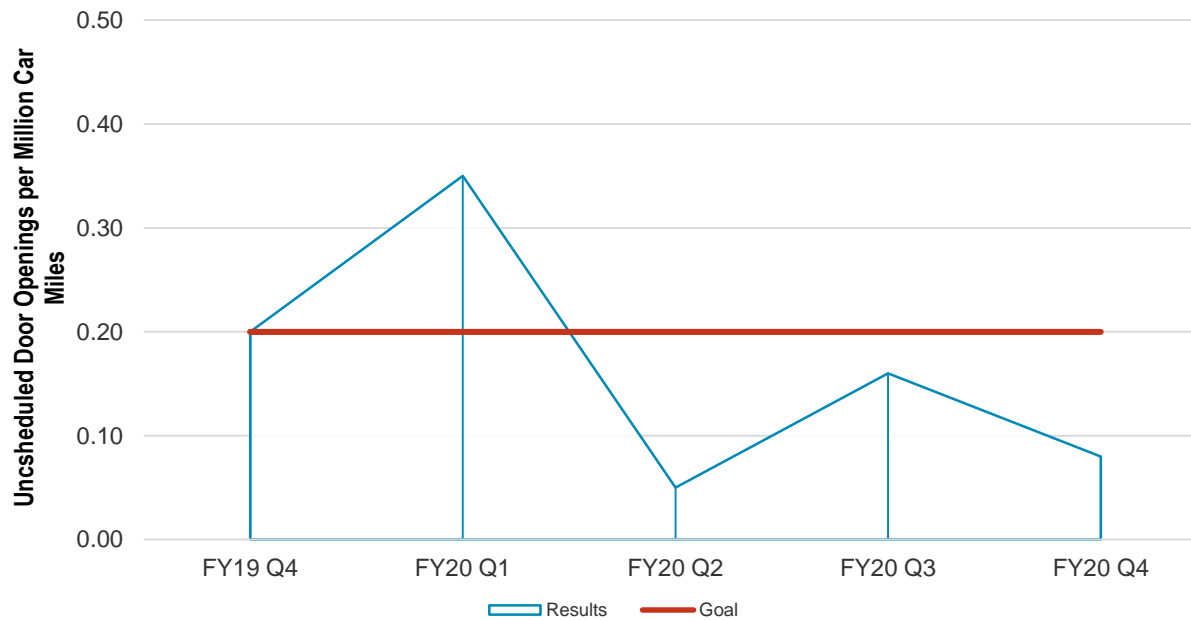
OSHA Recordable Injuries per OSHA Incidence Rate



Goal:	12.00
Actual:	7.19
Met:	Yes

Operating Safety – Door Openings

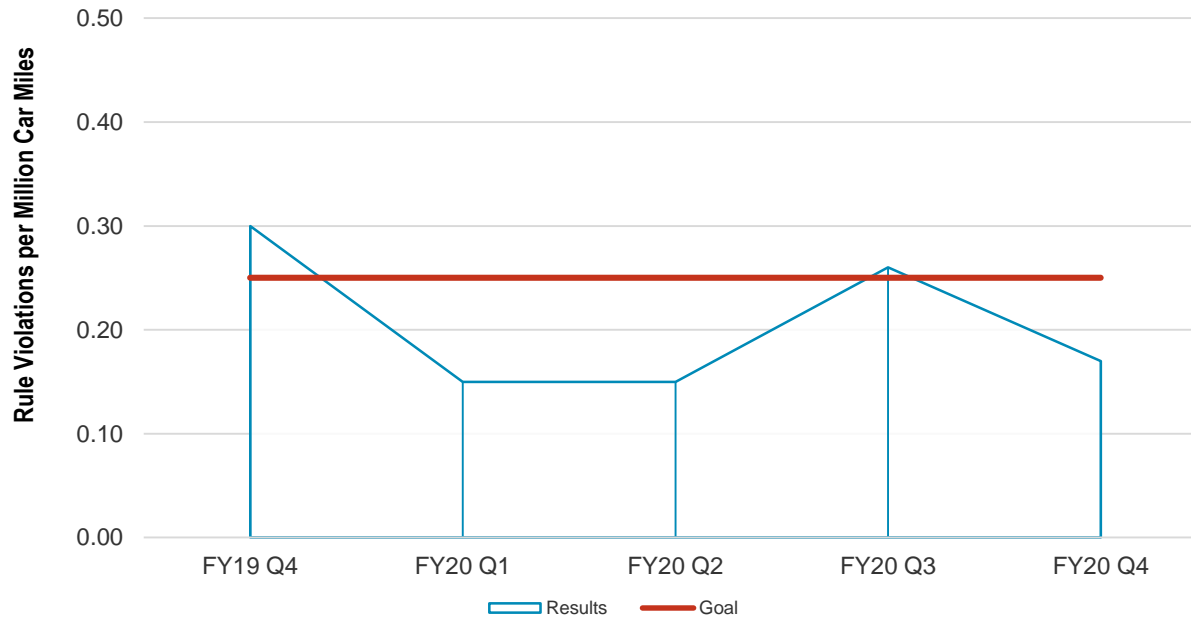
Unscheduled Door Openings per Million Car Miles



Goal:	0.20
Actual:	0.08
Met:	Yes

Operating Safety – Rule Violations

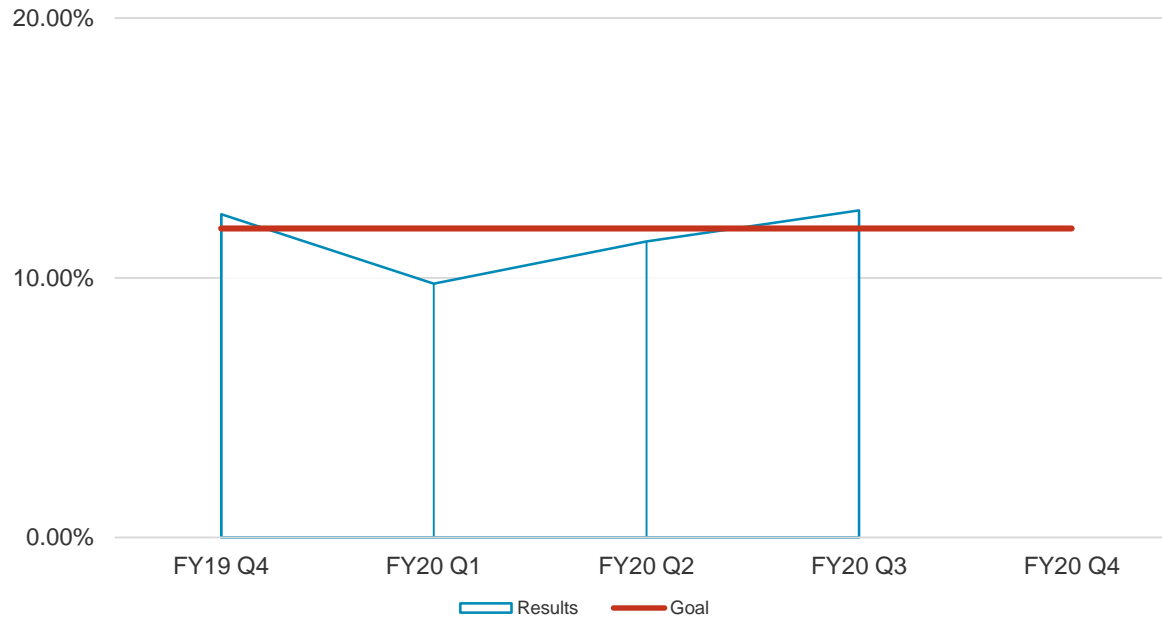
Rule Violations per Million Car Miles



Goal:	0.25
Actual:	0.17
Met:	Yes

BART Police Presence

“Did you see BART Police on the Train/Inside Station?”



Goal:	12.0%
Actual:	N/A
Met:	N/A

Average Score of Police Seen For:

- All Time Periods
 - On Train N/A
 - Outside the Station N/A
 - In the Station N/A

and

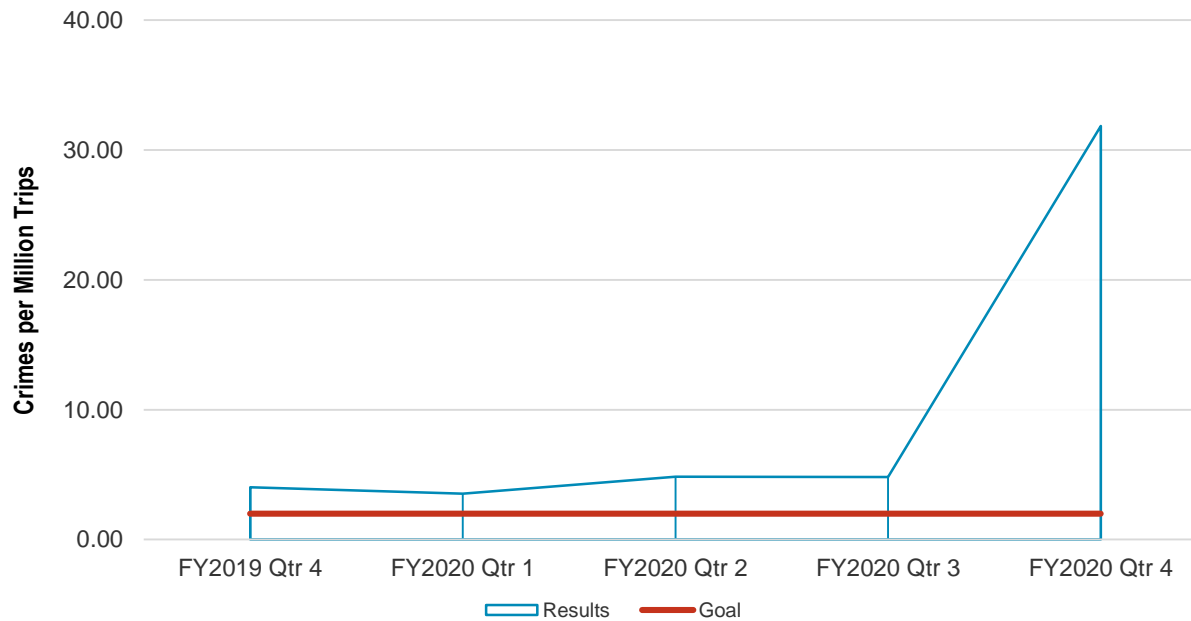
- After 7PM and Weekends
 - On Train N/A
 - Outside the Station N/A
 - In the Station N/A

↑ indicates a statistically significant increase from prior quarter

- Field survey data was not collected this quarter due to COVID 19.

Crimes Against Persons

Crimes per Million Trips

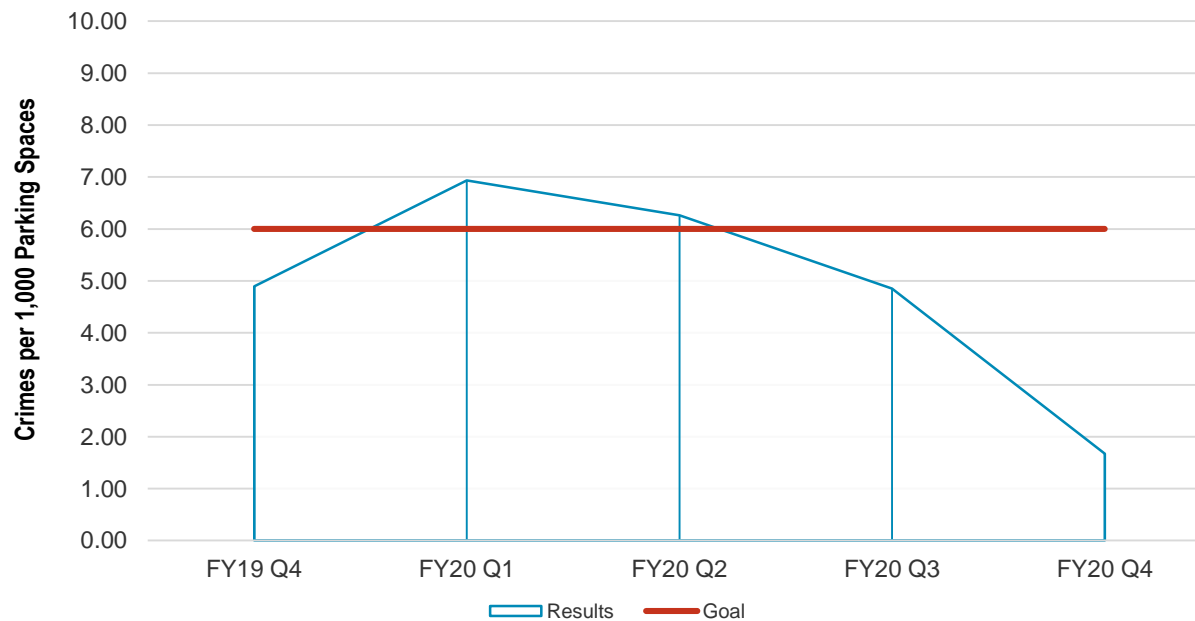


Goal:	2.00
Actual:	31.85
Met:	No
Violations Include:	
<ul style="list-style-type: none">▪ Homicide▪ Rape▪ Robbery▪ Aggravated Assault	

- During FY20 Quarter 4, the number of passenger trips decreased from 22.4 million (Q3) to 2.4 million (Q4).
- Respectively, the total cases of violent crimes against persons dropped at -28% from 108 incidents (Q3) and 77 incidents (Q4).

Auto Burglary

Crimes per 1,000 Parking Spaces

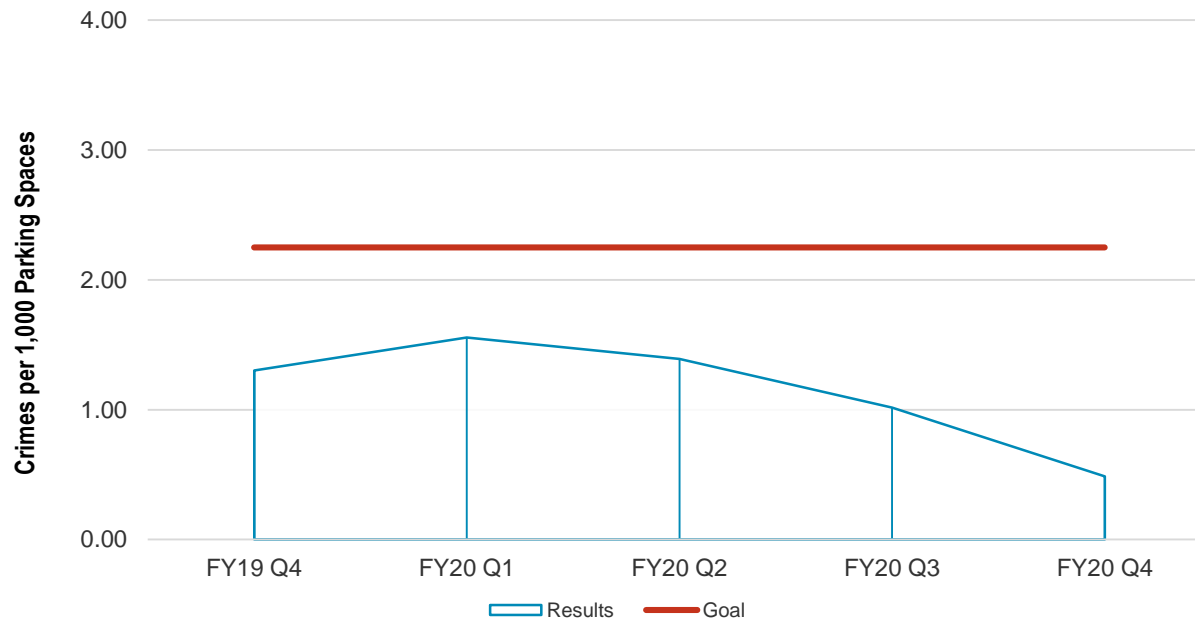


Goal:	6.00
Actual:	1.67
Met:	Yes
Violations Include:	
▪ Auto Burglary	

- Continue to see a significant drop in auto break-in's at stations.
- This quarter shows a total of 79 instances compared to 229 in the previous quarter, a 65% drop.

Auto Theft

Crimes per 1,000 Parking Spaces

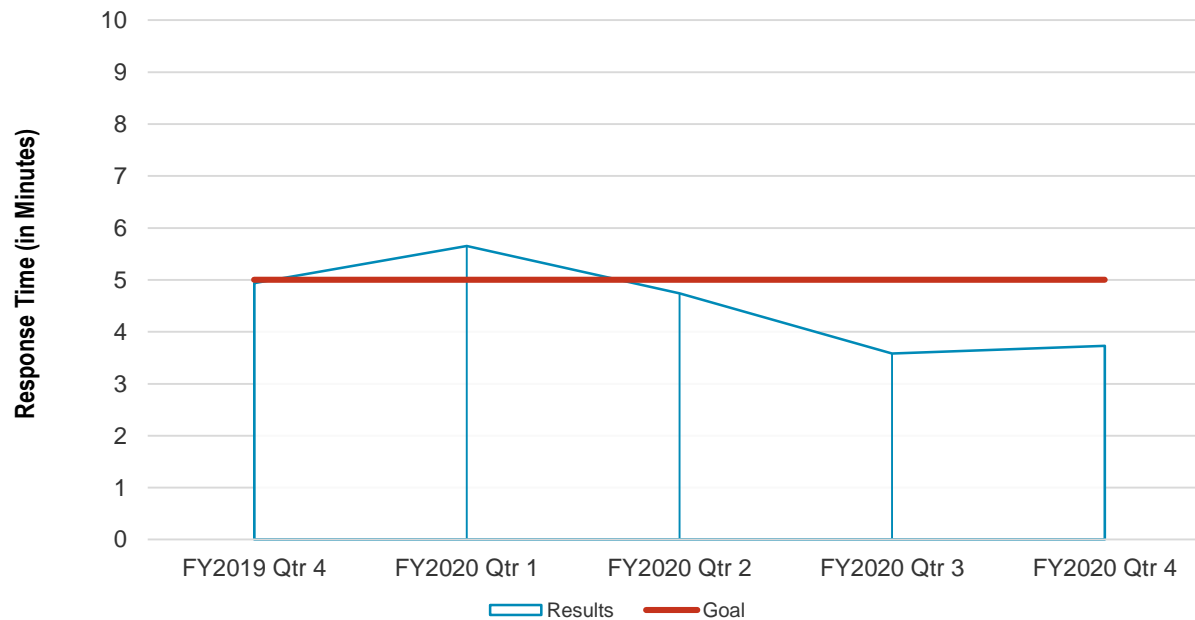


Goal:	2.25
Actual:	0.49
Met:	Yes
Violations Include:	
<ul style="list-style-type: none">Auto Theft	

- Continued drop in auto thefts at District wide.
- This quarter shows a total of 23 incidents compared to 48 in the previous quarter, which is a 52% drop.

Average Emergency Response Time

Response Time (in Minutes)

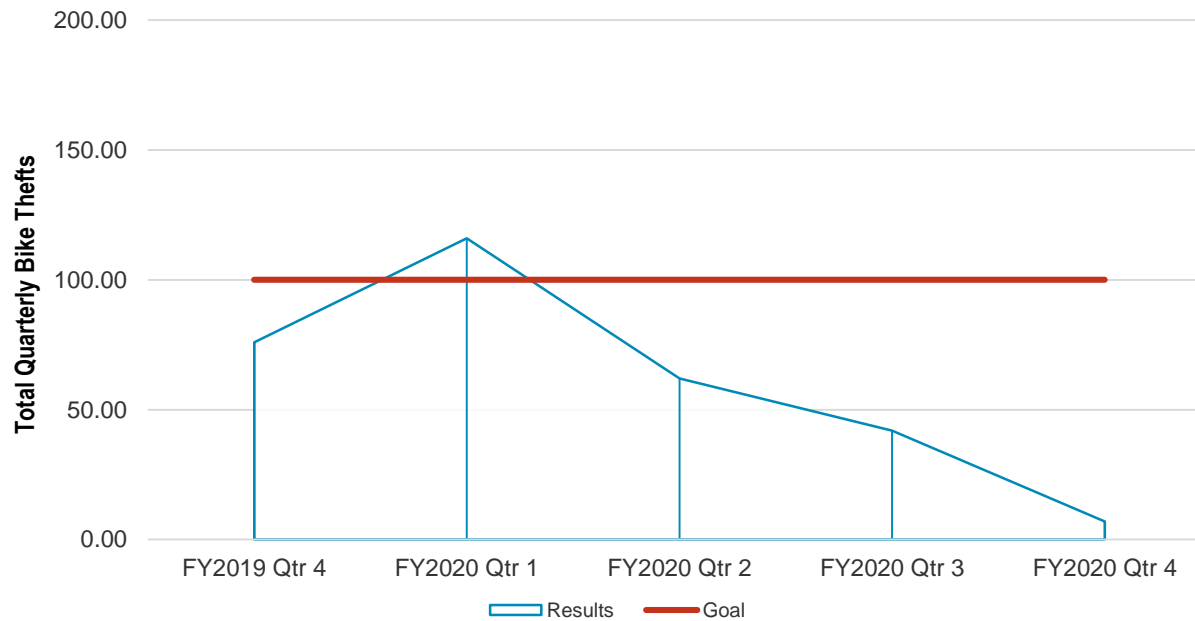


Goal:	5.00
Actual:	3.73
Met:	Yes

- In the pandemic, we improved our response times **meeting the 5-minute goal**.
- This quarter, our average emergency response time was 3 minutes and 43 seconds to a priority call.

Bike Theft

Count of Bike Thefts



Goal:	100
Actual:	7
Met:	Yes
Violations Include:	
▪ Bicycle Thefts	

- Bike thefts continue with a sharp decline due to the Pandemic.
- In this quarter 7 bikes were reported stolen compared to 42 in the previous quarter, an 83% drop.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 8/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/11/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development <i>[Signature]</i> Signature/Date: 8-17-2020	General Counsel <i>[Signature]</i> 8/17/20 []	Controller/Treasurer <i>[Signature]</i> 8/17/2020 []	District Secretary []	BARC <i>[Signature]</i> 8/17/2020 []
Status: Approved		Date Created: 8/11/2020		

Assembly Bill 2923 Development Principles

PURPOSE

To request that the Board of Directors adopt a set of guiding principles for BART's transit-oriented development (TOD) activities in light of changes to land use law as a result of the passage of Assembly Bill 2923 (2018, Chiu/Grayson).

DISCUSSION

On September 30, 2018, Governor Jerry Brown signed Assembly Bill 2923 (AB 2923), which added Sections 29010.1, 29010.6, 29010.7, 29010.8, 29010.9, 29010.10, 29010.11, and 29010.12 to the Public Utilities Code (PUC). These statutes require local jurisdictions to rezone certain BART-owned properties in Alameda, Contra Costa, and San Francisco counties to support transit-oriented development (TOD). The statutes enacted by AB 2923 also requires the BART Board of Directors to adopt travel demand management (TDM) requirements as well as a parking replacement policy. Other provisions of State law, including planning and zoning provisions in the Government Code, enable developers, including some of BART's developer partners, to pursue streamlining of their development proposals if they meet certain labor, land use, and affordability conditions.

PUC Section 29010.6 directs the BART Board of Directors to adopt zoning standards establishing minimum zoning requirements for height, density, parking and floor area ratio. The law provides that if the new standards are not adopted by July 1, 2020, Table 1 and Figure 1 of the BART TOD Guidelines (2017) shall serve as the TOD zoning standards. At

the June 13, 2019 meeting of the BART Board, staff recommended that the Board not adopt new zoning standards, but instead allow Table 1 and Figure 1 to become the zoning standards.

Since the AB 2923 legislation was signed by the governor in 2018, BART Staff have conducted extensive analysis of the law, engaged with staff from 22 jurisdictions affected in some way by BART's TOD program, and have given presentations to City Councils upon their request. Staff have also met with regional and community advocacy groups in the land use, environmental, affordable housing, and community development fields. All these stakeholders were invited to participate in three stakeholder working groups over the last year, and BART has hosted public webinars at each key milestone in the process. The BART Board discussed implementation of AB 2923 four times during its regular meetings. This engagement and analysis culminated in BART's release of two draft documents: *A Technical Guide to Zoning for AB 2923 Conformance*, and *BART's Transit-Oriented Development Work Plan*.

This engagement and analysis illuminated four key areas where additional policy direction is needed from the BART Board of Directors:

- A. When and how BART will prioritize sites for development;
- B. How to balance regional housing and climate goals with local interests;
- C. How to address building design in situations where AB 2923 overrides local design requirements; and
- D. Required policy direction from the Board under AB 2923 on TDM and parking.

The attached draft AB 2923 Development Principles (Principles) are intended to address these areas of concern, while also complementing existing Board-adopted policies that affect TOD, including the TOD Policy, Affordable Housing Policy, Project Stabilization Agreement Policy, and Station Access Policy. The TOD and Station Access Policy are also attached.

The other referenced policies are available online at <https://www.bart.gov/about/business/tod/guidelines>.

Staff presented a draft of these Principles at the July 23, 2020 Board meeting, and have made modifications to the Principles based on feedback received at this meeting. A redlined draft of this document is attached to more easily illustrate the changes made since July 23.

FISCAL IMPACT

There is no direct anticipated fiscal impact resulting from adoption of the Principles. The Principles will guide how BART makes use of currently allocated resources supporting its Transit-Oriented Development program. However, some elements of the Principles guide BART's long term willingness to invest in projects requiring major capital investments, which has an impact on the types of TOD projects BART will advance.

ALTERNATIVES

1. Do not adopt the AB 2923 Development Principles.
2. Adopt a modified version of the AB 2923 Development Principles.

RECOMMENDATION

Adopt the attached AB 2923 Development Principles.

MOTION:

The BART Board hereby adopts the Principles.

Assembly Bill 2923 Development Principles

The following guidance from the BART Board of Directors supplements existing Board-adopted policies guiding transit-oriented development, and focuses on key areas of concern that have emerged through BART's implementation of Section 29010 of the California Public Utilities Code (i.e. Assembly Bill 2923 – Chiu/Grayson, 2018).

A. Prioritize TOD projects that cost effectively implement BART's Transit-Oriented Development (TOD) related policies.

A1. BART will prioritize projects that best meet BART's adopted policies and performance standards

BART will favor projects that cost-effectively deliver on its six TOD policy goals and associated performance targets. BART will not prioritize projects requiring major infrastructure costs - such as major structural work to protect the BART system, high levels of on-site parking replacement, or substantial station modernization - if those costs cannot be paid for through the development deal or available external resources.

A2. BART's TOD projects will address the regional jobs-housing imbalance

Creating more jobs near BART in the East Bay will alleviate regional congestion and create a more balanced, sustainable ridership pattern for BART. BART will strategically reserve TOD sites that demonstrate long-term economic competitiveness for job-generating uses with adequate land reserved to meet its 2040 goal of building 4.5 million square feet of commercial space, at a minimum. Staff will develop a proactive strategy to encourage creation of high quality, career-ladder jobs on these properties. This strategy will consider potential incentives to encourage nonresidential construction.

B. Work in partnership with local jurisdictions and communities to deliver regionally impactful TOD projects.

B1. BART will focus on TOD projects in jurisdictions demonstrating support for development

BART will only initiate TOD projects in jurisdictions interested in transit-oriented development on BART property. Once initiated, projects will be seen through to completion barring uncontrollable financial or economic fluctuations. That BART's TOD projects will conform to locally adopted goals and objectives for TOD identified in local specific plans or other efforts, so long as zoning of BART property allows for densities and heights that are the highest possible under local economic and funding conditions, and are consistent with Plan Bay Area and the Regional Housing Needs Allocation. BART staff will work with jurisdictions to ensure BART-owned property is only included in local housing elements if the jurisdiction has expressed intent to support BART in its development during the term of that housing element.

B2. BART's TOD projects will involve meaningful engagement with local communities

BART is committed to meaningful and sustained engagement with all local communities in planning and delivering its TOD projects – especially low-income communities of color. BART will build income-

diverse, transit-rich neighborhoods that protect and serve vulnerable low-income neighbors and reflect the diverse cultural fabric of the Bay Area.

C. BART will work with jurisdictions to incorporate local design standards that result in TOD projects that follow global best practices in design, access and scale.

C1. BART's TOD projects will honor local design requirements, so long as those requirements support world class TOD

AB 2923 may, in some cases, diminish the requirement for developers to adhere to certain local design requirements. If a jurisdiction shares BART's commitment to regional climate, housing, and equity goals - as evidenced by zoning BART property for the highest feasible density, use and height - BART commits to encouraging consistency with that jurisdiction's objective design standards in its development agreements, to deliver feasible, high quality, context-appropriate design.

C2. BART will foster safe, engaging and vibrant public spaces on and beyond BART property

BART will strive to anchor its TOD projects with inviting, vibrant civic spaces that provide flexible areas for a range of activities and instill a sense of pride and belonging for diverse communities. These spaces will be activated by locally owned businesses and community-based anchors. Safe, universally accessible streets that prioritize walking and biking will seamlessly connect people to BART stations as well as other key destinations and neighborhood amenities.

D. Encourage sustainable mobility for residents, workers, visitors and BART customers

D1. Developers will adhere to BART's travel demand management (TDM) requirements

BART's travel demand management (TDM) requirements will encourage reduction of drive-alone trips from TOD projects, in favor of walking, bicycling, transit, and/or carpooling/vanpooling. TDM requirements will encourage developer participation in district-based strategies to support enhancements in the surrounding area such as transit connectivity to BART. Developers will regularly monitor compliance with BART's TDM requirements and participate in travel behavior reporting.

D2. BART patron parking replacement will be guided by BART's Board-adopted transit-oriented development and station access policies and the station access typology.

Decisions about parking replacement levels will be made through a robust station access study, as often required by AB 2923, and will adhere to the station access typology and investment framework developed for the 2016 Board-adopted Station Access policy.

Assembly Bill 2923 Development Principles

The following guidance from the BART Board of Directors supplements existing Board-adopted policies guiding transit-oriented development, and focuses on key areas of concern that have emerged through BART's implementation of Section 29010 of the California Public Utilities Code (i.e. Assembly Bill 2923 – Chiu/Grayson, 2018).

A. Prioritize TOD projects that cost effectively implement BART's Transit-Oriented Development (TOD) related policies.

A1. BART will prioritize projects that best meet BART's adopted policies and performance standards

BART will favor projects that cost-effectively deliver on its six TOD policy goals and associated performance targets. BART will not prioritize projects requiring major infrastructure costs. ~~Exceptions will only be made if the benefits - such as major structural work to protect the BART system, high levels of on-site parking replacement, or substantial station modernization - if those costs cannot be paid for through the District and region are significant, and if outside investment is development deal or available to address these additional costs.~~ external resources.

A2. BART's TOD projects will address the regional jobs-housing imbalance

Creating more jobs near BART in the East Bay will alleviate regional congestion and create a more balanced, sustainable ridership pattern for BART. BART will strategically reserve TOD sites that demonstrate long-term economic competitiveness for job-generating uses, with adequate land reserved to meet its 2040 goal of building 4.5 million square feet of commercial space, at a minimum. Staff will develop a proactive strategy to encourage job creation of high quality, career-ladder jobs on these properties. This strategy will consider potential incentives to encourage nonresidential construction.

B. Work in partnership with local jurisdictions and communities to deliver regionally impactful TOD projects.

B1. BART will focus on TOD projects in jurisdictions demonstrating support for development

BART will only initiate TOD projects in jurisdictions ~~supporting BART's Transit-Oriented Development goals.~~ interested in transit-oriented development on BART property. Once initiated, projects will be seen through to completion barring uncontrollable financial or economic fluctuations. That BART's TOD projects will conform to locally adopted goals and objectives for TOD identified in local specific plans or other efforts, so long as zoning of BART property allows for densities and heights that are the highest possible under local economic and funding conditions, and are consistent with Plan Bay Area and the Regional Housing Needs Allocation. BART staff will work with jurisdictions to ensure BART-owned property is only included in local housing elements if the jurisdiction has expressed intent to support BART in its development during the term of that housing element.

B2. BART's TOD projects will involve meaningful engagement with local communities

BART is committed to meaningful and sustained engagement with all local communities in planning and delivering its TOD projects – especially low-income communities of color. BART will build income-

diverse, transit-rich neighborhoods that protect and serve vulnerable low-income neighbors, and reflect the diverse cultural fabric of the Bay Area.

C. BART will work with jurisdictions to incorporate local design standards in order to create vibrant, safe, well-designed TOD Projects that result in TOD projects that follow global best practices in design, access and scale.

C1. BART's TOD projects will honor local design requirements and local context, so long as those requirements support world class TOD

AB 2923 may, in some cases, diminish the requirement for developers to adhere to certain local design requirements. If a jurisdiction shares BART's commitment to regional climate, housing, and equity goals, - as evidenced by zoning BART property for the highest feasible density, use and height, - BART commits to requiring/encouraging consistency with that jurisdiction's objective design standards in its development agreements, to deliver feasible, high quality, context-appropriate design.

C2. BART will foster safe, engaging and vibrant public spaces on and beyond BART property

BART will strive to anchor its TOD projects with inviting, vibrant civic spaces that provide flexible areas for a range of activities, and instill a sense of pride and belonging for diverse communities. These spaces will be activated by locally owned businesses and community-based anchors. Safe, universally accessible streets that prioritize walking and biking will seamlessly connect people at and around to BART stations as well as other key destinations and neighborhood amenities.

D. Encourage sustainable mobility for residents, workers, visitors and BART customers

D1. Developers will adhere to BART's transportation/travel demand management (TDM) requirements

BART's transportation/travel demand management (TDM) requirements will encourage reduction of drive-alone trips from TOD projects, in favor of walking, bicycling, transit, and/or carpooling/vanpooling. TDM requirements will encourage developer participation in district-based strategies to support enhancements in the surrounding area such as transit connectivity to BART. Developers will regularly monitor compliance with BART's TDM requirements and participate in travel behavior reporting.

D2. BART patron parking replacement will be guided by BART's Board-adopted transit-oriented development and station access policies and the station access typology.

Decisions about parking replacement levels will be made through a robust station access study, as often required by AB 2923, and will be informed by/adhere to the station access typology and investment framework developed for the 2016 Board-adopted Station Access policy. BART will publish a framework offering clarity on BART's approach to accommodating BART access in TOD projects from all modes of transportation.

Transit-Oriented Development Policy

Adopted June 9, 2016 | Amended April 23, 2020

VISION

The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large scale public investment. This includes real estate assets essential to BART's transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART's purpose and goals. BART leverages these opportunities by working in partnership with the communities it serves in order to implement the regional land use vision and achieve local and regional economic development goals. Strengthening the connections between people, places, and services enhances BART's value as a regional resource.

GOALS

- A. Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- B. Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- D. Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.
- E. Transportation Choice.** Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

STRATEGIES

- A. Manage Resources Strategically to Support Transit-Oriented Development**
 - 1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.
 - 2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives (e.g., Low Income Housing Tax Credit-funded affordable housing, requiring a ground lease term of no less than 75 years), or where other strategies would generate greater financial return to the District.
 - 3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.

Transit-Oriented Development Policy

Adopted June 9, 2016 | Amended April 23, 2020

4. Develop a procedure that will allow BART to respond to unsolicited proposals for property development on BART-owned land. Although BART does not encourage unsolicited proposals, they can be a valuable means for BART to partner with local communities and/or the development community to produce innovative or unique developments that deliver benefits in excess of what is typically provided by the market.
5. Revisit the Transit-Oriented Development Policy every 10 years.

B. Support Transit-Oriented Districts

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.
2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.
3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

C. Increase Sustainable Transportation Choices using Best Practices in Land Use and Urban Design

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.
2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.
3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

D. Enhance Benefits of TOD through Investment in the Program

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.
2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.
3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

Transit-Oriented Development Policy
Adopted June 9, 2016 | Amended April 23, 2020

E. Invest Equitably

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.
2. Implement BART's adopted Affordable Housing Policy and aim for a District-wide target of 35 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations. To aid in achieving BART's 35% affordability goal, provide up to a 60 percent discount in ground lease for projects with at least 35% affordable housing (30% for projects with a high rise). Establish a framework for varying the eligible project discount based on the depth of affordability of the deed-restricted housing units, the demonstrated need for discounted ground rent, and efforts to benefit BART in other ways.
3. Pursue state, regional, and philanthropic partnerships that alleviate and prevent homelessness through production of affordable housing. BART's property will be offered at a greater discount if matched with regional-scale, external funding commitments for housing and homelessness.
4. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.



BART STATION ACCESS POLICY

Adopted June 9, 2016

VISION

For more than 40 years, the San Francisco Bay Area Rapid Transit District (BART) has been a steward of major public investment to connect people and places. The BART Station Access Policy is designed to support the broader livability goals of the Bay Area, reinforce sustainable communities, and enable riders to get to and from stations safely, comfortably, affordably, and cost-effectively.

GOALS

A. Safer, Healthier, Greener. Advance the region's safety, public health, and greenhouse gas (GHG) and pollution-reduction goals.

1. Ensure safe access for all users of the BART system, including users with disabilities.
2. Promote and invest in active transportation access modes to improve public health.
3. Prioritize the most sustainable access modes, with a focus on the lowest greenhouse gas and pollutant emissions per trip.
4. Reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers.
5. Develop station-level designs that are consistent with the Station Design Access Hierarchy (Figure 1).

B. More Riders. Invest in station access to connect more riders cost-effectively, especially where and when BART has available capacity.

1. As ridership grows, invest in and manage access resources so as not to exacerbate peak period – peak direction crowding, including by ensuring users can find parking spaces at all times of day.
2. Develop access solutions that promote reverse-peak and off-peak ridership to optimize use of the BART system.

C. More Productive and Efficient. Manage access investments, programs, and current assets to achieve goals at the least cost.

1. Consider life-cycle costs, including capital and operating budget implications, using best asset management practices.
2. Factor land value in decision-making, prioritizing access that generates the most riders with the least space.
3. Consider the Station Access Investment Framework (Figure 2) in identifying contextual access investments at each station, and seek to move stations from their existing to their aspirational types.

D. Better Experience. Be a better neighbor, and strive for an excellent customer experience, including on the first and last mile of the trip to and from BART stations.

1. Expand station access choices for all riders.

BART STATION ACCESS POLICY

2. Promote Transit-Oriented Development (TOD) on and off of BART property as a powerful access tool, putting more riders within walking distance of stations, connecting communities.
3. Collaborate with local jurisdictions to improve station access and create more sustainable communities, including by promoting access improvements off BART property.
4. Ensure high quality design for access improvements, with careful consideration of the local context and the quality of the environment accessing BART.

E. Equitable Services. Invest in access choices for all riders, particularly those with the fewest choices.

1. Ensure that disadvantaged communities share in the benefits of BART accessibility.
2. Strive to be a partner to reduce the cost of living (i.e., transportation and housing) in the Bay Area for low-income communities by increasing access and housing options (i.e. TOD), providing greater access to opportunity.
3. Use Universal Design principles to improve safety and ensure access is available for everyone at all times.

F. Innovation and Partnerships. Be an innovation leader, and establish durable partnerships with municipalities, access providers, and technology companies.

1. Involve BART riders in station access decision-making.
2. Develop partnerships with municipalities, transit operators, developers, technology providers, corporate shuttle providers, Transportation Network Companies, bike share operators, advocacy groups and other entities to best meet access goals.
3. Continue to research and pilot emerging technologies and new forms of access services to keep up with the rapidly-changing transportation ecosystem.
4. Remain technology- and operator-agnostic; make long-term investments in the access technologies and services that best meet the needs of BART riders.
5. Prioritize projects that leverage other fund sources and local matches both to further build partnerships and to capture more value from BART investments.

STRATEGIES

Plan, Innovate and Partner

1. Plan for systemwide access mode shift to reduce drive alone rates.
2. Partner with interested stakeholders to improve access to the BART system.
3. Plan all BART facilities to be accessible to all users, including users with disabilities.

Invest and Implement

1. Invest in the pedestrian and bicycle assets with a focus on BART property, and partner to advance projects off BART property, including partnering on local initiatives, such as Vision Zero, Safe Routes to School, and Safe Routes to Transit.

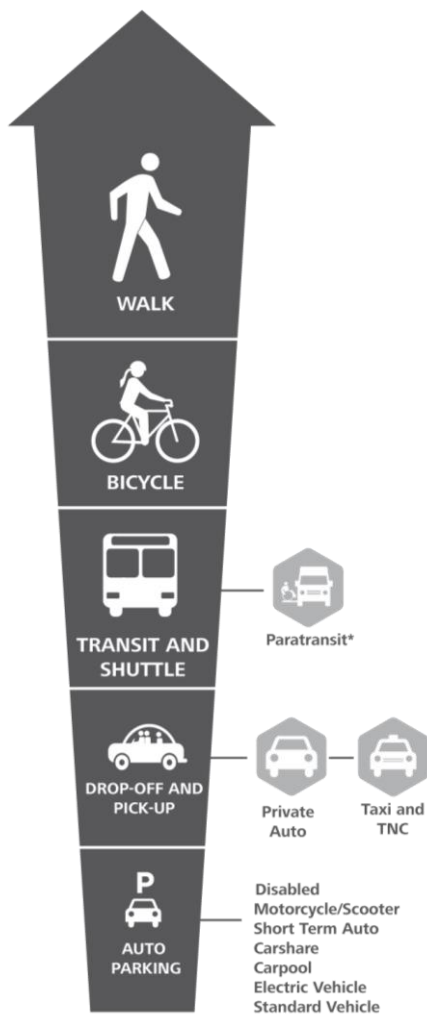
BART STATION ACCESS POLICY

2. Invest in transit connections, including investments that improve passenger experience in transit transfers (shelters, real-time information); seek to reduce barriers to transit connections; and partner with local transit service providers on last mile improvements.
3. Prioritize station access investments that support ridership growth where and when the system has capacity.
4. 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.

Manage and Assess

1. Manage resources we have.
2. Regularly collect and analyze station access data, and consider emerging data sources.
3. Develop a 4-year work plan to identify projects BART staff will advance in the near-term.
4. Revisit the Station Access Policy every ten years.

FIGURE 1: STATION ACCESS DESIGN HIERARCHY

































*All Stations must be paratransit accessible

Note: All stations must always remain readily accessible to and usable by persons with disabilities

BART STATION ACCESS POLICY

FIGURE 2: STATION ACCESS INVESTMENT FRAMEWORK

STATION TYPE	PRIMARY INVESTMENTS	SECONDARY INVESTMENTS	ACCOMMODATED	NOT ENCOURAGED
URBAN	  Walk Bicycle	 Transit and Shuttle	  Taxi and TNC Drop-Off and Pick-Up	 Auto Parking*
URBAN WITH PARKING	  Walk Bicycle	 Transit and Shuttle	  Taxi and TNC Drop-Off and Pick-Up	 Auto Parking*
BALANCED INTERMODAL	  Walk Bicycle	  Transit and Shuttle Drop-Off and Pick-Up	  Taxi and TNC Auto Parking*	
INTERMODAL/AUTO RELIANT	 Walk	   Bicycle Drop-Off and Pick-Up Transit and Shuttle	  Taxi and TNC Auto Parking*	
AUTO DEPENDENT	 Walk	    Bicycle Drop-Off and Pick-Up Auto Parking* Transit and Shuttle	 Taxi and TNC	

Primary Investment:
 BART will prioritize investments of funds and staff time on and off of BART property, consistent with access goals; priority projects best achieve policy goals, focus on safety and sustainability.

Secondary Investment:
 BART will invest funds and staff time on and off of BART property, consistent with policy goals; secondary investments balance policy goals.

Accommodated:
 BART will maintain and manage existing assets, and partner with other access providers as needed.

Not Encouraged:
 BART will not invest in construction of parking expansion.

Note: TNC is for Transportation Network Company (shared use mobility)

*Parking Management is a secondary investment at all stations with parking.

*Parking replacement for transit-oriented development to be determined by BART's Transit-Oriented Development Policy.



Assembly Bill 2923 Development Principles

BART Board of Directors
August 27, 2020 DRAFT



Presentation Overview

- AB 2923 – Critical Milestones & Public Documents
- TOD Work Plan Overview
- TDM Requirements
- Revised AB 2923 Development Principles
- Motion

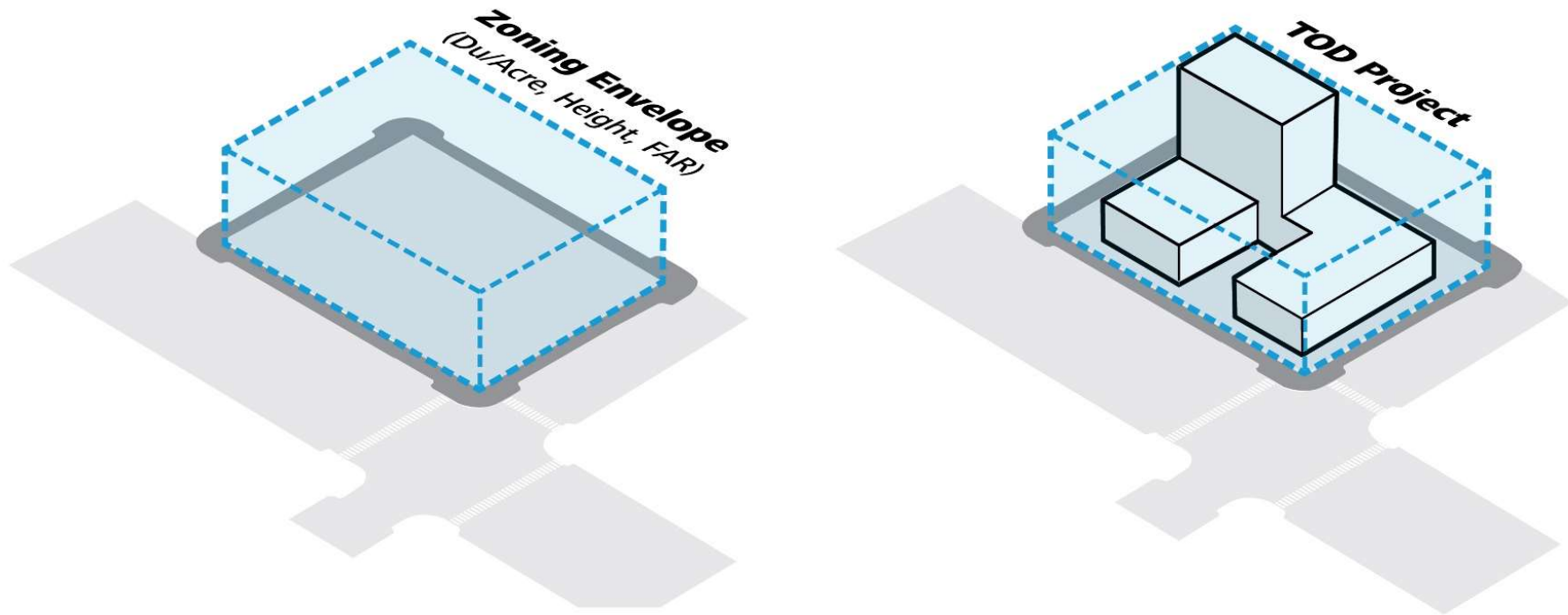


Critical Milestones & Public Documents

	Milestone	Required by Law	Timeframe
A	AB 2923 Technical Guide		June 2020
B	Online mapping and database of affected properties (AB 2923 and TOD Work Plan)		June 2020
C	TOD Work Plan		August 2020
D	Travel demand management (TDM) requirements	X	August 2020
E	Model zoning and conformance checklist		Fall 2020
F	Parking replacement framework	X	Fall 2020
G	Upcoming stakeholder & community engagement	X	Summer/Fall 2020
H	Anti-displacement strategy	X	Fall 2020
I	Bi-annual report to State	X	Fall 2020

Transit-Oriented Development Work Plan

Distinguish Zoning from Development



Jurisdictions may want to know whether BART would actually consider developing properties before they decide to place resources towards rezoning

TOD Work Plan

- A “Business Plan” for BART’s TOD Work
- Provides progress update on 2025 and 2040 TOD Performance Goals
- Sets TOD program priorities for next 5-10 years
- Describes BART process for advancing TOD on its land
- Outlines evaluation process for prioritizing TOD sites – Identifies barriers, opportunities, needs
- Forecasts potential TOD work plan outcomes and benefits



BART's Land Use Priorities



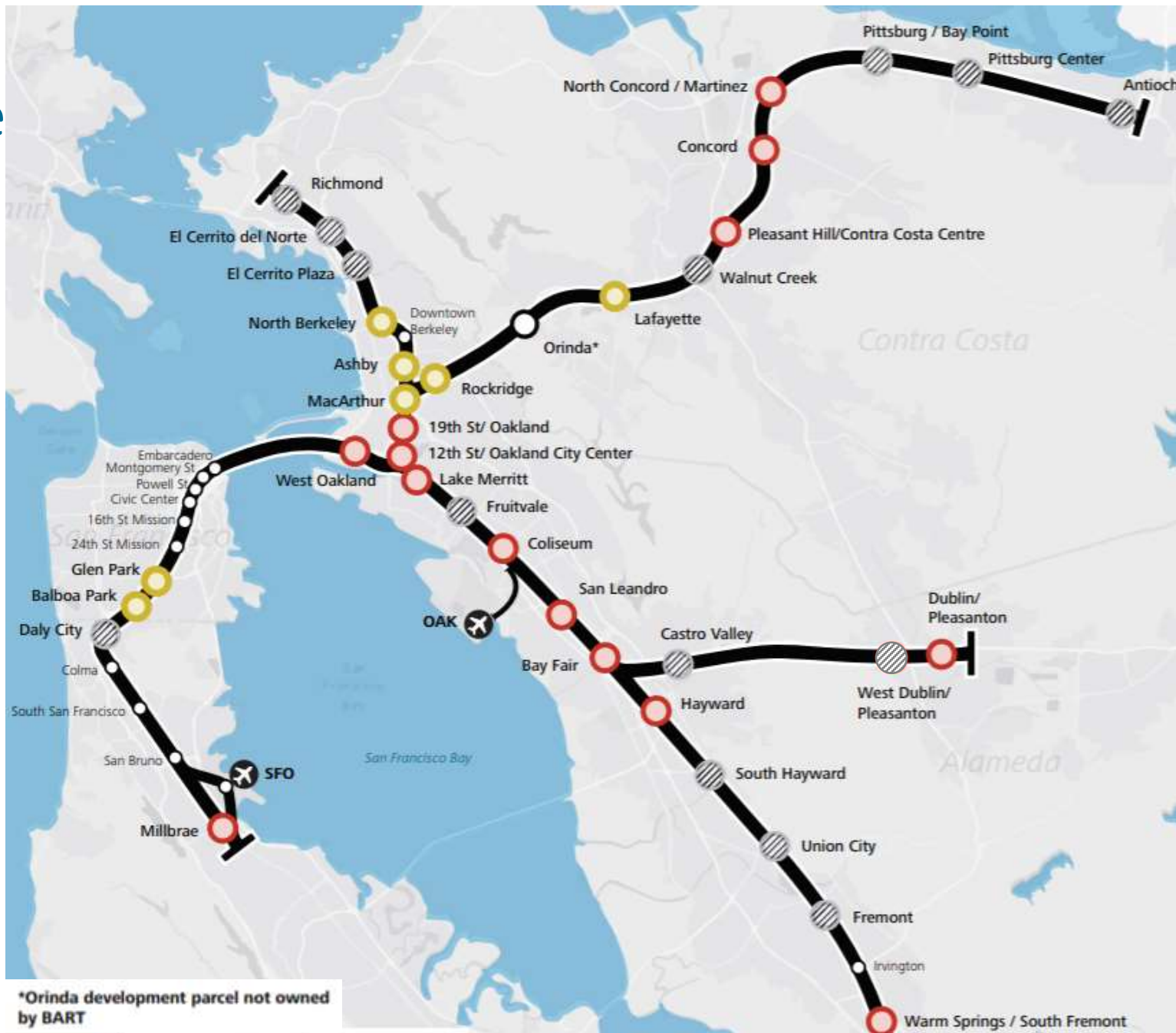
Affordable Housing Priority



Office/Mixed-Use Priority



Flexible on Use



Evaluation Process to Prioritize TOD Sites

Prioritize Stations for Development Based on:

Market Feasibility for TOD

- Separate residential and commercial evaluations
- Reserving sites for job-generating uses based on long-term economic competitiveness
- Flexible on use

Local Support

- Approved zoning; adequate to support highest feasible densities
- Recent community engagement
- Anti-displacement; tenant protection laws

Infrastructure Needs

- Minimal impact on BART operations
- Low Parking replacement needs
- No structural needs

PHASING	STRATEGY	STATIONS CURRENTLY UNDER WAY	
Current Pipeline	Complete Projects Currently Underway	Balboa Park Fruitvale Lake Merritt MacArthur Millbrae North Concord	Pleasant Hill Richmond Walnut Creek West Dublin/Pleasanton West Oakland
PHASING	STRATEGY	POTENTIAL STATIONS (ONLY 1-2 PER YEAR)	
Near Term: 2020-2025	Affordable Housing & Mixed-Income Projects in High Opportunity Areas / High Displacement Risk Areas	Ashby El Cerrito Plaza MacArthur	North Berkeley Rockridge
	Job Generating Uses	Hayward	Warm Springs/South Fremont
Mid-Term: 2025-2030	Prioritize Fulfilling 2031 RHNA Needs	Orinda Pittsburg Center	El Cerrito del Norte Pittsburg/Bay Point South Hayward
	Mixed-Use Projects	19 th St/Oakland Bay Fair Castro Valley Concord	Coliseum/Oakland Airport Dublin/Pleasanton Fruitvale San Leandro Union City

Potential TOD Work Plan Outcomes

Phasing	Development Capacity*	Jobs Created*	New Annual Property Tax*	New Annual Lease Revenue to BART*
Current Pipeline	3,400 units 1.8 M Sq Ft	23,000	\$22.3 M	\$1.9 M
Near Term: 2020-2025	5,700 units 2.6 M Sq Ft	36,000	\$30.4 M	\$2.9 M
Mid Term: 2025-2030 (Current program)	5,000 units 0.7 M Sq Ft	26,000	\$21.3 M	\$1.6 M
Mid-Term: 2025-2030 (Expanded program)	7,400 units 1.2 M Sq Ft	38,000	\$32.4 M	\$2.6 M

Potential TOD Work Plan Outcomes – Economic Recovery

- Every home built on BART property generates **4.5 direct, indirect and induced jobs** in California
- Every 1,000 square feet of commercial space generates **4.3 direct, indirect and induced jobs** in California
- **62% of those jobs are “middle skill” jobs** – requiring on-the-job training rather than a college degree, but offering a living wage



Potential TOD Work Plan Outcomes – Generating Revenue for BART

- Current and planned pipeline of projects could generate additional estimated **\$6.5 million annually** in ground lease revenue by 2030
- With TDM enhancements, tenants more likely to take BART
- Ridership estimates forthcoming



Potential TOD Work Plan Outcomes – Balancing Local Budgets

- BART land not currently taxed – developers pay a “possessory interest tax” with private development
- Current pipeline of projects will generate **~\$22 million in annual property tax**
- Future projects by 2030 could generate **over \$50 million additional property tax** revenue annually
- With additional staff, BART could generate **\$30 million more in property tax** annually by 2030



Travel (Transportation) Demand Management (TDM): Proposed BART Program

- Focus on mobility of future TOD residents, employees, and visitors
- Goal is 20% reduction in Vehicle Miles Traveled (VMT) compared to project without TDM
- In addition to VMT reduction from locating at BART
- TDM strategies earn points - each point = 1% VMT reduction
- Inspired by SF Shift

TDM BART Program Structure:

- Developers pick from a menu of strategies
- Lessees will conduct annual travel behavior surveys
- Enforcement: Penalty fees apply in the event of non-compliance – incorporated in ground lease

Figure 1 TDM Toolkit, Applicable Land Use Groups, and Associated Points

Category	Strategy	Land Use Group			Recommended Points	
		Residential	Office	Retail, Community		
Active-1	Bicycle Parking	X	X	X	1 - 4	●●●●
Active-2	Bicycle Repair Station	X	X	X	1	●
Active-3	Bicycle Maintenance Services	X	X	X	1	●
Active-4	Showers and Changing Facilities Lockers		X	X	1	●
Active-5	Bike Valet			X	1	●
Family-1	Family TDM Amenities	X			1 - 2	●●
Family-2	On-Site Daycare	X	X	X	1-2	●●
Family-3	Affordable Healthy Food Retail	X			2	●●
Info-1	Education, Marketing, and Outreach	X	X	X	1 - 4	●●●●
Info-2	Multimodal Wayfinding Signage	X	X	X	1	●
Info-3	Real-Time	X	X	X	1	●

Excerpt from TDM Toolkit –
Available at
www.bart.gov/TOD



Transportation Demand Management: Toolkit of TDM Strategies

- TDM strategies may include reduced parking supply, bike parking, real-time transit information, free or subsidized Clipper Cash, etc.
- One parking strategy is required:
 - Market rate housing: unbundled parking cost
 - Affordable housing: parking supply capped at 80% of the TOD Place Type maximum (max ranges from 0.375–1 space/unit)
 - Office: Parking cannot be free; cost must be unbundled; and either....
 - a) Parking supply capped at 90% of the TOD Place Type maximum
 - OR
 - b) Parking rented on daily or hourly basis, not monthly or long-term

AB 2923 Development Principles – Four Areas

- A. TOD Prioritization:** Factors to prioritize sites for development
- B. Local & Regional:** Balancing regional goals with local context and interests
- C. Design of Buildings and Public Space:** BART's approach to design, in light of potential reduction of local design requirements
- D. AB 2923 Required Actions:** Addressing requirements of the law on transportation demand management, parking replacement

AB 2923 Development Principles: Changes Since July

A. Prioritization

Prioritize TOD projects that cost effectively implement BART's TOD related policies.

- Define “major infrastructure costs”
- Emphasize job quality
- Explore possible incentives to attract job generating uses

AB 2923 Development Principles: Changes Since July

B. Local & Regional

Meet regional goals while respecting local planning.

- Clarify that jurisdictions should express interest in development
- Address risk of political fluctuations throughout development process

AB 2923 Development Principles: Changes Since July

C. Design of Buildings & Public Space

Work with jurisdictions to incorporate local design standards in order to create vibrant, safe, well-designed TOD Projects

- Ensure design standards are reasonable and do not impede feasibility
- Incorporate language on community serving uses and connecting to other amenities (trails, open space)

AB 2923 Development Principles: Changes Since July

D. AB 2923 Required Policies

Encourage sustainable mobility for residents, workers, visitors and BART customers

- Add language about district-based strategies that may help support shuttles, connecting transit
- Call for framework explaining how replacement parking and customer access decisions are made

Board Motion

Adopt the attached AB 2923 Development Principles.

(supplements BART's existing Board-adopted policies guiding transit-oriented development)

www.bart.gov/AB2923

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

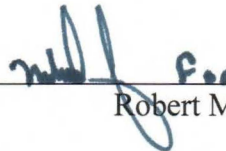
DATE: August 21, 2020

FROM: General Manager

**SUBJECT: Alameda County Transportation Commission 2014 Measure BB
Transportation Expenditure Plan - Proposed Amendment**

At the August 27, 2020 BART Board meeting, staff will present an information item on a proposed amendment to the Alameda County Transportation Commission (Alameda CTC) Measure BB Transportation Expenditure Plan (TEP), which has previously been approved by Alameda County voters in 2014. The proposed amendment replaces the BART to Livermore project with the "Valley Link" project for the I-580 Corridor. Attached is a brief overview presentation, and a comment letter submitted by BART staff to Alameda CTC on July 13, 2020 during the public comment period.

If you have any questions, please contact Val Menotti, Chief Planning & Development Officer, at (510) 287-4794.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 300 Lakeside Drive, P.O. Box 12688
 Oakland, CA 94604-2688
 (510) 464-6000

2020

July 13, 2020

Lateefah Simon
 PRESIDENT

Mark Foley
 VICE PRESIDENT

Robert Powers
 GENERAL MANAGER

DIRECTORS

Debora Allen
 1ST DISTRICT

Mark Foley
 2ND DISTRICT

Rebecca Saltzman
 3RD DISTRICT

Robert Raburn, Ph.D.
 4TH DISTRICT

John McPartland
 5TH DISTRICT

Elizabeth Ames
 6TH DISTRICT

Lateefah Simon
 7TH DISTRICT

Janice Li
 8TH DISTRICT

Bevan Dufty
 9TH DISTRICT

Via Email

Tess Lengyel, Executive Director
 Alameda County Transportation Commission
 1111 Broadway, Suite 800
 Oakland, CA 95607
 tlengyel@alamedactc.org

RE: Tri-Valley-San Joaquin Valley Regional Rail Authority Request for a 2014 Measure BB Transportation Expenditure Plan Amendment

Ms. Lengyel,

Thank you for the opportunity to comment on the above referenced item as part of the 45-day comment period that began following the Alameda County Transportation Commission’s (Alameda CTC) initial action on May 28, 2020. On behalf of the staff of the San Francisco Bay Area Rapid Transit District (BART), I am writing to express my support, with recommendations detailed below, of the proposed amendment of the 2014 Transportation Expenditure Plan, specifically on the \$400 million (M) of the 2014 Measure BB funds identified for the BART to Livermore extension project.

The 2014 Transportation Expenditure Plan (TEP) that was approved by Alameda County voters did specify “a BART Extension within the I-580 Corridor ... using the most effective and efficient technology.” In May 2018, the BART Board of Directors certified the Final Project EIR for the BART to Livermore extension, and directed staff not to advance a specific project in the Tri-Valley. Pursuant to AB 758 (Baker), the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRRA) at that point assumed responsibility to advance a rail project in the corridor. Because of the BART Board’s decision to not advance a project in the corridor, and TVSJVRRRA’s subsequent assumption of the lead for rail planning in the Tri-Valley, BART staff supports (with recommendations below) the proposed action to amend the TEP naming the TVSJVRRRA as an eligible recipient of Measure BB funds and specifically naming the Valley Link project in place of BART to Livermore. Staff believes this action is consistent with intent of Alameda County voters to invest in transit in the I-580 Corridor. It is important that the \$400 M sales tax investment does accrue to Alameda County residents and businesses.

Since the TVSJVRRRA assumed responsibility for a rail project in the Tri-Valley, BART staff have been engaged with the Authority during project feasibility and initial design of the proposed Valley Link Rail project, and this coordination continues as the project undergoes environmental review and design refinement. This coordination has been key to BART’s review of the potential impacts that the Valley Link project is projected to have on riders of the BART system.

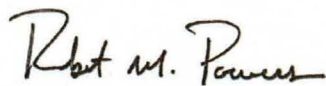
To ensure a safe, comfortable and seamless journey for transit riders, BART recommends that the amendment to the TEP clearly indicate that required improvements to the BART system in Alameda County resulting from the impacts of the Valley Link Rail project are priority components of the Phase 1 Valley Link Rail project. These fall into three areas of investments:

- 1) **Base Project:** As a result of our initial analysis of these impacts, BART projects that the increased ridership driven by the Valley Link Rail project will result in impacts to BART (including the need to acquire additional rail cars), station capital improvement needs (to accommodate safe and smooth passengers flows), and reconfiguration of the Dublin/Pleasanton station (to facilitate transfers between the two systems). These analyses will be further revised as coordination continues, in preparation for the release of the Draft Environmental Impact Report for the Valley Link Rail project scheduled for later this year
- 2) **Core Improvements:** Initial analysis indicates that many future Valley Link patrons would transfer to the BART system, and that capacity improvements of varying cost may be required at destination stations, such as the 12th St Oakland, 19th St Oakland, Castro Valley, Lake Merritt, and West Dublin / Pleasanton BART stations (i.e., platform width, emergency egress, vertical circulation). Measure BB funding eligibility must reflect the potential that expenses related to the Valley Link Phase 1 project may occur outside the I-580 corridor itself, but still within Alameda County.
- 3) **I-580 Corridor Fare Gate Modernization:** Funding is required to modernize faregates for BART stations within the I-580 Corridor (Castro Valley, West Dublin/Pleasanton and Dublin/Pleasanton stations) to the revised standard adopted by the BART Board of Directors. These new faregates address fare evasion at these stations and provide current and future travelers within the I-580 Corridor a safer and more secure experience.

The Valley Link project will not be successful for our riders and Alameda County taxpayers if the system does not adequately accommodate these new passengers. BART does not have funding to mitigate these impacts, which are critical to the overall success of this project. Therefore, BART anticipates that the close coordination with the Valley Link Rail project team will continue as the project advances. While ultimately other fund sources may be used for the core system BART impacts noted above, at this early phase it is important to maintain maximum flexibility of local funding so that they can be used to leverage additional region, state, and federal funding sources.

Thank you again for this opportunity to comment on this proposed action. Please do not hesitate to contact me or my staff with any additional questions.

Sincerely,



Robert M. Powers
General Manager



Alameda CTC Measure BB Transportation Expenditure Plan Amendment: Replace BART to Livermore Project with Valley Link Rail Project

BART Board of Directors

August 27, 2020



Alameda County Measure BB (2014) Background

- In 2014, Alameda County voters approved Measure BB, authorizing an extension and augmentation of an existing transportation sales tax within the county.
- Measure BB included a Transportation Expenditure Plan (TEP), which guides the investments of Measure BB revenues toward capital projects and programs that improve the transportation system within Alameda County.
 - Among other priorities, projects, and initiatives, the Measure BB TEP included \$400M for the BART to Livermore project.
- Measure BB is administered by the Alameda County Transportation Commission (Alameda CTC).

Proposed TEP Amendment

- The Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRA), created by AB 758 (Eggman), assumed responsibility for planning, developing and delivering rail in the Tri-Valley upon the BART Board of Director's decision to not advance the BART to Livermore project in 2018.
- TVSJVRRA has requested that Alameda CTC amend the Measure BB TEP to:
 - Acknowledge TVSJVRRA as a new agency eligible for Measure BB funds
 - Remove the BART to Livermore Project as a named capital project and associated \$400 million in Measure BB funding
 - Add the Valley Link Project as a named capital project and include \$400 million in Measure BB funding

Proposed TEP Amendment: Key Language

- Remove BART to Livermore (\$400 M):

“This project funds the first phase of a BART Extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange using the most effective and efficient technology. Funds for construction for any element of this first phase project shall not be used until full funding commitments are identified and approved, and a project-specific environmental clearance is obtained. The project-specific environmental process will include a detailed alternative assessment of all fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.”

- Add Valley Link Rail in Alameda County (\$400 M):

“This project funds the first phase of a Valley Link rail extension from the existing Dublin/Pleasanton BART station within the Tri-Valley and Altamont Pass in Alameda County using the most effective and efficient technology. Funds are for construction for any element of this first phase project in Alameda County and shall not be used until full funding commitments are identified and approved for the initial operating segment that most effectively meets the adopted project goals, and a project-specific environmental clearance is obtained. The project-specific environmental process will include an alternatives assessment of fundable and feasible alternatives, and be consistent with mandates, policies and guidance of federal, state, and regional agencies that have jurisdiction over the environmental and project development process.”

Note: The 2014 TEP has many references to BART to Livermore or a BART extension and requires changes to several additional pages in the 2014 TEP, as detailed in the May 21, 2020 Alameda CTC Commission staff report.

Measure BB TEP Amendment Process

- The 2014 Measure BB TEP laid out the process by which amendments to the TEP may be considered
- Upon the receipt of a request for an amendment:
 1. Alameda CTC must vote with a 2/3 majority to begin a 45-day jurisdiction comment period on the proposed amendment
 - Vote taken May 28, 2020
 2. Alameda CTC staff must collect comments and return to the Commission to report on comments received and recommended action
 - 45-day jurisdiction comment period closed July 13, 2020
 3. Alameda CTC must vote with a 2/3 majority to modify and amend the plan
 - Anticipated for consideration at Planning, Policy, and Legislation Committee on Sept. 14, 2020
 - Anticipated for consideration at the full Commission Sept. 24, 2020

Measure BB TEP Amendment: BART Staff Comments

BART Required Investments:

1. Base Project – Direct Impacts:

- BART cars required
- BART car storage and ancillary facilities required
- Peak BART train
- Dublin/Pleasanton Station reconfiguration to facilitate transfers

2. Core Improvements in Alameda County:

- Due to additional ridership, platform capacity, vertical circulation, faregates, emergency egress, heating & ventilation

3. I-580 Corridor Fare Gate Modernization

- Modernize to revised standard adopted by BART Board



Discussion

