

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

**BOARD MEETING AGENDA**

September 10, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 10, 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 941-2893-9132.

**If you wish to make a public comment:**

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto: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 941-2893-9132, 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](https://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](https://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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

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 Meeting of August 27, 2020.\\*](#)  
Board requested to authorize.
- B. [Computer Software Agreement with Carahsoft Technology Corporation for eSignature Software.\\*](#) Board requested to authorize.
- C. [Computer Software Agreement with Dell Technologies for Microsoft Enterprise Software.\\*](#) Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. [Fiscal Year 2021 Budget Outlook.\\*](#) For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. [\(CONTINUED from August 27, 2020, Board Meeting\) Bay Area Rapid Transit District's Annual Surveillance Report – 2020.\\*](#) Board requested to approve.
- B. [Fleet Decommissioning.\\*](#) For information.
- C. [Innovations in Infrastructure.\\*](#) For information.

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

Director Saltzman, Chairperson

A. [State Ballot Measure \(Proposition 15\) for Consideration.\\*](#)

Board requested to authorize.

B. [Update on BART Safety, Reliability and Traffic Relief Program \(Measure RR\) Safe Routes to BART Grant Program.\\*](#)

For information.

C. [Update on BART and Valley Transportation Authority, Phase 2.\\*](#)

For information.

D. [Update on Transbay Corridor Core Capacity Project.\\*](#)

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 1,869th Meeting  
August 27, 2020

A regular meeting of the Board of Directors was held on August 27, 2020, convening at 9:02 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; Patricia K. Williams, District Secretary.

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

Absent: None.

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

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meetings of July 23, 2020 (Regular) and August 10, 2020 (Special).
2. Fixed Property Tax Rates Fiscal Year 2020-2021 General Obligation Bonds.
3. Award of Agreement No. 6M4718, with Delta Dental of California, for Dental Administration.
4. Amendment to Agreement No. 6M4711, with CITYHEALTH URGENT CARE, A MEDICAL CORPORATION, for COVID-19 Testing Services.
5. Agreement with Transource Services Corp. for Information Technology Hardware and Software.
6. Renewal of Software Subscription with Oracle for the Oracle Cloud Analytics Platform and Services.
7. Agreement with Cornerstone Technologies for Information Technology Hardware and Software.
8. Award of Agreement No. 6M3466, with University of California, San Diego, for At-Grade Track Variation Study for Earthquake Emergency Response Planning.
9. Award of Agreement No. 6M3478, with Onyx Spectrum Technology, Inc., for the Net.com Train Control Networking Solution, Maintenance Agreement and Software License.
10. Amendments to Agreement No. 6M5087 and Agreement No. 6M5088 for General Environmental Services to Support BART's Hazardous Materials Program.



11. Resolution Authorizing a Funding Agreement with California Department of Transportation (Caltrans) for the El Cerrito-Berkeley Corridor Access Strategy for Transit-Oriented Development.
12. Resolution Authorizing an Application to the California Transit-Oriented Development Housing Grant Program – West Oakland BART Station.
13. Resolution in Support of Riding Together: Bay Area Healthy Transit Plan.

President Simon called for Public Comment on the Consent Calendar. No comments were received.

Director Saltzman made the following motions as a unit. Director Raburn seconded the motions.

1. That the Minutes of the Meetings of July 23, 2020 (Regular) and August 10, 2020 (Special) be approved.
2. Adoption of Resolution No. 5449, In The Matter of Fixing The Rate of Taxes For San Francisco Bay Area Rapid Transit District for Fiscal Year 2020/21.
3. That the General Manager be authorized to execute Agreement No. 6M4718 with Delta Dental of California to provide administrative services in the amount not to exceed \$1,044,443.00.
4. That the General Manager be authorized to execute an amendment to Agreement No. 6M4711, COVID-19 Testing Services to CITYHEALTH URGENT CARE, A MEDICAL CORPORATION, to increase funding to \$600,000.00.
5. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with Transource Services Corp. for an amount not to exceed \$1,840,993.93.
6. That the General Manager or his designee be authorized to execute a 1-year subscription with Oracle Cloud Analytics in an amount not to exceed \$185,043.51.
7. That the General Manager or his designee be 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.
8. That the General Manager be authorized 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 \$160,747.00.
9. That the General Manager be authorized 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 \$462,000.00.
10. That the General Manager be 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 \$550,000.00 for both agreements.

11. Adoption Resolution No. 5451, In the Matter of Authorizing the Execution of Agreements for the El Cerrito-Berkeley Corridor Access Strategy for Transit Oriented Development.
12. Adoption of Resolution No. 5450, 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.
13. Adoption of Resolution No. 5452, In the Matter of Support of Riding Together: Bay Area Healthy Transit Plan.

Director Li asked staff to comment on the Bay Area Healthy Transit Plan and the importance of coordination among transit operators.

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

Consent Calendar report brought before the Board was:

1. Public Report on Recent Sale of General Obligation Bonds.

President Simon called for general Public Comment.

Roland Lebrun addressed the Board.

Director Raburn asked Ms. Williams to provide the subject and support or oppose positions of the written comments that were previously provided to the Board.

Aleta Dupree addressed the Board.

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

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, announced that staff would provide an update on legislation. Mr. Rodd Lee, Assistant General Manager, External Affairs, presented an update on Senate Bill 731.

Director Saltzman brought the matter of Update on Assembly Bill (AB) 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development, before the Board.

Ms. Abby Thorne-Lyman, Group Manager, Transit-Oriented Development, Systems Development and Ms. Nicole Franklin, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The following individuals addressed the Board:

David Ying  
Beilul Naizghi  
Derek Sagehorn

Director Saltzman commented that all the written comments previously provided to the Board were generally supportive of dense, affordable development in Berkeley and discussed development at Orinda Station.

Director Raburn expressed support for implementation of AB 2923 and BART's policies to support AB 2923 and commented on and/or inquired about the increase in the estimates of deliverables on BART property, climate change, creating sustainability and livable communities, and the state's approval of grants for projects that BART staff worked on.

Director Raburn moved that the Board adopt the AB 2923 Development Principles. Director Li seconded the motion.

Discussion of the item continued, with the following highlights:

Director Li expressed support for implementation of AB 2923; thanked staff for their work to partner with local jurisdictions; commented on the transportation demand management (TDM) program, language in the Development Principles (Principles), public comments, appreciation for the changes that were made to the Principles, ensuring that BART utilizes all opportunities to build affordable housing, and all transit-oriented development (TOD) moving forward in partnership; and thanked members of the public for their written comments.

Director Allen thanked staff for their work; expressed support for some changes in the Principles and commented on and/or inquired about mixed-income housing in Lafayette, the outreach that was performed to cities and local leaders to present the Principles and invite their feedback, whether a final draft of the Principles was sent to city staff members to receive their feedback, and whether the stakeholder meeting with jurisdictions was held online and accessible to all.

Director Foley expressed that he would support the TOD presentation and Principles; thanked staff for incorporating many of the Board Members' recommended changes; and commented on and/or inquired about the career jobs element of the Principles, opposition to converting BART's land into retail spaces and creating low wage jobs, ensuring job quality when a development project is presented, creating a job quality standard that developers must meet, and relationships with local jurisdictions, gratitude for staff's inclusion of language regarding underlying support services for shuttles and buses in the presentation and the Principles; and requested that job quality data for future TOD projects be presented to the Board.

Director Dufty associated himself with the comments made by Directors Raburn and Li; commented on the importance of anti-displacement strategies; thanked Beilul Naizghi and noted that he shared the values and concerns expressed by Beilul; and expressed gratitude for Director Saltzman's leadership.

Director Ames commented on the insufficient number of jobs in the East Bay and affordable housing targets; applauded staff for their work; expressed appreciation for the ladder approach to jobs in the TOD plan; and commented on life-cycle costing for TOD projects, ensuring that BART earns profit long-term; and requested that cost-effective analyses be provided before the Board makes decisions on TOD projects.

Director Allen expressed agreement with Director Foley's comments.

Director Raburn commented on the total number of units and the number of units that would be affordable housing units as outlined in the TOD Work Plan.

Director McPartland thanked staff for their work; applauded Director Foley's comments related to wages; and commented on BART becoming a partner with the population it serves and addressing the housing crisis.

Director Saltzman thanked staff for their work with local communities and cities and expressed support for the Principles and the TOD Work Plan.

The motion brought by Director Raburn 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.

Director Saltzman brought the matter of Alameda County Transportation Commission Transaction and Use Tax Ordinance (Measure BB) Countywide Transportation Plan Amendment before the Board. Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, presented the item.

Michael Tree and Jerry Cauthen addressed the Board.

The item was discussed, with the following highlights:

Director McPartland expressed support for the amendment and the Valley Link project.

Director Raburn expressed overall support for travel by rail into the San Joaquin County area and collaboration between counties and opposition to the \$400 million allocation to the Valley Link project at this time; and addressed a letter submitted by the Sierra Club.

Director Ames expressed concern about utilizing \$400 million for the development of the Valley Link project for the reasons expressed by Director Raburn; commented on the absence of a study of competitive transportation needs; requested an analysis of the need for an additional rail system for service to Stockton; and expressed opposition to the \$400 million allocation to the Valley Link project at this time.

Director Allen commented on and/or inquired about studies conducted on the Valley Link project, the establishment of the Tri-Valley San Joaquin Valley Regional Rail Authority (TVSJVRRA), utilization of eBART, BART service to Southern Alameda County and residents' payment for BART, BART's rejection of full service to Southern Alameda County, BART service to Livermore as the purpose of the \$400 million, support for alternative transit if a full BART extension is not feasible, tying new fare gates to the Valley Link project, support for an alternative analysis, an explanation of why the Valley Link connection would require

TVSJVRRRA to contribute to BART car storage and ancillary facilities, and the funding and design process of the Valley Link project.

Director McPartland commented on the need for additional train cars and tail track to accommodate the Valley Link project and contribution from TVSJVRRRA for new fare gates.

Director Saltzman associated herself with the comments by Directors Raburn and Ames; commented on continuing to study the Valley Link project, Alameda County Transportation Commission's (ACTC) vote against funding the project at this time, unknown information about the project, the premature nature of the project, appreciation for Director McPartland's work and flexibility to advocate for BART and for staff's work, concern about allocating funding to the project at this time and uncertainty regarding revenue, and other projects in the expenditure plan; and read an excerpt from a letter submitted by the Sierra Club.

John Arantes addressed the Board.

President Simon announced that the Board would return to the Administration Committee items; commented on the budget process; recommended that the Board honor the previously adopted budget resolution and follow the original budget revision plan; and addressed efforts to identify cost-savings measures and revenue opportunities.

President Simon requested a canvass of the Board Members to ascertain if the majority were in favor of proceeding with the item on Fiscal Year 2021 Budget Outlook as information only. It was determined that the majority of members preferred to handle the item as an information item rather than an action item.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Budget Outlook before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Michael Eiseman, Director of Financial Planning; Ms. Alicia Trost, Chief Communications Officer; Mr. Christopher Simi, Director of Budgets; Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. Michael Jones, Deputy General Manager, presented the item.

Aleta Dupree addressed the Board.

Director Allen thanked staff for their work and commented on and/or inquired about Fiscal Year 2022 (FY 22), bringing expenses in line with revenues for the current fiscal year, her goal for long-term fiscal responsibility, the closure of Fiscal Year 2020 (FY 20), funding, revenue targets in the Fiscal Year 2021 (FY 21) budget, sales tax numbers, mitigation of revenue shortfalls, concern about load-shedding, the capital budget and long-term capital plan, whether an actionable comprehensive plan with options for budget reductions, if necessary, will be presented to the Board in October, the Board's flexibility to respond to information, proposed budget solutions, utilizing reserves, addressing operation expenses, and focusing on matching service costs with available funding.

Director Allen moved that (1) the Board direct staff to develop a menu of options for reductions to BART's operating expenses totaling a minimum of \$50 million of recurring operating expense items from the FY 21 budget; (2) the options be presented at the next Board Meeting with a financial update as an actionable item; (3) the options encompass all departments and all levels of BART including all

levels of management; (4) and the options shall not include cutting or reversing previous allocations to the capital budget and railcar fund, reducing debt service, or utilizing our scarce reserve accounts.

Director Ames seconded the motion. She commented on and/or inquired about FY 22, the need for a federal bailout or consideration of impacts, workforce options, considering 10% salary reductions and furloughs, the impacts to the workforce being considered by staff other than load-shedding, opposition to laying off staff, reductions in capital programs, asking operations staff to work in the capital program, reducing consultant contracts or scope of work, reviewing a menu of options if no fiscal assistance is received, identifying subsidies before October, and long-term deficit financing; and thanked staff and Board Members for their input and work.

Director Dufty moved to table the motion. Director Li seconded the motion to table.

After discussion, Director Dufty withdrew his motion to table.

The motion brought by Director Allen and seconded by Director Ames failed by roll call vote. Ayes: 2 – Directors Allen and Ames. Noes: 7 – Directors Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Discussion of the FY 21 Budget Outlook continued, with the following highlights:

Director Dufty commented on and/or inquired about staff's response to the load-shedding discussion and difficulties that might be encountered, reducing overtime, and continued focus on cost savings; and thanked John Arantes, Sal Cruz, and Jesse Hunt for their work to help reduce overtime costs.

Director Li aligned herself with the opening remarks from President Simon; expressed appreciation for Director Dufty's questions; and commented on the \$51 million shortfall estimate, her willingness to work to identify funding to fill the shortfall and prepare for FY 22, her intent to prevent devastating decisions, the need to discuss federal emergency relief funding after November, being mindful of making large changes, and making fiscally responsible decisions with the available information.

Director McPartland commended Ms. Tamar Allen's responses; commented on the seriousness of the presentation; expressed appreciation for the efforts of Amalgamated Transit Union (ATU), Service Employees International Union (SEIU), and American Federation of State, County and Municipal Employees (AFSCME); and thanked staff and unions for their work.

Director Raburn commended staff and commented on the impacts of utilizing reserves, the connection between the Valley Link project and budget discussion, his inspection tour of the Transbay Tube, acceleration of work and load-shedding in the Transbay Tube, and BART's intent to provide a better system.

Director Saltzman thanked staff for their work; expressed appreciation for the efforts of management, the unions, and workers last year; and commented on and/or inquired about continuation of the partnership, continuing to think of creative ways to save money and complete capital projects faster, riders returning to a better system, appreciation for staff highlighting challenges in 2022, advocacy for federal funding, the importance of partnership with transit

agencies in relation to securing federal funding, working with the state and region to identify other available funds, working collaboratively to obtain funding over the next two years, and the status of hiring additional Ambassadors as approved by the Board; and requested that staff continue to present information about challenges in 2022 to the Board.

Director Foley thanked staff for their work and labor partners for their efforts and commented on and/or inquired about BART's dependency on farebox revenue, the need for an alternative solution, federal and state funding, BART's dependency on ridership and susceptibility to changes in ridership, concern about the restrictions placed in Director Allen's motion, whether staff's goal is to present options to the Board in October, concern about the ability to make reasonable course corrections, the importance of the Board having options, and the financial impact of providing additional service; and requested that staff present budget alternatives to the Board.

Director McPartland commented that he would like to discuss the Ambassador program with Director Saltzman.

President Simon commented on making difficult decisions, regular recommendations from staff regarding the budget, the meaning of "staying the course," the impact of COVID-19 on riders who are reliant on transit, the consistent value that BART must keep moving, senior staff and Board Members' daily review of numbers and data, her motivation to collaborate with labor partners and others to ensure that BART stays on track, and continuing to become world class transit.

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

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The Board Meeting reconvened at 12:13 p.m.

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

Absent: None.

Director McPartland brought the matter of Responses to the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns" (Responses) before the Board. Ms. Herhold; Mr. Robert Powers, General Manager; Chief of Police Ed Alvarez; and Mr. Jones presented the item.

The item was discussed, with the following highlights:

Director Raburn commented on the value of the Responses and revising the Strategic Plan after issues with FY 21 have been addressed.

Director Saltzman thanked staff for the Responses and commented on revisiting the Strategic Plan next calendar year.

Director McPartland expressed agreement with Directors Raburn and Saltzman.

Director Foley moved that the Board of Directors approve the 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 direct staff to transmit those responses to the 2019-2020 Contra Costa County Civil Grand Jury.

Director Foley expressed support for the recommendations and commended staff’s work on the Responses.

President Simon seconded the motion brought by Director Foley.

Director Foley expressed agreement with Directors Raburn and Saltzman regarding the Strategic Plan; suggested that the Strategic Plan be regularly reviewed; and commented on the recommendation regarding the staffing of the station agent booths in the Antioch and Pittsburg eBART stations, how to make the Antioch and Pittsburg eBART stations more receptive to riders, and staffing the station agents booths at the eBART stations.

Rowan Katow and Darrell Owens addressed the Board.

Director Li expressed appreciation for the public speakers and inquired whether Ambassadors were conducting fare checks and asked for clarification of the “additional officers” language used in relation to vacancies in the Responses.

Ms. Herhold suggested that the Responses be modified to read, “hiring for 16 vacant positions,” instead of “hiring for 16 additional positions.”

The suggested modification to the Responses was accepted by the maker and seconder of the motion, and the motion carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (The modified Responses are attached and hereby made a part of these Minutes.)

Director McPartland brought the matter of Amendment to Agreement No. 6M7266, with OUTFRONT Media Group LLC, for Advertising Franchise, before the Board. Mr. David Martindale, Acting Director of Marketing and Research, and Mr. Lee presented the item.

Andy Sriubas addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about termination of the agreement and revenue loss, terminating the agreement and entering into a new agreement in a year, whether BART would pay \$25 million for the equipment installation, the number of units that would be installed for \$25 million, and support for terminating the agreement and revisiting the issue in a year.

Director Ames inquired about revenue generation and profit.



Director Dufty asked Andy Sriubas to discuss the agreement and the \$25 million cost of the equipment installation.

Andy Sriubas addressed the Board.

Director Dufty commented on the 70% return figure, OUTFRONT Group Media LLC's (OUTFRONT) payment of \$10 million when it was awarded the agreement, the advertising industry's percentage of loss as comparable to BART's percent of loss, negotiation and competitiveness of the agreement, and support for the agreement amendment.

Director McPartland expressed agreement with Director Dufty and commented on the number of vendors for major transit agencies and OUTFRONT's representation, BART's 70% return, re-bidding the agreement as counterproductive, OUTFRONT and Andy Sriubas being good partners, and support for the agreement amendment.

Director Raburn commented on and/or inquired about reviewing the information about the item, the minimum annual guarantee (MAG) payment amounts received in the past year and in 2019, who would install the screens in stations, BART employees' requests to participate in the process, OUTFRONT providing the funds that were promised, not rejecting funding that is critical to keeping the system operating, and support for the agreement amendment.

Director Raburn moved that the General Manager be 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. Director Saltzman seconded the motion.

Director Foley inquired whether the new agreement allows either party to terminate the agreement, whether the agreement includes on-train advertising, and the number of stations that were supposed to be retrofitted using the \$25 million capital investment in digital screens.

Director McPartland asked whether the screens could be installed at above-grade stations.

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

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Agreement with Simmons Machine Tool Corporation for the Wheel Truing Machine Control System before the Board. Mr. Marcus McHugh, Project Manager, Strategic Engineering, presented the item.

Director Raburn moved that 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; and that for the sole purpose of replacing the Wheel Truing Machine control systems currently in use throughout the District, the General Manager be authorized 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 \$306,000.00. Director McPartland seconded the motion, which

carried by unanimous roll call vote by the required two-thirds vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of BART Safety, Reliability and Traffic Relief Program (Measure RR) Project Support Leases and Rentals before the Board. Mr. Bryant Fields, Project Manager, Strategic Engineering, presented the item.

Director McPartland commented that the equipment needed to be leased due to the language of Measure of RR.

Director Ames asked Ms. Tamar Allen to comment on BART employees maintaining the equipment.

Director Ames moved that the General Manager be 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 that those vendors be added to that list thereafter. Director Allen seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (Attachments I and II are attached and hereby made a part of these Minutes.)

Director Dufty brought the Matter of Award of Agreements for Construction Management Services before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Vicki Tan, Group Manager, Project Controls, Program Management; Mr. Powers; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

Director Dufty thanked Ms. Tan for her presentation; congratulated Ms. Tan and staff for their work; and recognized PreScience Corporation for its 70% Small Business Enterprise (SBE) participation goal.

Schatzie Allen-Jefferson and John Fisher addressed the Board.

Director McPartland moved that the General Manager be authorized to award the below listed Agreements to provide Construction Management Services for BART Projects in an amount not to exceed \$40,000,000.00 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

Director Saltzman seconded the motion.

The item was discussed, with the following highlights:

Director Ames commented on unknown information about the agreements, reducing consulting services, evaluating whether staff can perform the services, her desire to inform her constituents about how money is spent and for which projects the money is spent, review of the Measure RR update, and opposition to award of the agreements; and requested that staff provide an update about work performed by BART employees in October.

Director Raburn commented on the remaining funds in the contract, migrating from design into the implementation phase on many of the projects, the need to move the item forward to fulfill the approved Measure RR bond issuance, continuing to provide opportunities for people in the Bay Area through projects largely constructed using Measure RR funds, and support for award of the agreements; and congratulated Schatzie Allen-Jefferson and John Fisher.

Director Allen commented on support for award of the agreements, the terms of the agreements, opportunities for smaller firms to enter into agreement cycles, and the importance of Measure RR and construction management work; and requested that staff identify opportunities and methods to add additional firms in two or three years.

Director Dufty commented on firms' interest in the procurement, the sub-consultants working under the award recipients, the progress on implementing Measure RR, and creating jobs and opportunities; requested that staff identify sub-consultants and new sub-consultants in the Executive Decision Documents; asked staff to address how BART's on-call approach has provided flexibility in completing work in a timely manner; and requested that staff provide a list of the sub-consultants that would be working with the award recipients and identify the sub-consultants that would be working with BART for the first time.

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

Director Dufty brought the matter of Bay Area Rapid Transit District's Annual Surveillance Report – 2020 before the Board. He commented on a written comment submitted by Brian Hofer with Secure Justice and staff's desire to work with Mr. Hofer and other stakeholders to address some of the concerns in Mr. Hofer's letter.

Nick Carraway and Aleta Dupree addressed the Board.

Director Saltzman moved that the item be continued to a Board Meeting in September. Director Li seconded the motion, which carried by unanimous acclamation. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of Quarterly Service Performance Review – Fourth Quarter Fiscal Year 2020 before the Board. Ms. Tamar Allen, Chief Alvarez, and Mr. Jones presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about the decrease in employee injury rates, concern about the decrease in crimes against persons in relation to the decrease in paid ridership, whether police officer train teams were still operating, the number of police officers assigned to a train team, whether police officers are focused on fare inspection or riding trains at certain stations, the number of hours allocated to fare inspection per shift, and whether police officers working fixed post shifts ride the trains throughout the system.

President Simon asked Chief Alvarez to comment on BART Police Officers' observations, Mr. Armando Sandoval's, Community Outreach Specialist, Police Operations Division, work to coordinate with counties, the context of crime, how to reduce the amount of crime, collaboration efforts moving forward, the increased amount of individuals struggling with mental health issues and efforts to address those issues, and de-escalation training; inquired about deployment of police officers during the day, whether the amount of armed police officers and fare inspectors deployed during daytime service hours is greater than the amount deployed during daytime service hours prior to COVID-19; commented on Gallup poll data; and thanked Chief Alvarez for his work.

Director Dufty suggested that he, President Simon, and Mr. Powers contact the counties of Alameda, Contra Costa, and San Francisco to seek assistance with addressing homelessness.

Director Li aligned herself with the comments by Director Dufty and commented on the relationship between the presentation and the Roll Call for Introductions (RCI) request regarding the budget revision in October.

Director Ames commented on seeking assistance from cities and counties and her desire to participate in the county conversations.

President Simon called for the General Manager's report. Mr. Powers reported on his involvement in Regional Impact Council (RIC) Steering Committee, the unveiling of a mural at Coliseum Station, A65 track project work, the press conference with the general managers of Bay Area transit operators regarding the Riding Together: Bay Area Healthy Transit Plan, his participation in a national rally to save public transit, and his participation in a meeting with Michael Hursh, General Manager of Alameda-Contra Costa Transit District (AC Transit), and the East Bay Economic Development Alliance.

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

Director Dufty requested that the Meeting be adjourned in honor of Mr. William Alonzo Little, Jr., father of Naomi Kelly, San Francisco City Administrator.

Director Raburn reported on his tour of the Transbay Tube and attendance at the mural dedication ceremony at Coliseum Station; commented on Senate Bill 731; and requested that Board Members' write to legislators to request support for Senate Bill 731.

Director Li reported that she had participated in a panel hosted by the Chinese Mutual Aid Association (CMAA), Conference of Minority Transportation Officials (COMTO), Women's Transportation

Seminar (WTS International), and others regarding Bay Area transit and equity; recognized that August 27, 2020 would have been Courtney Brousseau's 23<sup>rd</sup> birthday; and requested that the Meeting be adjourned in honor of The Honorable James Fang, former BART Board Director of 24 years, representing District 8.

Director Foley reported that he had attended the City of Concord's Community Conversation on Homelessness and Mental Health and requested that staff provide a monthly memo to the Board outlining the status of the new BART Headquarters located at 2150 Webster Street, Oakland.

President Simon indicated that most BART employees are essential workers; thanked employees for their work; noted that public transportation is essential to the economy and lives; commented on crises across the country; and thanked Board Members for their service.

The Meeting was adjourned at 2:24 p.m. in honor of Mr. William Alonzo Little, Jr. and The Honorable James Fang.

Patricia K. Williams  
District Secretary

**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 vacant 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.

Prospective Bidders Lists - RR Project Support Leases and Rentals

	Status	Date Added	SB/LSB	Vendor
1	On List	5/28/2018		Custom Truck - CTE
2	On List	7/2/2018		Danella
3	On List	6/29/2018	SB	Doc Bailey Construction
4	On List	7/30/2018		Golden Gate Truck Center
5	On List	6/29/2018		Herz Rentals
6	On List	6/28/2018		NESCO Specialty
7	On List	7/3/2018		RELAM
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	8/22/2019		Swingmaster
14	On List	6/29/2018		Ohio Crane / IPS
15	On List	11/26/2019		Railworks
16	On List	8/17/2018		Ahern
17	On List	7/5/2018		CRESCO
18	On List	3/27/2019		H&E Equipment Services
19	On List	12/21/2018		National Rentals (not car rental)
20	On List	9/18/2018		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	12/28/2018		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	5/30/2019		WillScot
40	On List	5/21/2020		Mobile Modular
41	Sent Questionnaire	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	<b>SB / LSBs - Certified by California General Services Agency as a Small Business</b>			
47	On List	6/29/2018	SB	CH RULL COMPANY
48	On List	10/2/2018	SB	Makai Solutions
49	On List	7/5/2018	LSB	PINTANE LLC - *on SB
50	On List	7/2/2018	LSB	SDV SERVICES INC. - *LSB
51	On List	7/12/2018	SB	CAI SAFETY INC. - *on SB
52	On List	7/13/2018	LSB	YOLANDA'S CONSTRUCTION ADMINISTRATION & TRAFFIC C



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/Inserter
  - Tie Handlers
  - Cranes
  - Flat cars



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alfonzo Rigel Dept: CIO Administration  Signature/Date: 9/3/2020	General Counsel  9/3/20 [ ]	Controller/Treasurer  9/3/2020 [ ]	District Secretary [ ]	BARC  9/3/20 [ ]

## Computer Software Agreement with Carahsoft Technology Corporation for eSignature Software

### PURPOSE:

To request that the Board authorize the General Manager to execute a three (3) year information technology software contract with the Carahsoft Technology Corporation for an amount not to exceed \$206,865.69.

### DISCUSSION:

This purchase is for an enterprise eSignature software solution (DocuSign) that is required as an integral part of the District's effort to reduce paper production and storage and to assist in allowing smaller and more efficient workspaces in the new BART Headquarters.

This purchase is being made through the National Association of State Procurement Officials, (NASPO) cooperative purchasing program 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 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 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:**

Funding in the amount of \$206,865.69 for award of Contract No. 6M4724 is included in the total project budget for 17HN000, BART Headquarters (BHQ). Funds will be expended as follows:

<b>Proposed Funding</b>	
FY21	\$73,532.37
FY22	\$66,666.66
FY23	\$66,666.66
<b>Initial Total</b>	<b>\$206,865.69</b>
<i>*Funding is expected to begin 9/18/2020.</i>	

The table below lists funding assigned to the referenced project since September 2, 2020 and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund	Fund Description	Amount
8211	2019A Sales Tax Rev Bonds	\$227,000,000
	Total	\$227,000,000

As of September 2, 2020, \$227,000,000 is the total budget for this project. BART has expended \$139,645,279, committed \$59,360,460 and reserved 1,814,871 to date. This action will commit \$206,865.69, leaving an available fund balance of \$25,972,523 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:**

Decline to authorize the Agreement through the NASPO program and seek alternative independent proposals by the District. The District would incur substantial delays if it were to procure such services on its own.

**RECOMMENDATION:**

Approve the following motion:

**MOTION:**

The General Manager or his designee is authorized to execute a three (3) year information technology software contract with the Carahsoft Technology Corporation for an amount not to exceed \$206,865.69.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alfonzo Rigel Dept: CIO Administration  Signature/Date: 9/3/2020	General Counsel  9/3/20 [ ]	Controller/Treasurer  9/3/2020 [ ]	District Secretary [ ]	BARC  9/3/20 [ ]

## Computer Software Agreement with Dell Technologies for Microsoft Enterprise Software

### PURPOSE:

To request that the Board authorize the General Manager to renew the Microsoft Enterprise License Agreement utilizing the County of Riverside's competitively awarded agreement with Dell Marketing LP for a three-year term not to exceed \$1,628,051.85.

### DISCUSSION:

This purchase is for the renewal of a Microsoft Enterprise License Agreement utilizing the County of Riverside's competitively awarded agreement with dell Marketing LP (Dell) that includes Microsoft Office 365 products, collaboration software, and database and server software.

The Office of the Chief Information Officer (OCIO) evaluated several alternatives to procure the most cost-effective Microsoft Enterprise License Agreement to meet the District's needs and has determined that piggybacking off of the County of Riverside's statewide cooperative license purchase with Dell, a reseller of Microsoft licenses, provides the greatest level of savings to the District.

The County of Riverside's license purchase with Dell is a competitively bid cooperative purchasing program used by nearly 1,000 public agencies in the State including, cities, counties, and special districts.

Because the County of Riverside 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 proposed Agreement is for an amount not to exceed \$1,628,051.85.

Initial purchase price to be funded in Fiscal Year 2021 will be absorbed by the Office of the Chief Information Officer Operating budget (Dept 0504460, Account 681355). Funding for Fiscal Year 2022 and 2023 will be requested as part of the Office of the Chief Information Officer Operating budget and will be subject to Board approval. Proposed funding is as follows:

<b>Proposed Funding</b>	
FY21	\$542,683.95
FY22	\$542,683.95
FY23	\$542,683.95
<b>Initial Total</b>	<b>\$1,628,051.85</b>
<i>*Funding is expected to begin 10/1/2020.</i>	

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

**ALTERNATIVES:**

Decline to extend the Agreement through the County of Riverside and seek alternative independent proposals by the District. The District would experience substantial interruptions to daily operations of the District's email, document collaboration platform, and day-to-day operations using Microsoft Office Suite, which are essential to daily operations of BART staff.

**RECOMMENDATION:**

Approve the following motion.

**MOTION:**

The General Manager or his designee is authorized to execute renewal of a Microsoft Enterprise License Agreement utilizing the County of Riverside's competitively awarded agreement with Dell Marketing LP for a three-year term not to exceed \$1,628,051.85.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors


**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** Administration Agenda: Fiscal Year 2021 Budget Outlook

At the September 10, 2020 BART Board of Director's meeting, the District's "Fiscal Year 2021 Budget Outlook" will be presented as an information item.

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



---

Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff





# ▶ FY21 Budget Outlook

September 10, 2020



# Agenda

- Recap of 8/27 budget outlook
- Focus on Ridership:
  - Rider Data trends
  - Factors in ridership recovery
- COVID Expense Update
- Summary / Next Steps

# 8/27 Recap: Summary

## **Ridership continues to depend on suppressing COVID-19 pandemic and future travel patterns likely to be very different than past years**

- BART ridership is unlikely to recover substantially for many years
- 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); however, not likely to fill entire revenue gap

## **Staff is evaluating and responding to 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**

## **Even with additional federal assistance, there is no single 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

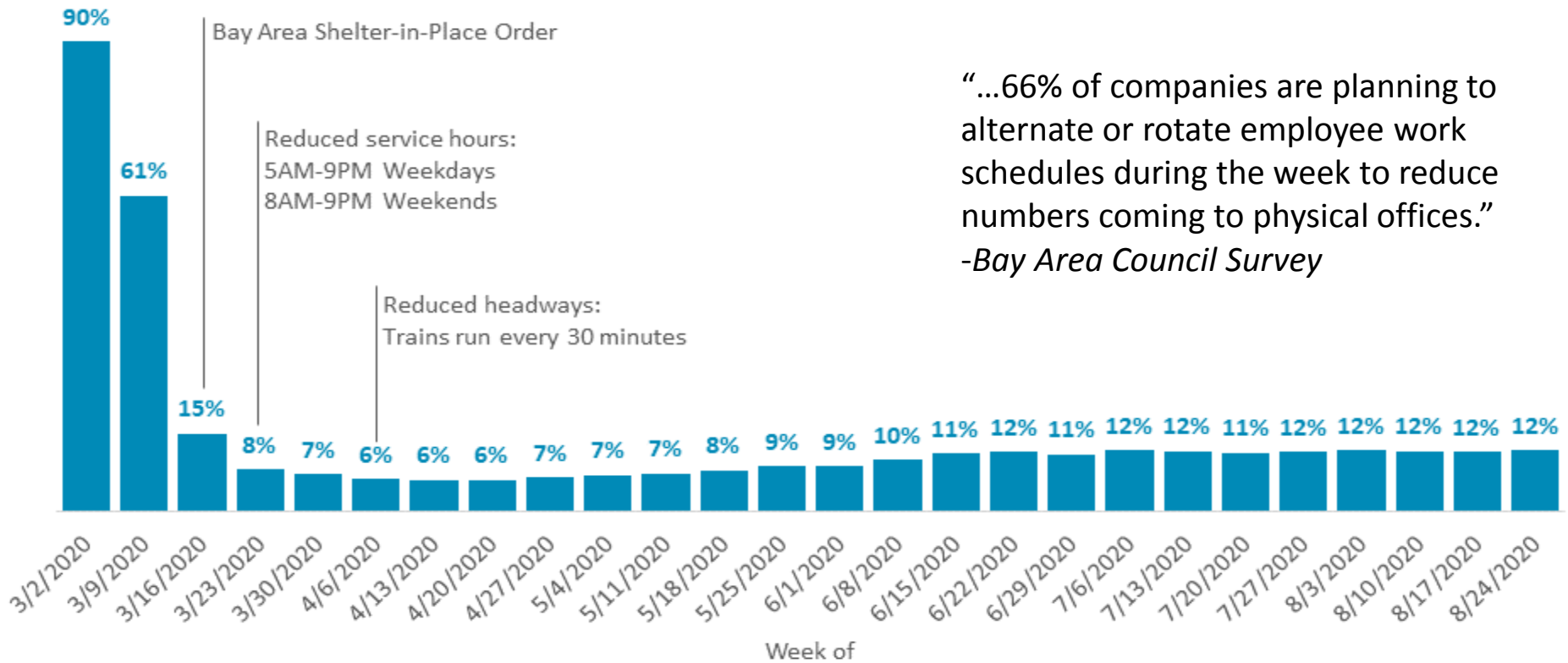


## 8/27 Recap: Key Indicators Staff Are Monitoring

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

# 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/>

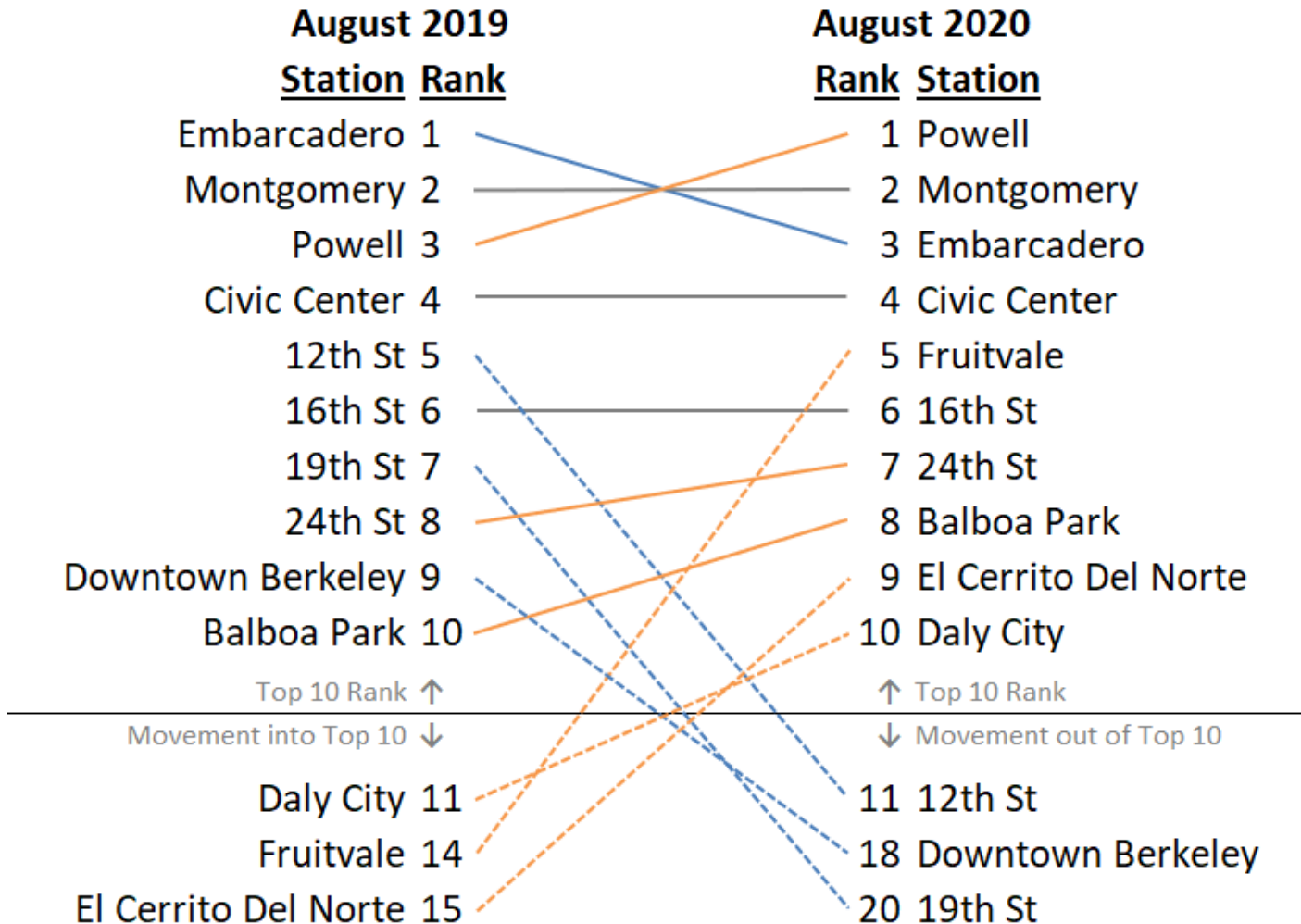
# BART service remains essential during the pandemic

Of those riding BART during Shelter in Place:

- 62% of riders identify as essential workers;
- 59% of lack access to a car; and
- 35% have household incomes below \$50K

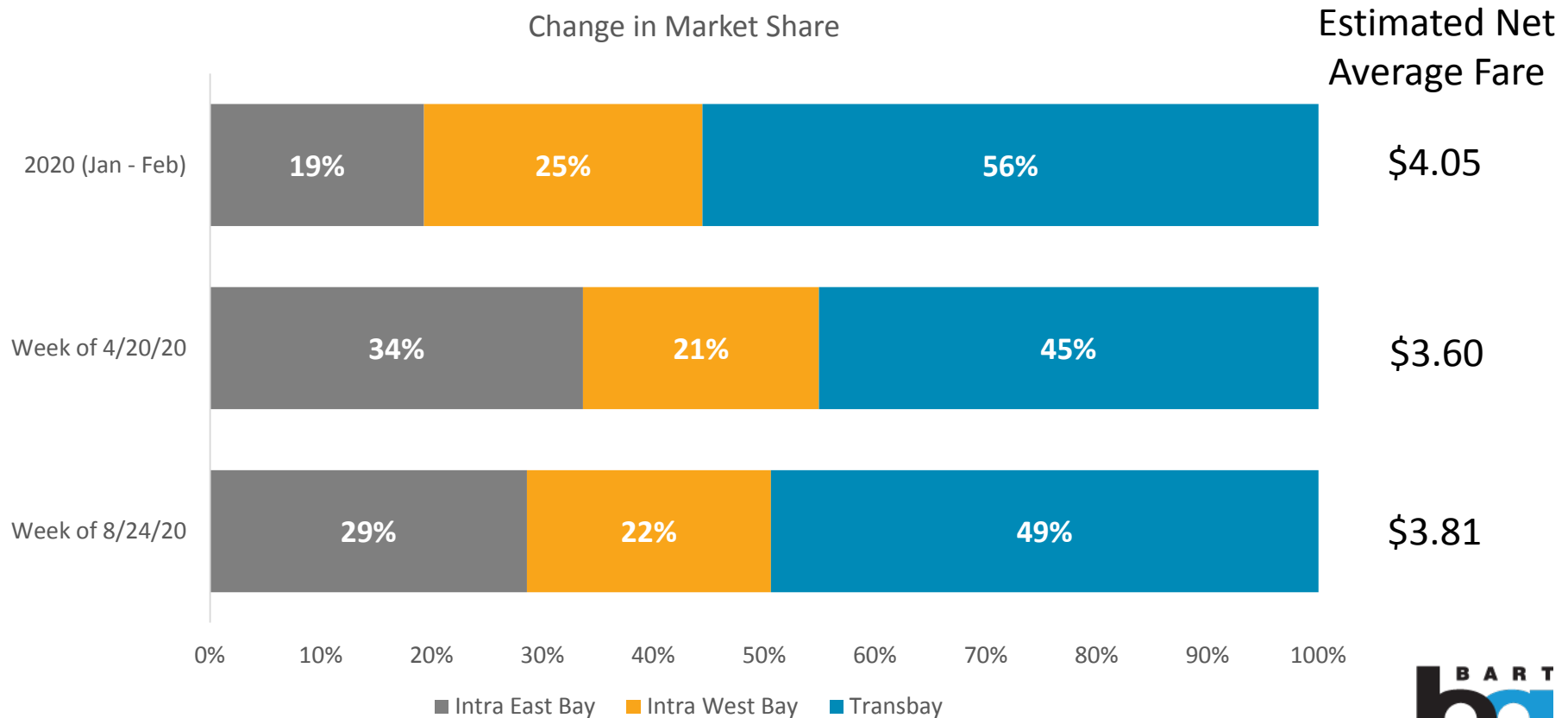
*BART rider survey; conducted May 20-26*

# Fruitvale, El Cerrito del Norte, and Daly City are now among top 10 busiest stations



# Average trip length and average fare fell sharply in March and April, but have bounced back since

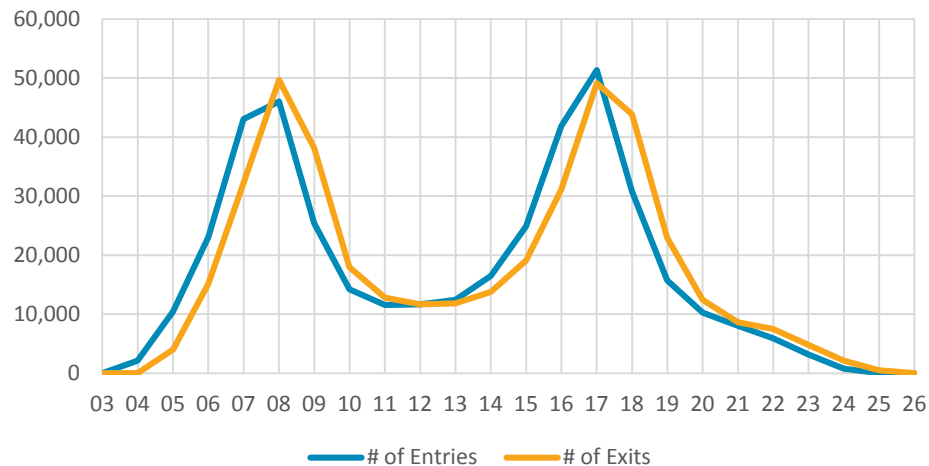
- During March and April, long trips and Transbay trips fell sharply as a share of overall BART trips, and average fare dropped
- Since April, trip patterns and average fare have trended toward pre-COVID levels



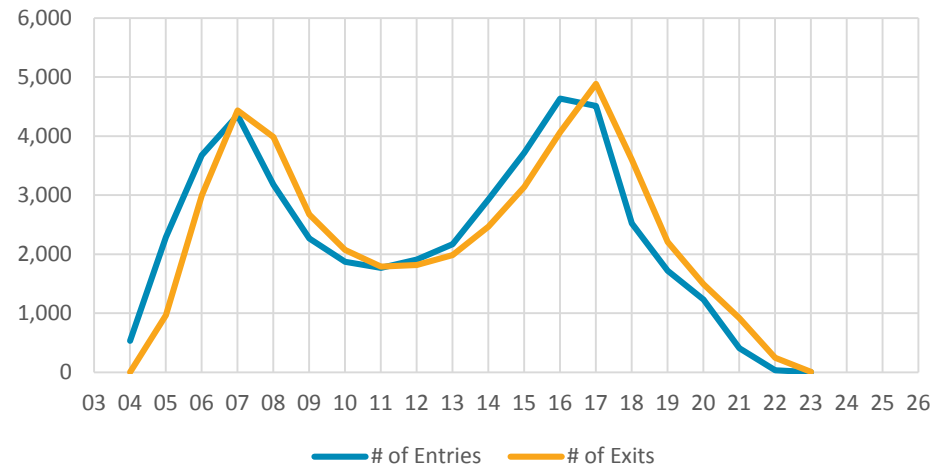
# Distribution of Trips by Time is Similar to pre-COVID

- Despite very difference service frequencies and significantly reduced ridership, recently hourly trends are similar to pre-COVID
- AM and PM peaks are a bit lower as a share of total ridership, and the mid-day trough is a bit higher

August 2019 Avg Weekday Ridership Distribution



August 2020 Avg Weekday Ridership Distribution



# Ridership Recovery Comparisons

## Agency

## Current Ridership Levels

WMATA



DC Metro ridership is averaging **13% of baseline** as of August 2020

MARTA



Rail ridership is averaging **28% of baseline** as of August 2020

New York MTA



NYC Subway, Metro-North, and LIRR are averaging ridership of **25%, 22%, and 26% of baseline** as of August 2020

LA Metro



Metro rail ridership across both the subway and light rail systems is averaging **roughly half** of baseline as of July 2020

SEPTA



Elevated and Subway ridership is averaging **25% of baseline** and Regional Rail is average **8% of baseline** as of July 2020

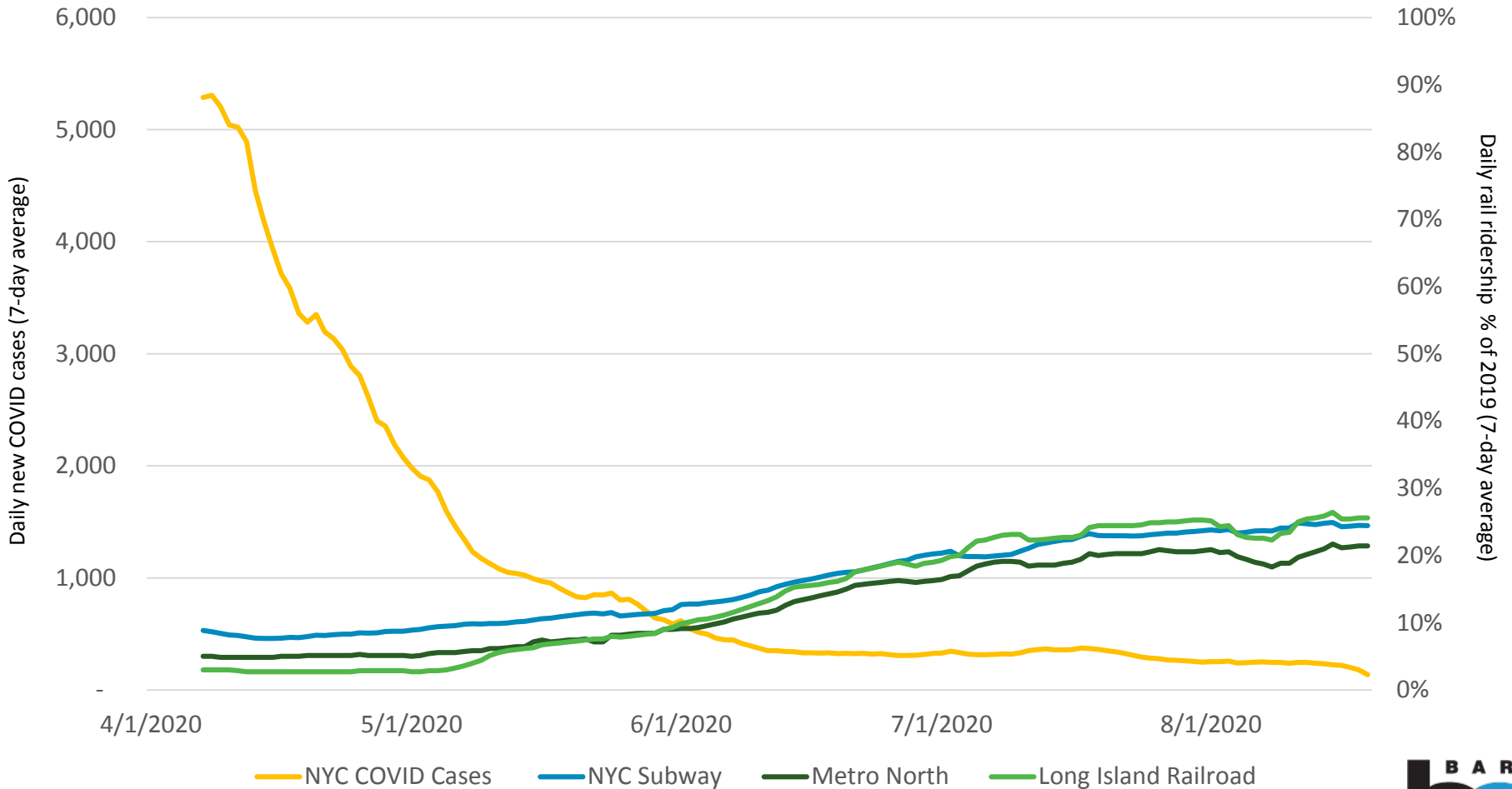
TSA (Airlines)



Air travel is averaging **29% of baseline** ridership as of August 2020

# New York shows that containment alone may not bring back riders right away

New York City COVID Cases vs Rail Ridership (7 day average)





# Ridership recovery depends on many factors, all uncertain

Driver	Key questions
<b>Public Health and Economy</b>	
COVID containment	<ul style="list-style-type: none"> <li>• Can August progress be sustained?</li> <li>• Will we see a winter surge?</li> </ul>
State/county re-opening	<ul style="list-style-type: none"> <li>• Will new (slower) re-opening plan have more success?</li> </ul>
Economy & employment	<ul style="list-style-type: none"> <li>• How many job losses will be permanent?</li> </ul>
<b>Science &amp; Medicine</b>	
Treatments / mitigations	<ul style="list-style-type: none"> <li>• Will improved treatment/testing drive behavioral change?</li> </ul>
→ Vaccine(s)	<ul style="list-style-type: none"> <li>• Effectiveness of vaccines? Timing of approval/distribution?</li> </ul>
<b>Individual and Employer choice</b>	
→ Perception of risk / confidence in public transit	<ul style="list-style-type: none"> <li>• When real risk falls, how quickly will confidence improve?</li> </ul>
→ Return to work / work from home	<ul style="list-style-type: none"> <li>• When will major employers re-open for on-site work and at what scale?</li> <li>• Long term increase in remote work?</li> </ul>
<b>BART Service</b>	
→ Level of service / capacity	<ul style="list-style-type: none"> <li>• How much service can BART provide?</li> <li>• Can BART retain capacity to serve demand when it returns?</li> </ul>
Health and safety standards / communications	<ul style="list-style-type: none"> <li>• Impact of regional Healthy Transit Plan on customer confidence?</li> </ul>

# COVID Operating Measures Update

Planned FY21 Costs (May 2020)		September 2020 Update	Budgeted	Sept Estimate
Enhanced cleaning regimens	Trains	Performing work with existing staff freed up by reduced service schedule <i>Note: Spending will increase as service expands</i>	11	4
	Stations and facilities		7	3
PPE and testing	Passenger	Figures revised to incorporate lower actual PPE costs, slightly offset by testing costs	1	<1
	Employee		11	6
Encouraging physical distance	Customer touchpoints	Work moving ahead, notably Clipper-only conversion	0	0
	Physical layout		<1	<1
	Employee presence	Additional BPD Ambassadors, Community Outreach Specialist to be hired	2	2
Communications campaign		Welcome Back Plan, Bay Area Healthy Transit Plan, various media buys	1	1
Dynamic workforce planning		Staff not contracting COVID or needing to quarantine in large numbers; not changing estimate	11	11
New technologies		Piloting improved MERV filters and ultraviolet (UV) lighting in HVAC ducts	0	0
Total		Currently estimating less than \$44M; increased service would increase spending; continued success protecting frontline workers will control spending	44	27

# Summary

## Ridership Data

- **Remaining BART riders are mostly essential workers**; many lack access to a car and have low incomes. Stations serving lower income neighborhoods are now among our busiest.
- **Current distribution of trips by time is similar to pre-COVID**, average trip length and average fare fell sharply and first, but have bounced back since April
- **Most peer US rail services continue to have very low ridership**, as do air carriers
- **Many factors influence ridership recovery**, each with great uncertainty. Vaccine timing and efficacy, confidence in transit, and the timing of return to on-site work are critical factors.

## Budget Update

- **COVID Expenses are projected to be below budget**, but we continue to monitor needs
- **Staff is preparing options to address the projected serious FY21 operating budget shortfall**; these will consider cost reductions (labor and non labor), revenue strategies, and one-time resources
- **Additional federal and state funding is required** to avoid damaging cuts to essential service

# Board Calendar – FY21 Budget

<b>Planned Dates</b>	<b>Topic</b>
September 24	FY20 Year End Close Resolution [action item] FY21 Budget Update [info]
October 8	Budget revision sources and uses, potential service plans presentation [info]
October 22	Board votes on budget revision [action item]



# Discussion



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** Revised Bay Area Rapid Transit District's Annual Surveillance Report - 2020

Attached is the "Revised Bay Area Rapid Transit District's Annual Surveillance Report - 2020" presentation that will be presented at the September 10, 2020 meeting as an action item.

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



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Kevin Franklin</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>Kevin Franklin</i> 8/20/2020	<i>MB</i> 8/20/2020	<i>AM</i> 8/20/2020	[ ]	<i>BARC</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

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# 2020

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San Francisco Bay Area Rapid Transit District

Revision 1.1





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# 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

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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

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# 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 and Operations Control Center staff 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, “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. The following tables provide a summary of the recipients of CCTV video recordings during FY20;

<b>Sources of CCTV Requests</b>	
BART PD Investigations	3,723
Internal BART Requests (Not Law Enforcement)	180
Court Subpoenas	33
California Public Request Act	118
Outside Law Enforcement Requests	198
<b>Total CCTV Requests</b>	<b>4,252</b>

<b>Outside Law Enforcement Agencies Receiving CCTV Data</b>		
Alameda County Sheriff’s Office	Dublin PD	Richmond PD
Contra Costa County Sheriff’s Office	El Cerrito PD	San Bruno PD
San Mateo County Sheriff’s Office	East Bay Regional Parks PD	San Francisco PD
Alameda PD	FBI	San Leandro PD
Antioch PD	Fremont PD	San Francisco Department of Police Accountability
Berkeley PD	Hayward PD	Union City PD
Broadmoor PD	Human Services Agency	Alameda County DA
Colma PD	Oakland PD	Contra Costa County DA
Concord PD	Oakland Housing Authority PD	San Mateo County DA
California Highway Patrol	Pittsburg PD	San Francisco County DA
Daly City PD	Pleasanton PD	

## 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 discovered during this period. A random audit of CCTV video requests was conducted for policy compliance. The audit examined 50 randomly selected cases which were handled by

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the video recovery unit to determine if the video was provided in compliance with the CCTV Surveillance Policy. The video requests included law enforcement investigations and non-criminal requests. All records examined were found to be in compliance with the policy.

## **Crime Statistics**

Video surveillance is essential for the effective operation of a public transit system. CCTV data provides critical situational awareness for the Operations Control Center 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. Aside from the operational uses, one of the primary public safety 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. During the period of this report, BART Police detectives produced over 400 wanted persons bulletins using CCTV images to attempt to identify persons involved in criminal activity. And of the 4,252 requests for police video, 3,954 of the requests were for criminal investigations or court subpoenas. A matrix showing the breakdown of video requests is provided under Data Sharing section for this technology.

Use of the CCTV 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, “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. While data is not currently collected to track cases that were charged because of the availability of CCTV

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video, many District Attorneys will not charge cases lacking video evidence. 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 daily to solve a variety of crimes against property and crimes against persons.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is beyond the scope of this report, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

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 118 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

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equipment in non-public areas of the BART system that are not covered by the Surveillance Ordinance.

The primary purpose of the CCTV system in stations is for operational needs outside of law enforcement and the ongoing maintenance costs associated with CCTV systems would continue regardless of whether the system was utilized by law enforcement.

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## 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 discovered during this period. No audit was conducted during this initial reporting period.

#### Crime Statistics

The CCTV Public Monitors were installed at Civic Center Station as part of the District's efforts to reduce fare evasion. While specific crime statistics associated with the monitors were not analyzed for this report, the feedback from frontline employees was that the monitors were not effective, and the test is therefore being discontinued.

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## **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, there were no ongoing maintenance and operational expenses. This project is being discontinued and the monitors will be converted to elevator-status information displays.

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# 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 were deployed at the Coliseum BART station as a testbed. A full deployment throughout the District would require 204 units on 69 station platforms, although no further installations are planned at this time. 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

The Public Emergency Phone Towers include CCTV cameras which are part of the larger CCTV surveillance system. Use of the CCTV camera footage from the Public Emergency Phone Towers is controlled by the CCTV Surveillance Policy. See data sharing for Item 1 – BART Closed Circuit Television for details of data sharing for CCTV data. No data is shared from the Public Emergency Phone Towers other than CCTV footage recorded by the included cameras.

### Complaints

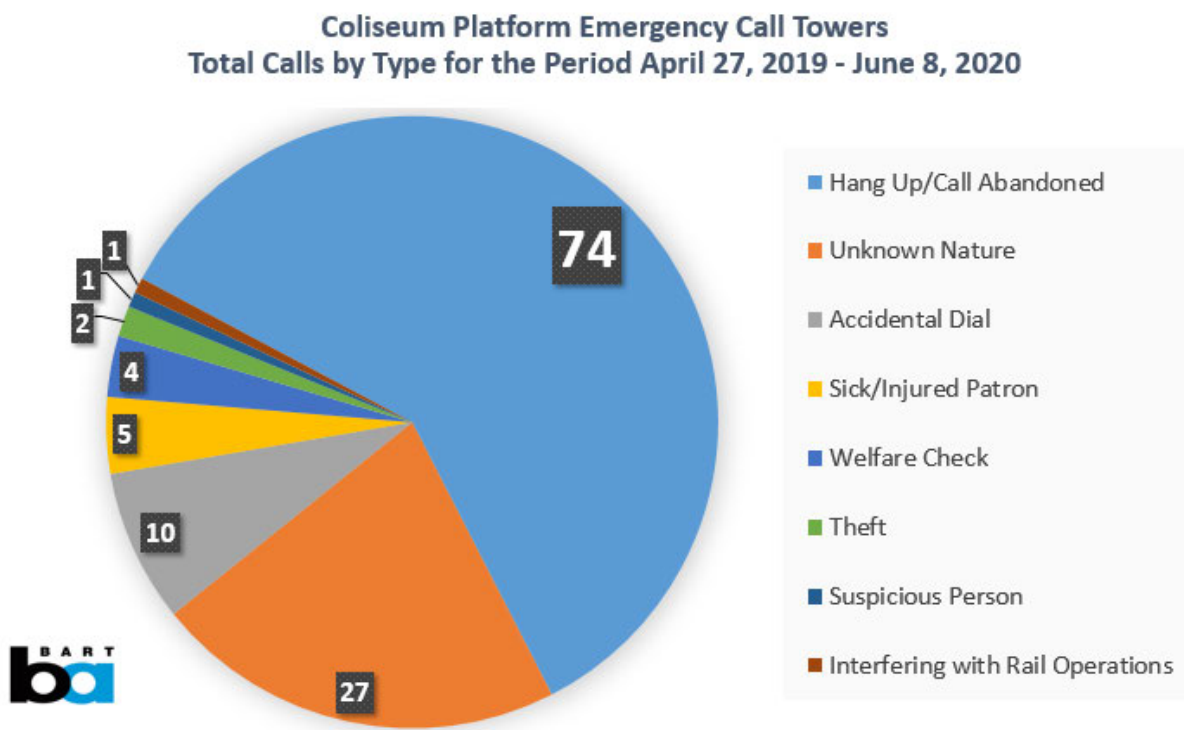
There were no complaints received for the Public Emergency Phone Towers.

### Surveillance Policy Compliance

There were no violations of the Surveillance Use Policy for the Public Emergency Phone Towers discovered during this period. A random audit of CCTV video requests was conducted for policy compliance which covers the same CCTV system used by the Public Emergency Phone Towers. See Surveillance Policy Compliance for Item 1 – BART Closed Circuit Television for details of the audit.

## 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.



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## **Costs**

Beyond the installation costs for the Board approved project, ongoing maintenance will require 4-hours of labor every 30-days totaling approximately \$3,600 per year.

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# 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 discovered during this period. Although no audit was conducted during this initial reporting period, it should be noted

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that we have mechanisms of continuous monitoring for additions of administrative access, activity logging, firewalling, intrusion detection, and intrusion prevention which may be used for future audits.

## **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.

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# 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.

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## 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	uspsaig.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.

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## 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, ongoing maintenance will require 8-hours of labor every 180-days totaling approximately \$1,200 per year. 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.



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# 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.

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## 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 discovered during this period. No audit was conducted during this initial reporting period.

## Crime Statistics

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

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## **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.

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# 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 discovered during this period. No audit was conducted during this initial reporting period.

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## **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**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** Fleet Decommissioning

Attached is the "Fleet Decommissioning" presentation that will be presented at the September 10, 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.



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff



# Legacy Fleet Decommissioning Update

BART Board of Directors

September 10, 2020





# Fleet Decommissioning

- The majority of BART's legacy cars will be recycled within phase II of an upcoming Fleet Decommissioning contract.
- As BART's railcars have a tremendous sentimental value with passengers in the greater San Francisco Bay Area, an upcoming opportunity will soon be available for the public to submit proposals to give these cars a second life.
- BART wants to ensure a responsible and sustainable future for the cars made available to the public.



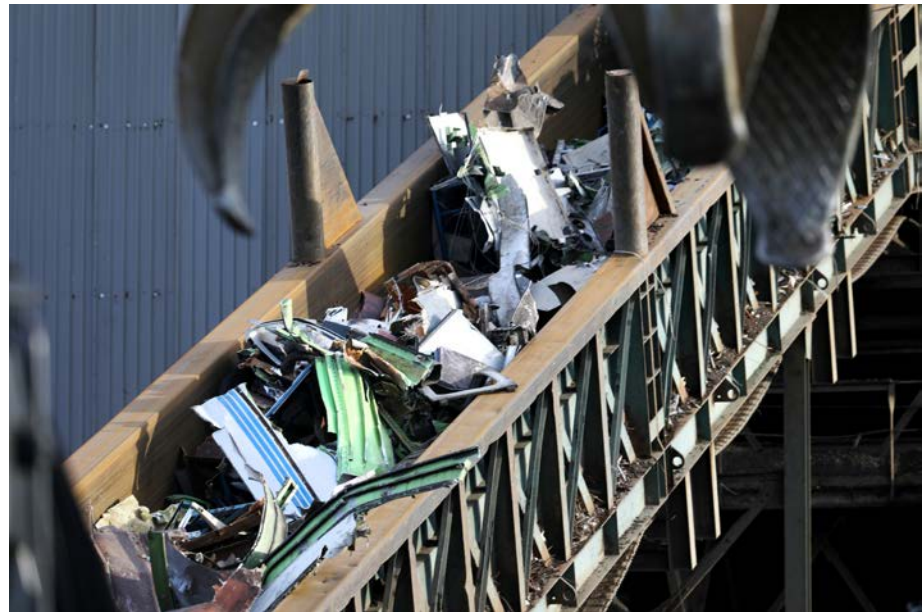
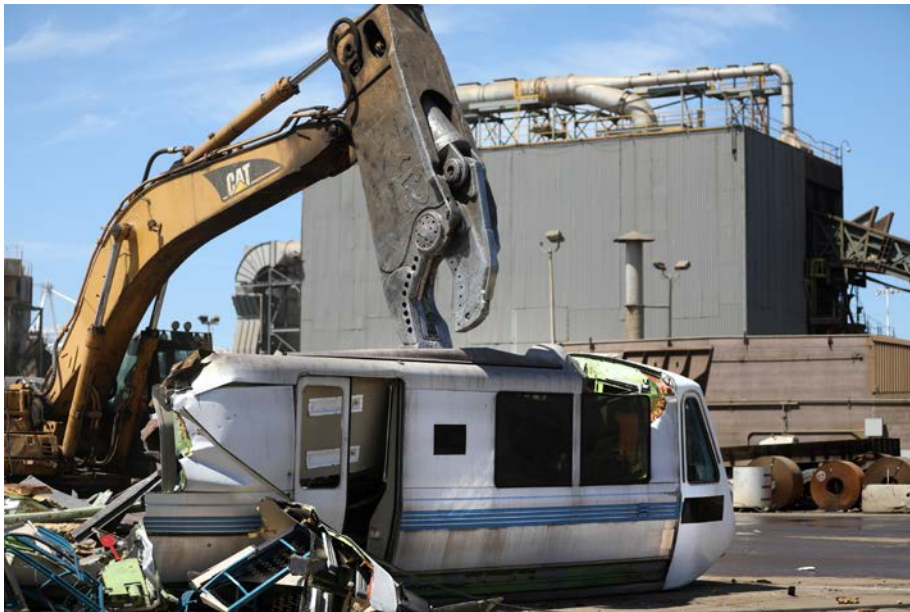
# Recycle Process

- All legacy cars not provided through the public process will be recycled.
- BART removes serviceable components such traction motors, axles, wheels, HVAC units, etc. that can still be used to maintain existing fleet.
- Hazardous materials are removed and properly disposed.



# Recycling Process

- 15 cars sent for recycling to-date.
- Contract for remaining cars to be brought to the board this fall.
- Parts are stripped, the shell is shredded, and the metal is melted down for reuse in other products.





# Recycling Process



# Public Proposals to Give New Life to Retired Cars



# Public Proposals Process and Timeline



# Federal Requirements

- As last reported, per FTA Circular 5010.1E, Grant Management Requirements:

*“After the useful life of federally assisted property is reached, or the property is no longer needed for the original Award, rolling stock and equipment with a current market value exceeding \$5,000 per unit, or unused supplies with a total aggregate fair market value of more than \$5,000, may be retained or sold. FTA is entitled to an amount calculated by multiplying the current market value, or net proceeds from sales, by FTA’s percentage of participation in the cost of the original purchase.”*



- This requirement **will not** pertain to the decommissioned legacy cars, as the current market value fall beneath the \$5,000 threshold.



# Vehicle Acquisition Guidelines

- **Image and heritage:** the proposal must have a positive impact on BART's brand and must not bring reproach upon the District or other entities or persons.
- **Environment and sustainability:** the proposal must have minimal impact on the environment, meet local ordinances, codes and required reviews and permitting and must include a plan for the final disposal of the vehicle.
- **Quality of concept:** the proposal must be fully detailed with objectives and the target market/audience clearly identified; the project must be both feasible and achievable.
- **Guarantee of project delivery:** the proposal must reflect the bidder's clear understanding of all parameters, solid framework for the project, as well as financial and technical ability to carry out the project.

# Vehicle Acquisition Guidelines

- **Timing and logistics:** the project's time frame and deployment must take into consideration the availability of the decommissioned cars.
- **Ultimate Disposal:** the proposal must include how the vehicles will be ultimately disposed of, upon end of life.
- **Community Benefits and Creativity:** special consideration will be provided to proposals that include community benefits, and/or creativity of reuse, and/or alignment to the celebration of transit.

# Cost Considerations

Projects must be cost-neutral to BART and relieve BART of future liability. A peer review of other agencies show all costs are covered by the purchaser.



Costs include:

- Transportation fees (rental of truck and mileage to final destination)
- BART labor cost of prepping car and loading onto the truck
- Cost of offloading car from flat bed and final positioning (large crane required)
- Insurance (depends on ultimate use of vehicle)
- Estimated to run about **\$8,000-\$10,000 per car**

# Outreach to the Public

BART staff will proactively reach out to:

- Rail museums
- Local museums
- Emergency response agencies & training facilities
- Local schools
- Art community
- City and government officials
- Community Based Organizations
- Local sports teams

Public outreach and marketing materials:

- Website: [www.bart.gov/legacycars](http://www.bart.gov/legacycars)
- Brochure for sharing
- Social media
- BARTable
- News media
- Email: [legacycars@bart.gov](mailto:legacycars@bart.gov)



*Village Underground, London*



# Retirement Options



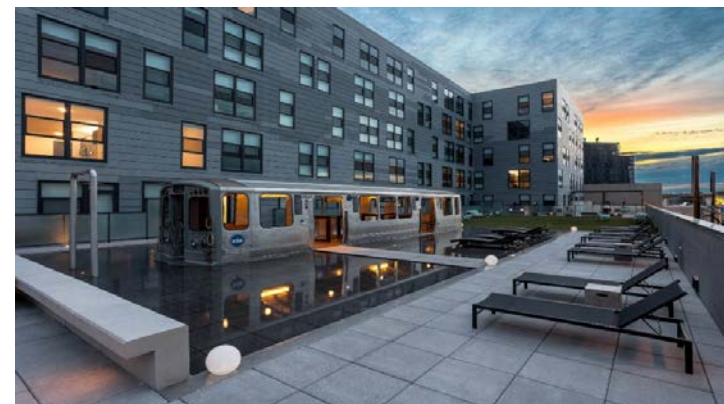
Restaurants & Coffee Shops



Museums and Learning Centers



Heritage Fleet for Special Rides



Parklets

# Retirement Options



## Fairfax firefighters are learning about Metro cars by cutting them to pieces

TRANSIT By Stephen Repetski (Editorial Board Alum) March 16, 2017 7



# Retirement Options



- Pop-up retail
- Kiosks
- Beer gardens
- Bike storage
- BART merch store
- Tiny homes



# Submittal Process

- Call for proposals will occur in January 2021
- Application will be posted at [www.bart.gov/legacycars](http://www.bart.gov/legacycars)
- Project Concepts should include:
  - Title
  - Project Description
  - Project Site
  - Project Duration Cost and Planned Financing



**Man buys legacy Toronto streetcar to preserve on his Ontario farm**

# Evaluation Committee



*Airbnb offered in Great Smoky Mountains in Tennessee.*

The evaluation committee made up of representatives from various BART departments will choose initial projects for final approval:

- Rolling Stock & Shops
- External Affairs
- Art Program
- Sustainability
- Office of Civil Rights



BART  
**ba**



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** Innovations in Infrastructure

Attached is the "Innovations in Infrastructure" presentation that will be presented at the September 10, 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.



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff





# Innovations in Infrastructure



## Purpose

To provide an update of some of the innovations going on behind the scenes which are utilizing data to move BART further away from reactive problem solving and toward **predictive** actions and solutions.

*Construction*

*Engineering*

*Maintenance*

# PG&E Outage – October 2019



September 2020







# BART, a beacon of light during the power outages



# Direct Fixation Fasteners – Old vs New Construction





**Original DF Fastener**



-  Bolts Break and Strip
-  Pads crack and cause noise
-  Higher Lifecycle Costs
-  Deteriorate Faster

**New DF Fastener**



-  Clips are Easy to Install
-  Quiet Under Load
-  Extend Life up to 50 years
-  Isolate Ground Current

# Direct Fixation Fasteners Construction

- ✓ There are 345,000 Fasteners throughout the A,C,M and R lines
- ✓ Funding: 77,000 DF Pads
- ✓ Annual Goal: 10,000 fasteners
- ✓ 50/night with 5-person crew
- ✓ Actually Replaced in 2020: 27,000



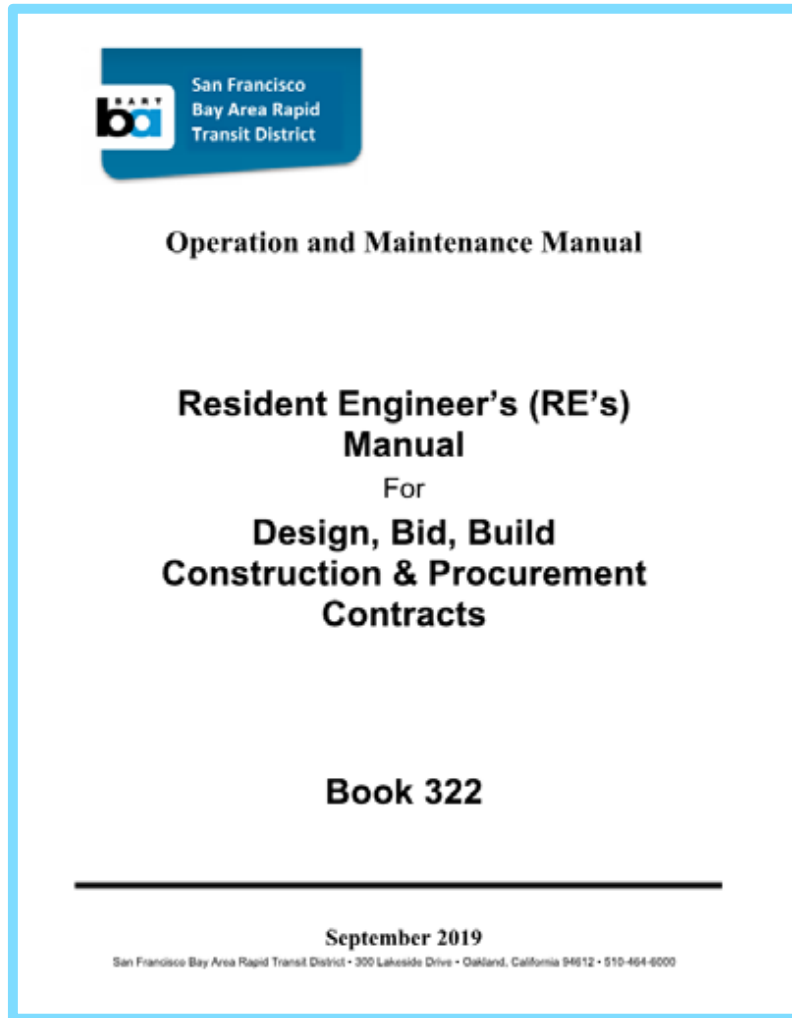
*Doubled our goal  
in 2020!*





# Resident Engineer Manual Update

## Engineering



- ✓ The RE manual has been completely updated and revised with current policies and procedures. New paragraphs and appendixes have been added to provide more guidance as required.
- ✓ Section 4 was updated to include the most current District procedures in the following (but not limited to):
  - Preconstruction Preparation
  - Measurement and Payment
  - Changes to Contract
  - Safety Programs
- ✓ Section 7 was created to provide guidance while executing Design-Build (DB) projects.
- ✓ Updated manual provides a comprehensive repository of all commercial construction procedures at BART.



# Design Review Checklist Engineering

Design Review Checklist - Track

Contract Number: 450000  
Project Title:  
Project Location:  
Project:

No.	35% Submittal		65% Submittal		95% Submittal		100% Submittal		Description
	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating	
1									Performance Investigation and Cost Geotechnical Report in existing track extends has been prepared
2									Performance Report has been prepared to assess station conditions, capacity, if required
3									Design Report including structural analysis has been prepared
4									Final assessment of all submittals completed has been prepared
<b>Change</b>									
5									Trackwork drawings are in the order required by the BART CAD Standards format
6									Trackwork drawings are in the order required by the BART CAD Standards format
7									Trackwork drawings are in the order required by the BART CAD Standards format
8									Trackwork drawings are in the order required by the BART CAD Standards format
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28									Trackwork drawings are in the order required by the BART CAD Standards format
29									Trackwork drawings are in the order required by the BART CAD Standards format
30									Trackwork drawings are in the order required by the BART CAD Standards format

Page 1 of 6

No.	35% Submittal		65% Submittal		95% Submittal		100% Submittal	
	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating	Designer Rating	Reviewer Rating
1								
2								
3								

- Over 2,000 checklist items
- 12 different disciplines
- Reduces future change orders

- ✓ Cross discipline coordination, involvement of BART Operations, Maintenance and other stakeholders
- ✓ Performed on submittals at four critical project design levels:
  - 35% - preliminary engineering
  - 65% - layouts, elevations, profiles, details, references to BART standard drawings, and initial calculations
  - 95% - construction drawings including details, schedules, and final calculations
  - 100% - final review and assembly of the construction document

# Unit Price Bid Sheets

## Engineer & Construction

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
34.5KV CABLE REPLACEMENT AND FIBER OPTIC CABLE INSTALLATION A-LINE ACO TO AUC  
CONTRACT NO. 15EJ-180

ENGINEERS ESTIMATE					
ITEM	UNIT	EST. QTY.	DESCRIPTION	UNIT PRICE	ITEM TOTAL
1.	LS	1	Conduct survey of existing conditions along proposed cable path		
2.	LS	1	Mobilization and Demobilization *		
3.	LS	1	Engineer's Field Office		
4.	Hour	600	Contractor RWP Certification Training		
5.	Hour	10,200	Watchperson		
6.	Hour	48	District Provided Training Other than RWP Certification		
7.	LS	1	Clearing and Grubbing		
8.	EA	5	Remove Trees		
9.	LS	1	Maintenance of Traffic for segment ACO to ASL		
10.	LS	1	Maintenance of Traffic for segment ASL to AWA		
11.	LS	1	Maintenance of Traffic for segment AWA to ABF		
12.	LS	1	Maintenance of Traffic for segment LAA to AHA		
13.	LS	1	Maintenance of Traffic for segment AA to AUC		
14.	LS	1	Demolish existing AC house and repave site at ASL		
15.	LS	1	Demolish and Salvage Radio Tower Antenna and Control Cabinet at AAY		
16.	LF	15,524	Demolish and dispose of existing left above ground 34.5kV cable system from ACO to ASL		
17.	LF	5,808	Demolish and dispose of existing left above ground 34.5kV cable system from ASL to AWA		
18.	LF	9,028	Demolish and dispose of existing left above ground 34.5kV cable system from AWA to ABF		
19.	LF	21,226	Demolish and dispose of existing above ground 34.5kV cable system from LAA to AHA		
20.	LF	700	Demolish and dispose of existing above ground 34.5kV cable system from ASH TPSS and through the ASH Passenger Station		
21.	LF	7,400	Demolish and dispose of existing above ground 34.5kV cable system from Sta 2003+00 to AUC		
22.	LF	6,907	Furnish Hot Dipped Galvanized HP8 Piles for Soldier Pile Retaining Wall		
23.	EA	727	Install HP8 Piles for Soldier Pile Retaining Wall		
24.	EA	5	Install District Furnished 3-Way IDS (ABF-L, AHA-L, AHA-R, ASH-L, ASH-R). Work includes: • Foundations, grounding grids, and fencing • Oil containment and housing for IDSs		
25.	EA	4	Install District Furnished 4-Way IDS (AEY-L, AEY-R, AAY-L, AAY-R). Work includes: • Foundations, grounding grids, pullboxes, and fencing • Oil containment and housing for IDSs		
26.	EA	2	Install District Furnished 5-Way IDS (AUC-L, AUC-R). Work includes: • Foundations, grounding grids, and fencing • Oil containment and housing for IDSs		
27.	LS	1	Testing and place in service segments of 34.5kV cable between IDSs and or Substations if no IDSs are installed		
28.	LS	1	Testing segments of 268 and 144 strand FO cable between TCRs.		

Thru Addendum 5

1 of 5

- ✓ Only pay for actual quantities
- ✓ More accurate bids - reduces Contractor's risk
- ✓ Transparency into Contractor cost drivers
- ✓ Difficult to inflate change order cost
- ✓ Engineer's Estimate more closely aligned

*A-Line 34.5 kV project*

*Engineer's Estimate = \$111M*

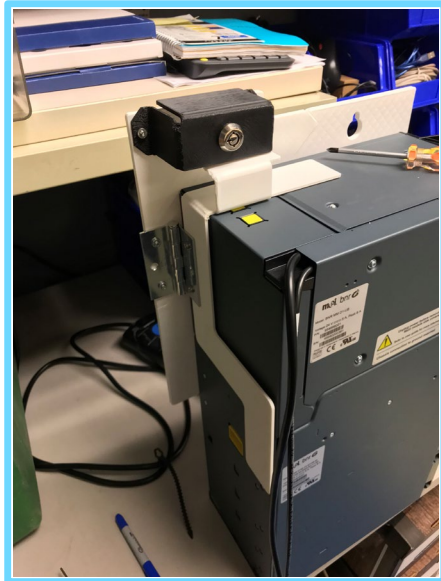
*Submitted low bid = \$107M*



# 3D Printing Engineering

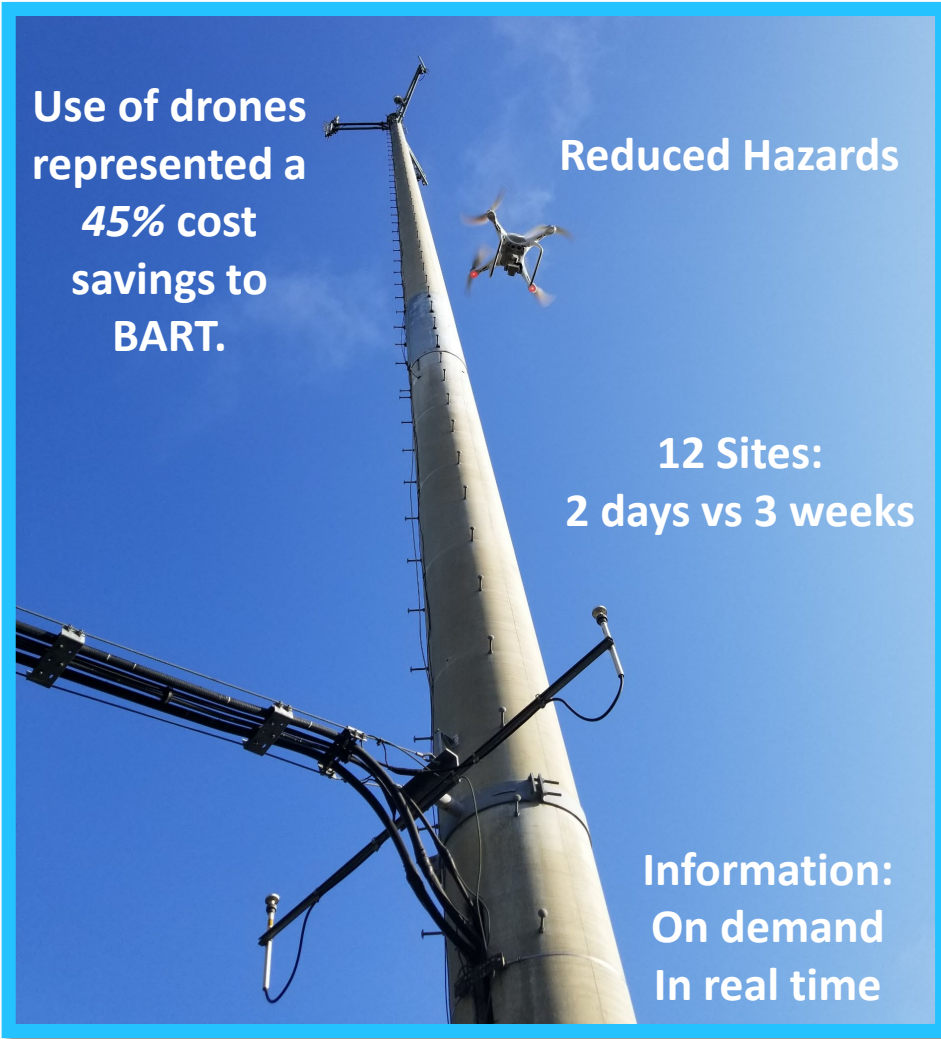
- ✓ Saves 1 week per batches of parts
  - Recent Fare Gate = 70 batches
  - Do not have to wait for outside vendor

*Cost: \$5,600*  
*5 mo. Savings: \$10,000*



# Send in the Drones!

## Maintenance



Use of drones represented a 45% cost savings to BART.

Reduced Hazards

12 Sites:  
2 days vs 3 weeks

Information:  
On demand  
In real time

### *Unmanned Aerial Vehicle (UAV)*

An UAV is an aircraft piloted remotely using onboard technology to perform inspections. BART used this technology to perform inspections at our 12 Radio Tower sites.

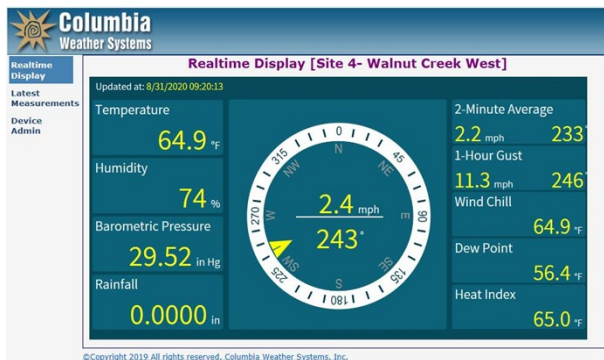
Traditionally tower inspections were performed by personnel called “tower riggers”. These riggers would have to physically climb the towers to visually inspect the towers condition.

This type of inspection could take a day to accomplish for a tower the height of a cellular tower. With the use of UAVs BART was able to condense the inspection of 12 sites from three weeks to two days!

The cost savings on this was estimated at \$3000 per tower site.

# Not Just a Weather Station - Environmental Monitoring Maintenance

- ✓ 4 of 12 Installed in the 5 counties
- ✓ Real time conditions along the right of way
- ✓ Collect atmospheric conditions in real time
- ✓ Facilitates operational decision making
- ✓ Crews dispatched more effectively
- ✓ In the future there will direct interface with the Train Control
- ✓ Rail Kinks and Distressing



# Micro Environment Monitoring Sensing Temperatures in Train Control rooms Maintenance

Heat issues generally contribute to major delays associated with Train Control as equipment fails during spikes in temperature. Using previous years' data sensors are being installed in the historically worst impacted train control rooms which will allow maintenance to address the problem before it becomes a service problem.

- ✓ BART's 1<sup>st</sup> Temperature sensors were installed in August
- ✓ Within a few hours, the temperatures within the Train Control Room spiked to 103 ^
- ✓ Maintenance Forces were dispatched
- ✓ Problem resolved before it became a service problem





# Next Steps: Wind – the Coverboard’s Nemesis

## Maintenance



- ✓ Between Sep and June:
  - 23 incidents of repair needed
  - > 64 minutes in Delays
- ✓ January and February:
  - 11 incidents of repair needed
  - 32 min of delay
- ✓ UC Berkley Students
  - Developing an algorithm to alert maintenance

Heading off problems  
before they're a problem  
for our patrons!

# Next Steps: Using Data More and More Maintenance

- ✓ DC Breakers
  - Detecting early deterioration
  - Maintenance actions prior to impacting service
- ✓ Flooding
  - Sump Pump auto alerts
  - Yearly problem locations
- ✓ And More ...

Heading off  
problems before  
they're a  
problem for our  
patrons!





If you don't see it or hear about it,  
deterioration has been detected early  
using data which enabled engineering  
and maintenance action to avoid service  
disruption!



Questions?

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** State Ballot Measure (Proposition 15) for Consideration

At the September 10, 2020 Board of Directors meeting, staff will present Proposition 15 for your consideration and action. The statewide measure has a nexus to BART policies or programs and aligns with the Board's adopted Advocacy Program for 2020.

Attached is staff's analysis and full text of the ballot measure. Following the staff presentation, a request will be made of the Board to consider passing the draft motion shown below.

**STATE BALLOT MEASURE (PROPOSITION 15) FOR CONSIDERATION AND ACTION**

**SUPPORT**

Proposition 15 – Increases Funding for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property. Initiative Constitutional Amendment.

If you have any questions, please contact Rodd Lee, Assistant General Manager of External Affairs, at (510) 464-6235.



Robert Powers

**Attachments**

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

**DRAFT MOTION:**

- 1) The Board of Directors supports Proposition 15.

## Proposition 15 Analysis and Recommendation

**BALLOT TITLE:** Increases Funding for Public Schools, Community Colleges, and Local Government Services by Changing Tax Assessment of Commercial and Industrial Property. Initiative Constitutional Amendment.

**SPONSOR:** Schools and Communities First

**RECOMMENDATION:** Support

**BACKGROUND:** In 1978, California voters passed Proposition 13 to limit the property tax rate to 1% of assessed value at the time of purchase and restrict annual tax increases to no more than 2% until a property is sold. In addition, Proposition 13 prohibited the Legislature from enacting new taxes on the value or sale of properties; required a two-thirds vote of the Legislature on state taxes; made the state responsible for distributing property tax revenue among local governments; and required that special taxes levied by local governments be approved by two-thirds of voters. Property tax revenues remain within the county in which they are collected and are used exclusively by local governments. State laws control the allocation of property tax revenue from the 1% levy with K-14 school districts and counties receiving the largest amounts. The distribution of property tax revenue varies significantly by locality.

**PURPOSE:** Proposition 15 is an initiated constitutional amendment on the November 3, 2020 General Election ballot. The measure requires commercial and industrial properties be taxed based on current market value, instead of the original purchase price. The measure exempts from taxation changes residential properties, agricultural land, and owners of commercial and industrial properties with a combined value of \$3 million or less. The change would be implemented starting in 2022 and would not start before 2025 for properties used by California businesses that meet certain rules and have 50 or fewer employees.

According to the State Legislative Analyst Office (LAO), the measure would generate a net increase in annual property tax revenues of \$7.5 billion to \$12 billion in most years, depending on the strength of real estate markets. After backfilling state income tax losses related to the measure and paying for county administrative costs, the remaining \$6.5 billion to \$11.5 billion would be allocated to schools (40%) and other local governments (60%) such as cities, counties, and special districts. Revenue appropriated for education would be divided as follows: 11% for community colleges and 89% for public schools, charter schools, and county education offices.

Proposition 15 would make the Legislature responsible for passing laws for a phase-in of the market value-based tax on commercial and industrial properties, how often reassessments would occur (no less than three years between reassessments), and an appeals process for challenging reassessments.

**DISTRICT IMPACT:** BART's property tax revenue is derived from the statutory portion of the 1% general levy in each of the three BART counties. This legacy property tax was originally enrolled in 1957 to fund planning and pre-development costs associated with construction of the original BART system, and is permanently dedicated as BART general revenue. The BART tax rates were fixed in place by Proposition 13 and remain a relatively small fixed percentage of the 1% general levy. However, since the tax is based on assessed property values, the revenue it generates has increased over the years in proportion to rising property values. BART's Fiscal Year 2021 (FY21) property tax revenue is projected to be \$50.6 million. While it is likely that a severe recession in FY21 will trigger some reassessments at lower property values, it is expected that most impacts of such reassessments will affect BART's revenues beginning in FY22.

Under Proposition 15, once minimum General Fund spending levels for schools is met, additional funds will be allocated to cities, counties, and special districts, such as BART, in the same manner as other

property tax revenues. Based on LAO state-level revenue estimates, adjusted by the Schools and Communities First distribution formula, BART could receive approximately \$6.5 million - \$11.6 million in additional funding per year. To ensure public transparency, Proposition 15 also requires schools, community colleges, cities, counties, and special districts to publicly disclose new revenues received and how those revenues are spent.

**OTHER COMMENTS:** Proposition 15 is subject to a simple majority approval.

**KNOWN SUPPORT/OPPOSITION:** Proponents of Proposition 15 note the measure is endorsed by public and elected officials, local governments and several groups representing education, health care, environment, clergy, seniors, housing, labor, etc. Opponents of Proposition 15 note the measure is opposed by a bipartisan coalition of homeowners, taxpayers, and businesses. A full list of supporters and opponents can be found at <https://www.yes15.org/> and <https://noonprop15.org/>.

**STATUS:** N/A

Analysis completed on 9/2/20.

## SECTION 1. Title

This measure shall be known as “The California Schools and Local Communities Funding Act of 2020.”

## SEC. 2. Findings

- (a) California is the fifth largest economy in the world, but if we don’t invest in our future, we’ll fall behind. To grow our economy and provide a better quality of life now, and for future generations of Californians, we need to do a better job of investing in our schools, community colleges, and local communities, and do more to encourage small businesses and start-ups.
- (b) Our competitiveness begins with making children and their education a priority. Decades of cuts and underfunding have undermined California schools. A recent national study ranked the performance of California schools in the bottom half of all states. The top ranked states spend thousands of dollars more per student than California.
- (c) California’s funding shortfall has direct consequences for our kids: we’re dead last in the nation in teacher-to-student ratios, last in guidance counselor to student ratios, and last in librarian-to-student ratios.
- (d) The quality of life in our local communities is also critical to our economic future. It depends on streets that are safe and clean, emergency services we can count on, parks and recreation programs that keep our youth off the streets, and roads that are well maintained. Our cities, counties and local agencies are on the front line facing the consequences of the lack of affordable housing and increasing homelessness as well as worsening risks from wildfires and other disasters.
- (e) Property taxes on commercial and industrial properties are a principal source of funding for our schools and local communities. While virtually every other state assesses commercial and industrial property based on its fair market value, California allows commercial and industrial property taxes to go many years, even decades, without reassessment. This unusual system is prone to abusive tax avoidance schemes, diverts funds away from schools and local communities, contributes to the shortage of affordable housing, distorts business competition, and disadvantages business start-ups.
- (f) California’s under-assessment of commercial and industrial properties is a growing problem. Large investors and corporations, many of whom are from other states and countries, are using a variety of schemes to get around the law and buy and sell properties without being reassessed, costing our schools and local communities billions of dollars.
- (g) A recent study by the University of Southern California has found that under-assessed commercial and industrial property allows owners to avoid over \$11 billion in local property taxes each year that should be going to support our schools and local communities.

- (h) California's unusual commercial and industrial property tax system contributes to California's affordable housing crisis. Studies by the Legislative Analyst Office and the University of California have demonstrated that California's property tax system incentivizes owners to hold idle vacant and under-utilized commercial and industrial property. A reformed system, that assesses all properties based on their fair market value, would create a powerful new incentive to build new housing.
- (i) Every commercial and industrial property owner benefits from local schools and services like public safety and infrastructure. It is unfair and anti-competitive that the property tax system forces some businesses to pay higher property taxes to support our schools and local communities while their competitors pay much lower property taxes because their properties are assessed far below their fair market value.
- (j) California's unusual property tax system not only distorts competition, it discourages business investments. Under the current system, businesses that invest in improving their properties trigger reassessment and higher property taxes. But businesses that don't invest in improving their properties continue to enjoy the low cost of under assessment.
- (k) A study done at the University of California demonstrates that reassessing commercial property will have a net positive benefit on jobs and the California economy.
- (l) If we reformed California's under-assessment problem on business properties, California would still rank among the lowest states for business property taxes in the nation because of the California Constitution's provisions related to the 1% limitation on property tax rates.
- (m) Thriving small businesses and start-ups are essential to California's economy now and for our future. The property tax on equipment and fixtures discourages new start-ups, small businesses and larger businesses from making new productive investments. By requiring under-assessed large properties to be assessed at fair market value, small businesses can be fully exempted from the property tax on equipment and fixtures and the tax can be substantially reduced for other businesses, removing this disincentive without harm to funding for our schools and local communities.
- (n) Reassessing under-assessed commercial and industrial property in California would primarily impact a small number of properties owned by the largest corporations and wealthiest investors. Almost 80% of the tax benefits of the under-assessment allowed by the current system go to just 8% of the properties.
- (o) The benefits to our schools, local communities and economy resulting from ending the under-assessment of commercial and industrial property can be achieved while protecting small businesses through exemptions and deferrals of reassessment and at the same time encouraging small businesses by creating a more level playing field and by eliminating the property tax on business equipment and fixtures.



- (p) Reforming commercial and industrial property assessments to fair market value will result in a fairer system for our schools, our local communities and our businesses. All businesses will compete on a level playing field, generating billions of dollars in additional support for our schools and local communities.

SEC. 3. Purpose and Intent.

It is the intent of the People of the State of California to do all of the following in this measure:

- (a) Preserve in every way Proposition 13's protections for homeowners and for residential rental properties. This measure only affects the assessment of taxable commercial and industrial property.
- (b) Provide for increased and stable revenues for schools, cities, counties and other local agencies by requiring under-assessed commercial and industrial properties to be assessed based on their fair market value.
- (c) Distribute the new revenues resulting from this measure to schools and local communities, not to the State.
- (d) Ensure that the portion of any new revenues going to local schools and community colleges as a result of this measure is treated as new revenues that are in addition to all other funding for schools and community colleges, including Proposition 98.
- (e) Guarantee every school district and community college will receive additional funding from this measure and that funds going to schools and community colleges are allocated in a manner that is consistent with local control funding formulas intended to advance equity.
- (f) Ensure that any new revenues going to cities, counties, and special districts as a result of this measure will be allocated in the same manner as other property tax revenues, consistent with prior ballot measures approved by voters, to improve the quality of life in local communities in all parts of California.
- (g) Make certain there is complete public transparency by requiring schools, community colleges, cities, counties, and special districts to publicly disclose the new revenues they receive and how those revenues are spent in a manner that is widely available and easily understood.
- (h) Be very clear that this measure only applies to taxable commercial and industrial real property by including provisions stating that:
  - 1) All residential property is exempt so homeowners and renters will not be affected in any way by this measure.
  - 2) This measure makes no change to existing laws affecting the taxation or preservation of agricultural land.

- (i) Make no change to Proposition 13's constitutional provisions relating to the 1% limitation on property tax rates for all taxable real property so local property taxes on commercial and industrial property will continue to be among the lowest in the country after this measure is approved by voters.
- (j) Ensure stability for owners of small business properties by providing an exclusion for small commercial and industrial real property owners. The intent of this provision is to provide an exclusion that applies only to the true owners of small businesses and that large property owners shall be prevented from using the exclusion for their own benefit.
- (k) Defer reassessments for properties in which small businesses account for 50% or more of the occupied space until the 2025-2026 lien date to provide those small business tenants additional time to choose the leasing option that works for them, recognizing that the impact of this measure will be different for each property, depending on how close the current assessment is to the fair market value and whether or not it qualifies for the small property exclusion for properties with a fair market value of \$3 million or less.
- (l) Encourage new and existing businesses to make new investments by eliminating the business tangible personal property tax on equipment and fixtures for small businesses and providing a \$500,000 per year exemption for all other businesses. The Legislature may not reduce this exemption, but it may increase it.
- (m) Provide greater equity in the taxation of commercial and industrial properties by assessing all of them based on their actual fair market value just like start-ups and new commercial and industrial properties that already are being assessed based on their actual fair market value. The intent is for all businesses to compete on a more level playing field and make sure all businesses are paying their share to support the schools and local communities from which they benefit.
- (n) Require the Legislature, after conferring with a Task Force on Property Tax Administration, to provide by statute for the phase-in of reassessments of under-assessed commercial and industrial real properties so that county assessors may effectively implement the new law. Such phase-in will begin with the lien date for the 2022-23 fiscal year and occur over several years. Affected owners shall only be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the assessor has completed the reassessment.
- (o) Require the Legislature to ensure that the phase-in provisions provide affected owners of under-assessed commercial and industrial real properties reasonable time to pay any increase in their tax obligations resulting from this measure.
- (p) Provide for the recovery of actual direct administrative costs incurred by counties to effectively implement the new law.

- (q) Ensure that the General Fund and other funds of the State are held harmless by reimbursing the State for reductions in tax revenue caused by the deductibility of the property tax.
- (r) Maintain the Board of Equalization's oversight over the property tax system to assure the public that assessments of commercial and industrial real property in every county are equitable and uniform as required by this measure, and to further ensure that the Board of Equalization provides statewide assistance as necessary to support the efficient implementation of this measure within all 58 counties.

SEC. 4. Section 8.7 of Article XVI of the California Constitution is added to read:

SEC. 8.7. (a) The Local School and Community College Property Tax Fund is hereby created in the State Treasury, to be held in trust, and is continuously appropriated for the support of local education agencies as that term is defined in section 421 of the Education Code as that statute read on January 1, 2020, and for the support of community college districts. The moneys deposited in the Local School and Community College Property Tax Fund shall be held in trust for schools, and shall be distributed as follows:

(1) Eleven percent (11%) of the moneys shall be allocated by the Board of Governors of the California Community Colleges to community college districts in proportion to the funding calculated for each district pursuant to the distribution formulas operative in statute as of January 1, 2020, or any successor statute, provided that property tax revenues calculated pursuant to section 84751 of the Education Code, or any successor statute, that exceed the total funding calculated for a district pursuant to the then-operative distribution formulas shall be subtracted from that district's proportionate share of the Local School and Community College Property Tax Fund.

(2) Eighty-nine percent (89%) of the moneys shall be allocated by the Superintendent of Public Instruction to school districts, charter schools and county offices of education as follows:

(A) To school districts and charter schools, in proportion to each school district's or charter school's total funding calculated pursuant to subdivisions (a)-(i), inclusive, of section 42238.02 of the Education Code, as those provisions read on July 1, 2019. Any school district or charter school that qualifies as a "basic aid school district" or "excess tax entity" under subdivision (o) of that section shall have subtracted from its proportionate share of the Local School and Community College Property Tax Fund the amount by which the sum calculated in subdivision (j) of that section exceeds the amount calculated pursuant to subdivisions (a)-(i), inclusive, as each of those provisions read on July 1, 2019.

(B) To county offices of education, in proportion to each office's total funding calculated pursuant to section 2574 of the Education Code as that section read on July 1, 2019.

(3) Notwithstanding the above, no school district or charter school shall receive from the Local School and Community College Property Tax Fund less than \$100 per unit of average daily attendance, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year, and no community college district shall receive from the Local School and Community College

Property Tax Fund less than \$100 per enrolled full time equivalent student, adjusted annually upward or downward by the same percentage that the Local School and Community College Property Tax Fund grew or declined from the previous year.

(b) Except as provided in paragraph (2) of subdivision (d) of Section 8.6 of this Article, notwithstanding any other law, the moneys deposited in the Local School and Community College Property Tax Fund shall not be subject to appropriation, reversion, or transfer by the Legislature, the Governor, the Director of Finance, or the Controller for any purpose other than those specified in this section, nor shall these revenues be loaned to the General Fund or any other fund of the State or any local government fund.

(c) Moneys allocated to local education agencies, as that term is defined in section 421 of the Education Code as that statute read on January 1, 2020, and to community college districts from the Local School and Community College Property Tax Fund shall supplement, and shall not replace, other funding for education. Funds deposited into or allocated from the Local School and Community College Property Tax Fund shall not be part of "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes" for purposes of paragraphs (2) and (3) of subdivision (b) of Section 8 of this Article or for purposes of Section 21 of this Article. Except as provided in subdivision (c) of Section 8.6 of this Article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B for purposes of paragraph (1) of subdivision (b) of Section 8 of this Article, nor shall they be considered in the determination of per capita General Fund revenues for purposes of subdivisions (b) and (e) of Section 8 of this Article.

(d) Except as provided in subdivision (c) of Section 8.6 of this Article, revenues generated by Section 2.5 of Article XIII A shall not be deemed to be General Fund proceeds of taxes that may be appropriated pursuant to Article XIII B for purposes of Section 20 or Section 21 of this Article.

SEC. 5. Section 8.6 of Article XVI of the California Constitution is added to read:

SEC. 8.6. (a) The Legislature shall provide by statute a methodology, based on historical experience, for determining the additional revenue generated in each county each fiscal year as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application of Section 2.5 of Article XIII A. The determination as to the amount of additional revenue in each county shall be transmitted to the county auditor annually for use for the calculations required by this section.

(b) After transferring the necessary funds pursuant to subdivisions (c), (d) and (e) and subparagraph (B) of paragraph (1) of this subdivision, all additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the

application of Section 2.5 of Article XIII A shall be allocated and transferred by the county auditor as follows:

(1) (A) First, to the Local School and Community College Property Tax Fund created pursuant to Section 8.7 of this Article, in an amount equal to the school entities' share of property taxes as determined pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(B) Prior to making the transfer pursuant to subparagraph (A) of this subdivision, the county auditor shall subtract an amount equal to the county's share of the increase in appropriations of State General Fund proceeds of taxes for the support of school districts and community college districts pursuant to Section 8 of Article XVI due to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII, as determined by the Director of Finance. The county's share of additional State General Fund appropriations shall be transferred by the county auditor to the General Fund prior to the allocation specified in subparagraph (A) of this subdivision. The amount determined by the Director of Finance pursuant to this subparagraph shall for each fiscal year be apportioned by county in proportion to the revenue loss resulting from the exemptions provided by Section 3.1 of Article XIII.

(2) Second, among cities, counties, and special districts pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, as that chapter read on January 1, 2020.

(c) The Franchise Tax Board shall determine the reduction to the General Fund and any other affected state fund of revenues derived from the taxes imposed by the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code) and the Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code), as those laws read on January 1, 2020, due to the deduction of any net increase in property taxes resulting from the implementation of Section 2.5 of Article XIII A and subdivision (a) of Section 3.1 of Article XIII. The amount of reduction as determined by the Franchise Tax Board shall be transferred by the county auditor to the General Fund and any other affected state fund prior to the allocation specified in subdivision (b). For purposes of making the determinations required by Section 8, 20 and 21 of this Article, the amount transferred to the General Fund pursuant to this subdivision shall be deemed to be General Fund revenues which may be appropriated pursuant to Article XIII B and General Fund proceeds of taxes appropriated pursuant to Article XIII B, and shall be included in the calculation of per capita General Fund revenues. The amount transferred pursuant to this subdivision shall for each fiscal year be apportioned among the counties in proportion to each county's contribution to the total additional revenue resulting from the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A and the application Section 2.5 of Article XIII A determined for all counties.

(d) (1) Each county or city and county shall be annually compensated for the actual direct administrative costs of implementing Section 2.5 of Article XIII A and Section 3.1 of Article XIII as identified by the board of supervisors of the county or city and county consistent with statutes identifying those costs. The Legislature shall determine by statute what constitutes actual direct administrative costs for purposes of this subdivision. Such costs shall at a minimum



include the costs of assessment, assessment appeals, legal counsel, tax allocation and distribution, and auditing and enforcement of the provisions of Section 3.1 of Article XIII and Section 2.5 of Article XIII A. It is the intent of this subdivision to provide full adequate funding to counties to cover all costs associated with implementation of the Act.

(2) The Legislature shall determine by statute the initial start-up costs necessary for each county or city and county and the Board of Equalization to implement the Act and shall appropriate State General Fund monies to pay for such startup costs until sufficient funds are available to pay for all ongoing costs to implement the Act, at which time the statute shall provide for the State General Fund to be reimbursed.

(e) Each county or city and county shall annually be reimbursed for actual refunds of property taxes paid in the prior fiscal year as a result of corrections to assessments made pursuant to Section 2.5 of Article XIII A. The amount reimbursed pursuant to this subdivision shall for each fiscal year be subtracted from each county's contribution to the total additional revenue resulting from the application of Section 2.5 of Article XIII A as a result of the application of the tax rate specified in subdivision (a) of Section 1 of Article XIII A.

(f) All local education agencies, community colleges, counties, cities and counties, cities, and special districts that receive funds from the revenues generated by Section 2.5 of Article XIII A shall publicly disclose for each fiscal year, including in their annual budgets, the amount of property tax revenues they received for that fiscal year as the result of Section 2.5 of Article XIII A and how those revenues were spent. Such disclosure shall be made so that it is widely available to the public and written so as to be easily understood.

SEC. 6. Section 2.5 of Article XIII A of the California Constitution is added to read:

SEC. 2.5. (a) (1) Notwithstanding Section 2 of this Article, for the lien date for the 2022-23 fiscal year and each lien date thereafter, the "full cash value" of commercial and industrial real property that is not otherwise exempt under the Constitution is the fair market value of such real property as of that date as determined by the county assessor of the county in which such real property is located, except as provided by the Legislature pursuant to subdivision (b).

(2) Paragraph (1) of this subdivision shall not apply to residential property as defined in this section, whether it is occupied by a homeowner or a renter. Residential property as defined in this section shall be assessed as required by Section 2 of this Article. Paragraph (1) of this subdivision shall also not apply to real property used for commercial agricultural production as defined in this section. Real property used for commercial agricultural production as defined in this section shall be assessed as required by Section 2 of this Article.

(b) The Legislature shall establish a Task Force on Property Tax Administration immediately after this section is enacted, including a county assessor or designee, a Board of Equalization member or designee, a proponent of this Act or designee, a taxpayer representative, and a member of the Legislature or designee. The Task Force shall publicly convene immediately upon its creation to examine and recommend to the Legislature all statutory and regulatory changes



necessary for the equitable implementation of this measure consistent with its purpose and intent. The Legislature, after conferring with the Task Force, shall provide by statute for the phase-in of the reassessment of commercial and industrial real property as required by paragraph (1) of subdivision (a). Any such phase-in shall provide for reassessment of a percentage of all commercial and industrial real properties within each county commencing with the lien date for the 2022-23 fiscal year and extending over two or more lien dates each fiscal year thereafter, in order to ensure a reasonable workload and implementation period for county assessors, including provision for processing and timing of assessment appeals. An owner shall first be obligated to pay the taxes based on the new assessed value beginning with the lien date for the fiscal year when the county assessor has completed the reassessment. The phase-in also shall provide taxpayers whose property has been reassessed a reasonable timeframe within which to pay any increase in taxes. After the initial reassessment of commercial and industrial real property pursuant to this subdivision, such commercial and industrial real property shall be periodically reassessed no less frequently than every three years as determined by the Legislature.

Notwithstanding existing statutes, the Legislature shall, in consultation with county assessors, develop a process for hearing appeals resulting from the reassessment of properties pursuant to this section that is consistent with the following:

- (1) The process shall not include automatic acceptance of the applicant's opinion of values within a given time-frame.
- (2) The process shall impose on the taxpayer the burden of proof that the property was not properly valued.
- (3) The process shall require the taxpayer to provide evidence relevant to any appeal in the initial application before the local assessment appeals board.
- (4) The process shall ensure that decisions by local administrative hearing bodies such as assessment appeals boards, if subject to judicial review, are subject only to de novo judicial review on issues of law, while issues of fact, including valuation, shall be reviewed under the substantial evidence standard.

(c) For purposes of this section:

- (1) "Commercial and industrial real property" means any real property that is used as commercial or industrial property, or is vacant land not zoned for residential use and not used for commercial agricultural production. For purposes of this paragraph, vacant land shall not include real property that is used or protected for open space, a park, or the equivalent designation for land essentially free of structures, natural in character to provide opportunities for recreation and education, and intended to preserve scenic, cultural, or historic values.
- (2) "Mixed-use real property" means real property on which both residential and commercial or industrial uses are permitted.
- (3) "Real property used for commercial agricultural production" means land that is used for producing commercial agricultural commodities.
- (4)(A) "Residential property" shall include real property used as residential property, including both single-family and multi-unit structures, and the land on which those structures are constructed or placed.

(B) The Legislature shall provide by statute that any property zoned as commercial or industrial but used as long-term residential property shall be classified as residential for purposes of paragraph (2) of subdivision (a). For mixed-use real property, the Legislature shall ensure only that portion of the property that is used for commercial and industrial purposes shall be subject to reassessment as required by paragraph (1) of subdivision (a). The Legislature shall also define and provide by statute that limited commercial uses of residential property, such as home offices, home-based businesses or short-term rentals, shall be classified as residential for purposes of paragraph (2) of subdivision (a). The Legislature may provide for an exclusion from reassessment for the commercial share of mixed use property provided seventy-five percent (75%) or more of the property by square footage or value is residential.

(d) (1) Subject to paragraph (2) of this subdivision, upon reassessment pursuant to subdivisions (a) and (b), each commercial and industrial real property with a fair market value of three million dollars (\$3,000,000) or less shall not be subject to reassessment pursuant to paragraph (1) of subdivision (a) and shall be assessed as required by Section 2 of this Article. The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization. The State Board of Equalization shall calculate the adjustment separately for each county taking into consideration differences in average commercial and industrial market values among counties.

(2) Notwithstanding paragraph (1) of this subdivision, real property that would otherwise comply with the exclusion set forth in paragraph (1) of this subdivision shall be subject to reassessment pursuant to paragraph (1) of subdivision (a) if any of the direct or indirect beneficial owners of such real property own a direct or indirect beneficial ownership interest(s) in other commercial and/or industrial real property located in the State, which such real property in the aggregate (including the subject property) has a fair market value in excess of three million dollars (\$3,000,000). The amount specified in this paragraph shall be adjusted for inflation every two years commencing January 1, 2025, as determined by the State Board of Equalization.

(3) All determinations of fair market value under this subdivision shall be determined by the county assessor of the county in which the property is located, and such determinations by the county assessor shall be conclusive and subject only to judicial review for abuse of discretion.

(4) In order to be eligible for the exclusion provided by paragraph (1) of this subdivision, the owner of the real property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraphs (1) and (2) of this subdivision for exemption from reassessment have been met and shall be subject to audit by the county or the State as to that certification. The Board of Equalization shall have the authority to conduct any audits on behalf of the State.

(5) Any real property excluded from reassessment under paragraph (1) of this subdivision shall only be excluded from reassessment so long as it meets the conditions imposed by paragraphs (1) and (2) of this subdivision. If there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor.

(6) Any appeals by taxpayers who are found not to be excluded from reassessment pursuant to paragraph (1) of this subdivision shall be subject to the process for hearing appeals as provided in subdivision (b).

(e) (1) Provided fifty percent (50%) or more of the occupied square footage of a commercial or industrial real property is occupied by a small business as defined in paragraph (4) of this subdivision, the provisions of paragraph (1) of subdivision (a) shall not take effect prior to the lien date for the 2025-26 fiscal year; provided, however, that if the Legislature establishes by statute pursuant to subdivision (b) that a real property qualified under this paragraph shall be reassessed on a lien date subsequent to the 2025-26 fiscal year, then such property shall be reassessed commencing on that subsequent lien date.

(2) In order to be eligible for the deferral provided by paragraph (1) of this subdivision, the owner of the property shall make a claim and certify annually to the county assessor under penalty of perjury that the conditions required by paragraph (1) of this subdivision for deferral from reassessment have been met and shall be subject to audit by the county or the Board of Equalization as to that certification.

(3) Any real property for which reassessment is deferred under paragraph (1) of this subdivision shall only be eligible for deferral so long as it meets the conditions imposed by paragraph (1) of this subdivision and if there is any change in the direct or indirect beneficial ownership of such real property, a new claim and certification must be made to the county assessor. Upon termination of the deferral, the property shall be subject to paragraph (1) of subdivision (a).

(4) For purposes of this subdivision, the term small business shall include only those businesses which meet all of the following conditions:

(A) The business has fewer than 50 annual full-time equivalent employees.

(B) The business is independently owned and operated such that the business ownership interests, management and operation are not subject to control, restriction, modification or limitation by an outside source, individual or another business.

(C) The business owns real property located in California.

(f) For purposes of this section the failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exclusion or classification which reduces or defers an assessment or reassessment shall be deemed a waiver of the exclusion or classification for that year.

(g) Using the methodology prescribed by the Legislature pursuant to subdivision (a) of Section 8.6 of Article XVI, the percentage change in gross taxable assessed valuation within a city, county, or a city and county used to calculate an entity's vehicle license fee adjustment amount pursuant to Section 97.70 of the Revenue and Taxation Code shall not include the additional assessed valuation that results from the application of this section.

(h) Notwithstanding Section 16 of Article XVI or any other law, the additional assessed valuation that results from the application of this section shall not be factored into to any division

of taxes or calculation of growth for treatment as tax increment and shall not be diverted in any manner whatsoever.

SEC. 7. Section 3.1 of Article XIII of the California Constitution is added to read:

SEC. 3.1. (a) (1) For each taxpayer paying the tax on tangible personal property, including business equipment and fixtures, used for business purposes, either of the following shall apply:

(A) (i) For a taxpayer that is a small business, as defined in paragraph (4) of subdivision (e) of Section 2.5 of Article XIII A, all tangible personal property owned and used for business purposes is exempt from taxation.

(ii) A taxpayer shall make a claim and certify annually to the county assessor under penalty of perjury that the condition required by this subparagraph for exemption has been met and such claim shall be subject to audit by the county or the state as to that certification.

(B) Except for a taxpayer subject to subparagraph (A) of paragraph (1) of this subdivision, an amount of up to five hundred thousand dollars (\$500,000) of combined tangible personal property and fixtures, per taxpayer, is exempt from taxation.

(2) Aircraft and vessels shall not be subject to this exemption.

(3) The Legislature shall not lower the exemption amounts provided by this subdivision or change their application, but may increase the exemption amount specified in subparagraph (B) of paragraph (1) of this subdivision consistent with the authority enumerated in Section 2 of this Article.

(b) The Legislature shall provide by statute that all related entities, including but not limited to any subsidiaries, holding companies, or parent corporations, are considered one "taxpayer" for the purposes of this section.

SEC. 8. Section 16 of Article XIII B of the California Constitution is added to read:

SEC. 16. (a) For purposes of this article, "proceeds of taxes" shall not include the additional revenues generated by Section 2.5 of Article XIII A.

(b) For purposes of this article, appropriations subject to limitation of each entity of government shall not include appropriations of the additional revenues collected as a result of the implementation of Section 2.5 of Article XIII A.

SEC. 9. Effective Date.

This measure shall become operative on January 1, 2022, except that subdivision (a) of Section 3.1 of Article XIII shall become operative on January 1, 2024, and subdivision (d) of Section 8.6 of Article XVI and subdivision (b) of Section 2.5 of Article XIII A shall become operative immediately upon passage of this measure.

SEC. 10. Severability

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid. Notwithstanding the foregoing, Section 7 of this Act is non-severable from Section 6 of this Act.

#### SEC. 11. Liberal Construction

This Act shall be liberally construed in order to effectuate its purposes as articulated in Section 3 of this Act.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 3, 2020

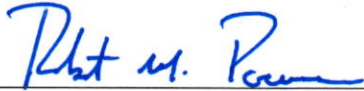
**FROM:** General Manager

**SUBJECT:** Measure RR Safe Routes to BART Grant Program Update

At the September 10, 2020 Board meeting BART Staff will provide an update on the Measure RR Safe Routes to BART (SR2B) grant program. The focus will be on the projects that have been selected to receive SR2B grant funds as detailed in the attached presentation.

As background, BART staff provided the Board an update on the SR2B program development on October 10, 2020. The Board then authorized the General Manager to administer the program through capital funding agreements at the February 27, 2020 Board meeting.

If you have further questions, please contact Val Menotti, Chief Planning & Development Officer at 510-287-4794.



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Robert Powers

### Attachments

cc: Board Appointed Officers  
General Manager  
Executive Staff





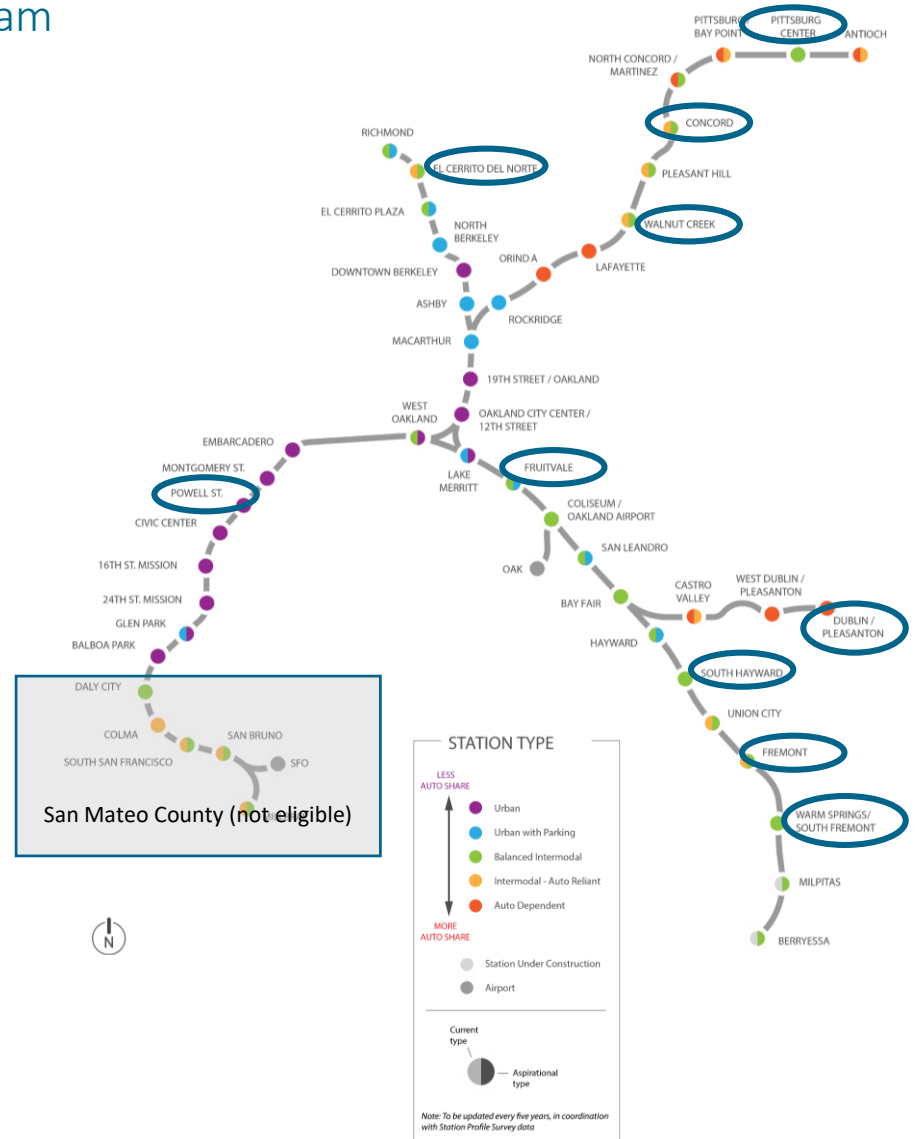
# Safe Routes to BART (SR2B) Grant Program Update

Board Meeting (September 10, 2020)



# SR2B – Cycle 1

- Measure RR SR2B Program
  - \$25M of the \$135M RR Station Access funds
  - Cycle 1 target: 3-5 agreements
  - Job creation
- 10 applications
- Total funding request of \$9.13M
  - Ranging from \$0.4M to \$1.5M
  - Funding matches ranging from 30% to 86%
- Diverse representation
  - Geographic
  - Station typology
  - Disadvantaged communities



# Application Evaluation Process

- **Selection Committee**

- BART staff
  - Station Area Planning
  - Customer Access
  - Station Design & Construction
- External participants:
  - **Walk/Bike Advocacy:** Walk SF
  - **Equity Advocacy:** Transform
  - **Congestion Management Agency (CMA):** Contra Costa Transportation Authority (CCTA)

- **2 Rounds of Scoring**

- Round 1: Individual using selection criteria guidance
- Round 2: Deliberation and consensus on project ranking

- 4 SR2B funding awards

# Application Evaluation Criteria

<b>Selection Criteria</b>	<b>Station Access Policy Goals</b>
Project Readiness	C. More Productive & Efficient
Connectivity and Mode Shift	A. Safer, Healthier, Greener B. More riders D. Better Experience
Customer Experience, Safety and Security	D. Better Experience
Equitable Access	E. Equitable Services
Complete Communities	D. Better Experience B. More riders
Partnerships	F. Innovation & Partnerships
Leveraged Funding	C. More Productive & Efficient

# Selected Projects - \$3.53M

- All projects are high priority evidenced by planning documents, support letters and levels of current investment
- 2 projects are in areas with high % of low-income households with the other 2 projects connecting to disadvantaged communities
- Projects represent a range of access typologies and current access mode share

Station (Applicant)	Project	Total Cost (M)	SR2B (M)	Non-BART Funding Match
Powell (SFMTA)	5 <sup>th</sup> Street Improvement Project	\$1.88	\$0.42	78%
Fremont (Fremont)	Walnut Ave./Liberty St. Protected Intersection	\$1.83	\$0.92	50%
Pittsburg Center (Pittsburg)	BART Ped/Bike Connectivity Project	\$5.52	\$0.70	87%
Dublin/Pleasanton (Dublin)	Iron Horse Trail Bridge at Dublin Blvd	\$11.11	\$1.50	86%
		<b>\$20.34</b>	<b>\$3.53</b>	



Measure RR: Safe Routes to BART Grant Program

# Powell: 5<sup>th</sup> Street Improvement Project

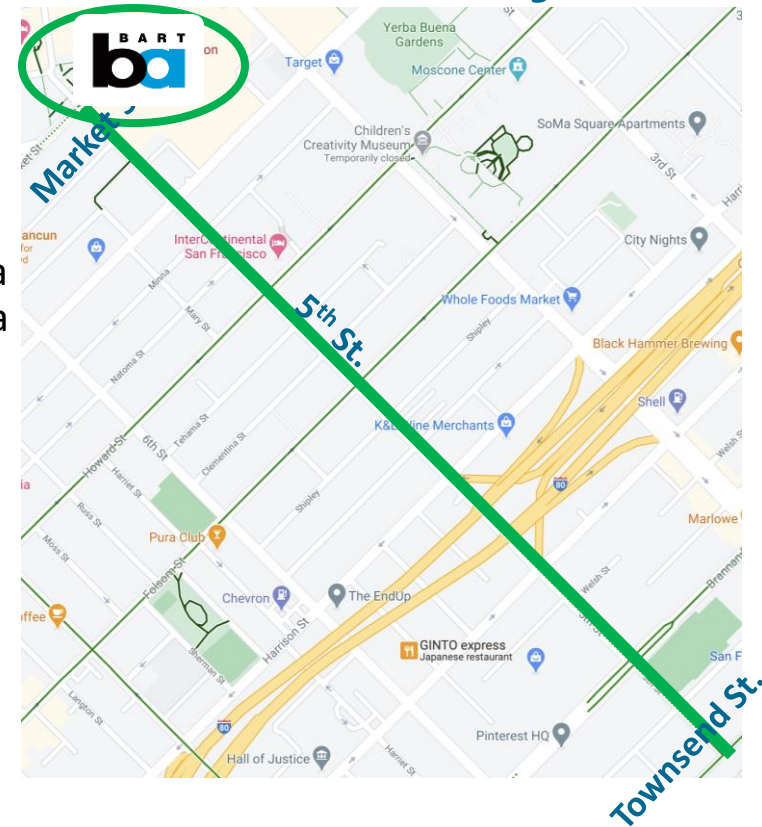
**SR2B Award:** \$420k

**Total Project Cost:** \$1.88M

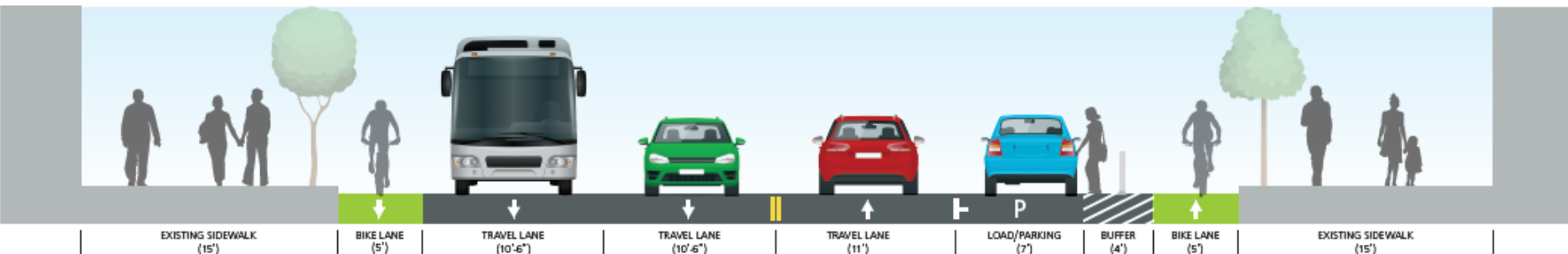
**Project description:**

- **5th Street corridor** b/w Market St. and Townsend St., bridges a major north-south gap in the City's bike network & addresses a high crash corridor
- Vehicle lane reduction, striping, signal timing changes & parking-protected bikeway
- Substantial amount of the project recently constructed
- **SR2B funds** to complete project with elements improving pedestrian safety including curb ramps and raised crosswalk, transit boarding islands and roadway restriping & signage

**Timeline:** <1 yr. w/ construction starting in FY 21 Q2



Market Street to Mission Street Cross-section





# Fremont: Walnut Ave./Liberty St. Protected

## Intersection

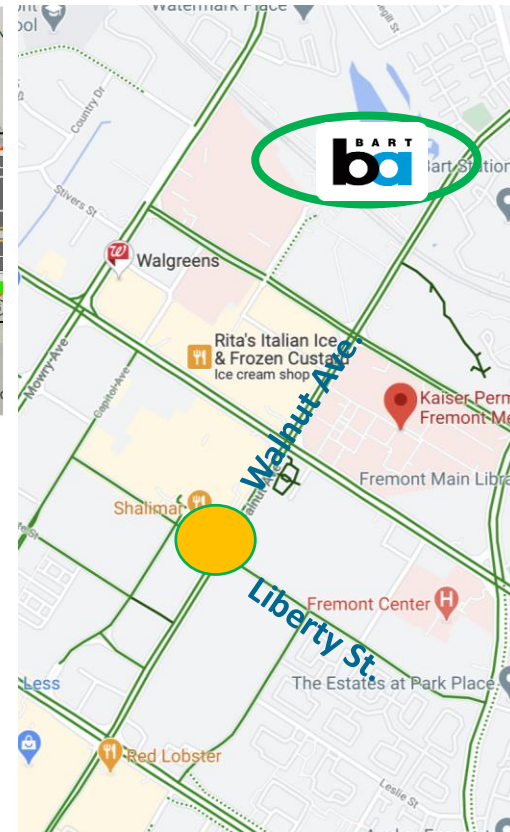
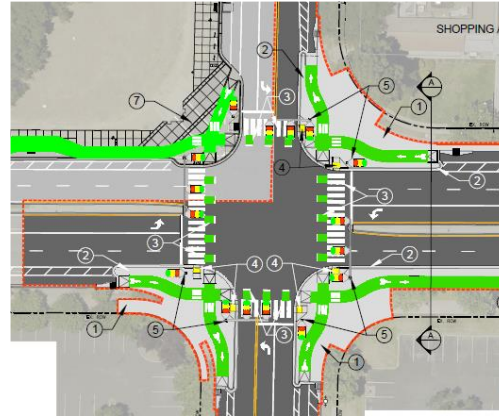
**SR2B Award:** \$920k

**Total Project Cost:** \$1.83M

**Project description:**

- **Walnut Avenue corridor in the City Center:**
  - “All ages and abilities” corridor
  - higher density, mixed use development in the City’s Downtown Community Plan
- **SR2B funding for a protected intersection at Walnut/Liberty for safer & lower stress conditions for bikes & peds:**
  - shortening crossing distances
  - removing right turn slip lanes,
  - promoting safer vehicle turning speeds
  - upgraded lighting & bicycle detection
- 0.5 miles from station

**Timeline:** 1.5 yrs. w/ construction starting in FY 22 Q1



# Pittsburg Center: BART Ped/Bike Connectivity Project

**SR2B Award:** \$700k

**Total Project Cost:** \$5.5M

## Project description:

- **Implement 4 Class I & Class IV bike facilities**
  - Railroad Ave. b/w Delta DeAnza Trail & Pittsburg Center : Class I
  - Railroad Ave. b/w California Ave. & 17<sup>th</sup>: Class IV
  - California Ave. b/w Railroad Ave. to Harbor: Class I
  - Bliss Ave. b/w BART Parking lot & BART: Class I
- Fully separate pedestrians and cyclists from vehicle traffic
- Enhanced lighting and landscaping & high visibility crosswalks at all intersections/crossings
- 65% design

**Timeline:** 2 yrs. w/ construction starting in FY 21 Q4



# Dublin/Pleasanton: Iron Horse Trail Bridge

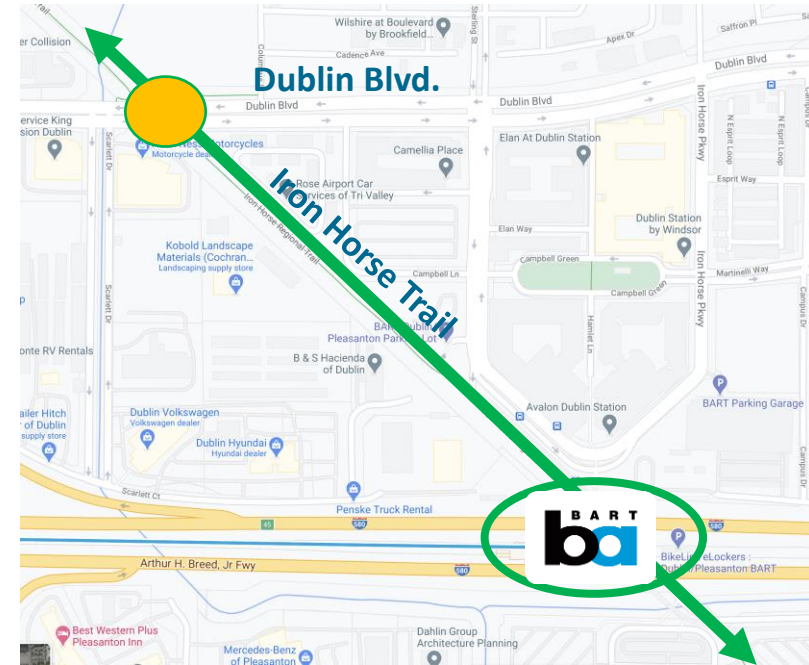
**SR2B Award: \$1.5M**

**Total Project Cost: \$11.11M**

## Project description:

- Grade-separated crossing for to promote safer and quicker access to/from the Dublin/Pleasanton BART station located ¼ mile away
- Improves a major gap in the 30-mile multiuse trail b/w Concord & Pleasanton
- Connection to BART's RR Dublin/Pleasanton Active Access improvements (in design)
- Connection to significant of development in the area
- 95% design complete
- Multi stakeholder engagement (PG&E, Kinder Morgan, EBRPD, Alameda County, etc.)

**Timeline: 3 yrs. w/ construction starting in FY 21 Q3**



# SR2B Projects Moving Forward & Next Steps

Award **\$3.53M** in SR2B funds to Project Sponsors: **SFMTA, Fremont, Pittsburg & Dublin**

<b>Activity</b>	<b>Date</b>
Project selection	Summer 2020
<b>Board Update</b>	<b>September 10, 2020</b>
Notice of award	Fall 2020
Execute funding agreements	Fall 2020
Project implementation	Fall 2020-Spring 2023
Project evaluation (Intercept surveys, etc.)	TBD
Anticipated SR2B round 2	12-18 months





# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 3, 2020

**FROM:** General Manager

**SUBJECT:** BART Silicon Valley Phase II Extension Project Update

Attached is the "BART Silicon Valley Phase II Extension Project Update" presentation that will be presented at the September 10, 2020 board meeting as an information item.

If you have any questions, please contact Carl Holmes, Assistant General Manager, Design and Construction at (510) 464-7592.



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Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



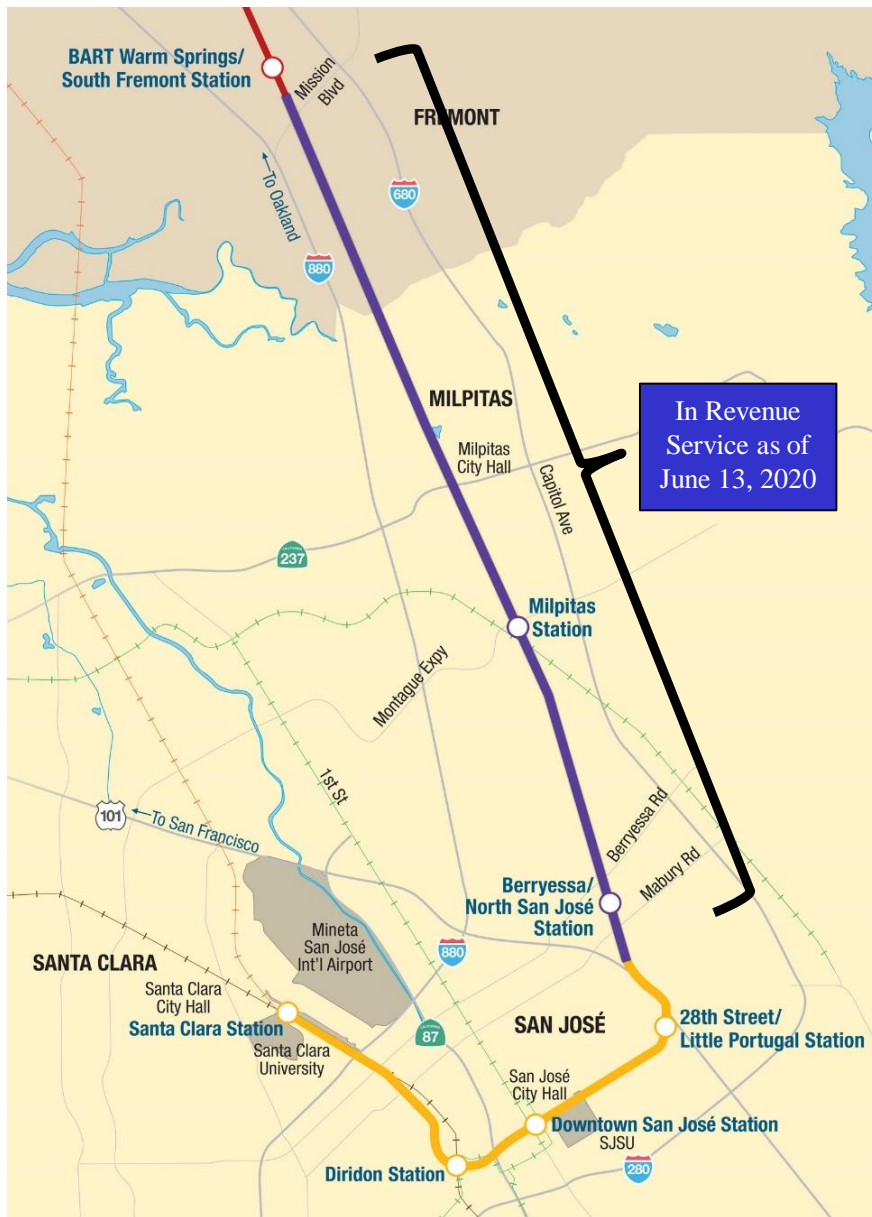


# BART Silicon Valley Phase II Extension Project Update



*Board of Directors Presentation  
September 10<sup>th</sup>, 2020*

# BART Silicon Valley Phase I and II



- *BART forces completing Punchlist Work for VTA (over 400 items in June but now under 30 items remaining)*



# BART Silicon Valley Phase II - Highlights

- *6-mile extension:*

- ~2.4 mile single-bore stacked*
- ~2.6 mile single-bore side-by-side*
- ~1 mile at-grade*

- *4 stations:*

- 3 underground*
- 1 at-grade*

- *2 Mid-Tunnel*

*Ventilation/Emergency Egress Facilities*

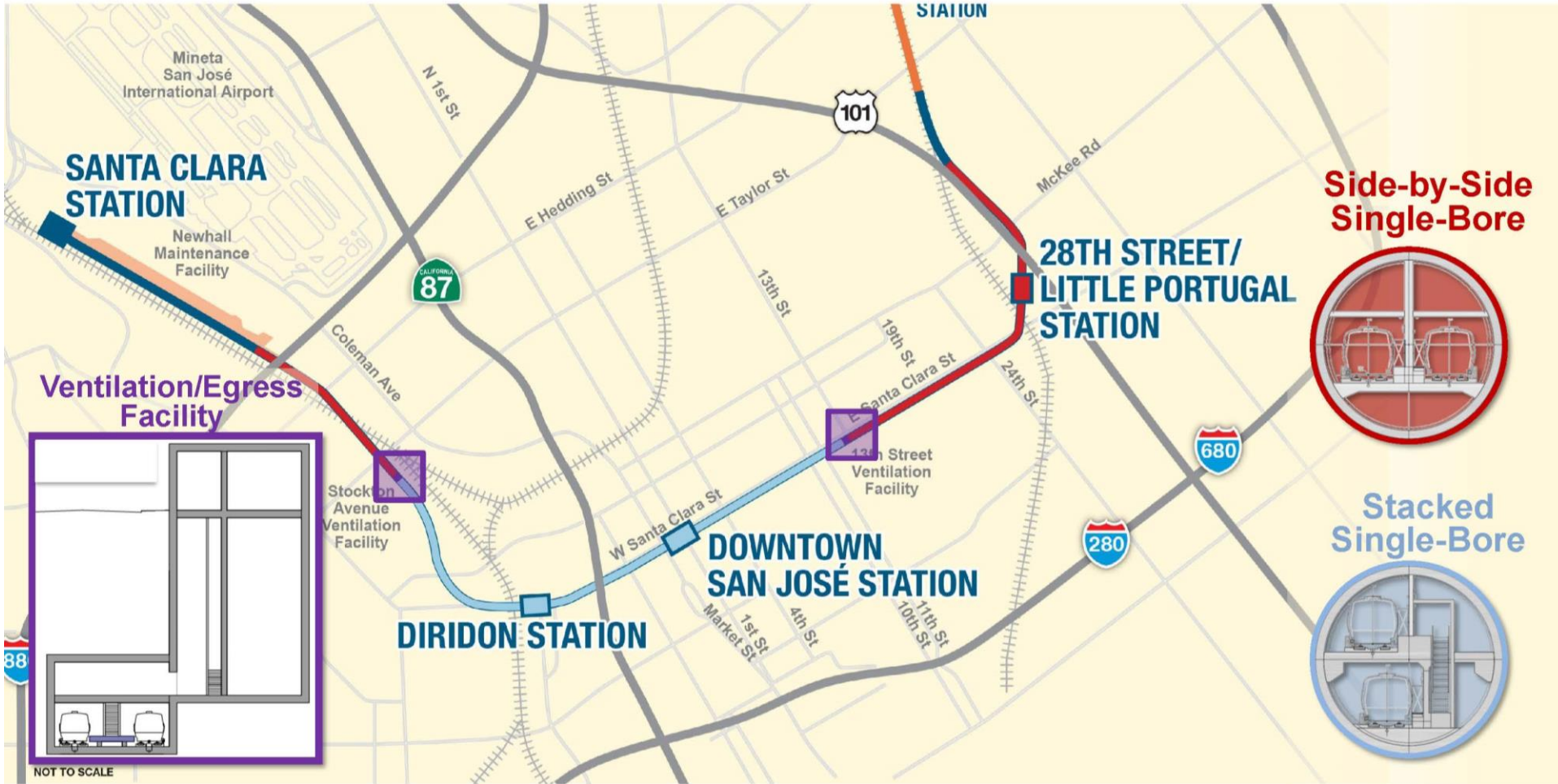
- *Newhall Yard Maintenance*

*Facility (Critical element must be installed for operating extension)*





# Phase 2 Project Configuration



# FTA's Pilot Expedited Project Delivery (EPD) Program

- *Project scope, cost and schedule*
- *Financial Plan and funding sources*
- *Public-Private Partnerships and Project Delivery*
- *Project Justification*
- *Project Management and other key plans*





# EPD Proposed Contracting Plan

Contract No.	Title	Delivery Method*	General Scope
1	Systems (Approx. contract value \$500M)	Design-Furnish-Install (DFI)	<ul style="list-style-type: none"> <li>All rail system elements</li> </ul>
2	Tunnel & Trackwork (Approx. contract value \$2,000M)	Progressive Design-Build (PDB)	<ul style="list-style-type: none"> <li>Tunnel &amp; trackwork</li> <li>Mid-tunnel facilities</li> <li>28<sup>th</sup> Street/Little Portugal support of excavation</li> <li>Utility relocations as required</li> </ul>
3	Newhall Yard & Santa Clara Station (Approx. contract value \$500M)	Design-Build (DB)	<ul style="list-style-type: none"> <li>Yard &amp; Maintenance Facility</li> <li>Line &amp; track</li> <li>Santa Clara Station</li> <li>500 space parking garage</li> <li>Utility relocations as required</li> </ul>
4	Stations & Support Facilities (Approx. contract value \$1,000M)	Design-Build (DB)	<ul style="list-style-type: none"> <li>28<sup>th</sup> Street/Little Portugal, Downtown and Diridon stations</li> <li>1200 space parking garage (28<sup>th</sup> Street/Little Portugal Station)</li> <li>Adits</li> <li>Utility relocations as required</li> </ul>

\**Delivery methods under evaluation*

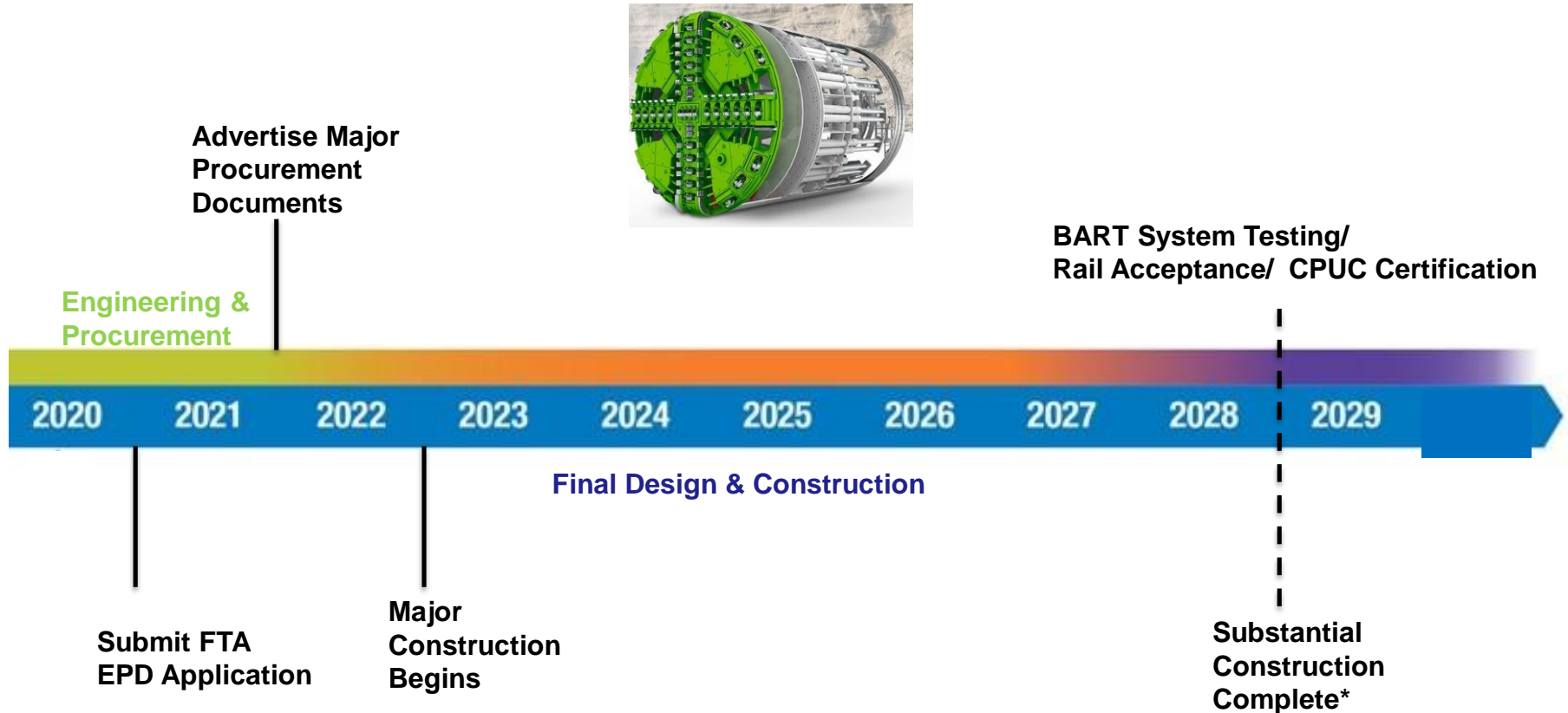


# EPD Cost Estimate & Funding Plan

FTA Standard Cost Category	Description	Estimate (\$M YOE)
10	Guideway & Track Elements	\$1,525
20	Stations, Stops, Terminals, Intermodal	\$1,593
30	Support Facilities: Yards, Shops, Admin. Bldgs	\$275
40	Sitework & Special Conditions	\$202
50	Systems	\$471
	Construction Subtotal:	\$4,066
60	ROW, Land, Existing Improvements	\$318
70	Vehicles	\$205
80	Professional Services	\$1,256
90	Unallocated Contingency	\$551
100	Finance Charges	\$142
	Subtotal:	\$6,538
	<b>Investment to Date:</b> Legacy & Historical Costs (2003- 2020) (Environmental, Planning, Community Outreach, Project Management, Conceptual Engineering)	\$322
	<b>Total:</b>	\$6,860

Funding Source	Amount Year of Expenditure (YOE) \$ millions
<b>Federal - FTA Expedited Project Delivery Grant (25%)</b>	<b>\$1,714</b>
<b>Non-Federal (75%)</b>	<b>\$5,145</b>
State/TIRCP Grant	\$750
State/TCRP Grant	\$161
Transit Oriented Development/P3	\$75
2000 Measure A Sales Tax	\$1,954
2016 Measure B Sales Tax	\$1,831
Regional Measure 3	\$375
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$6,860</b>

# EPD Project Schedule



*\*Contingent on meeting projected procurement schedule*



# FTA EPD Application Progress Update

- *On July 28th, FTA issued the Notice of Funding Opportunity (NOFO) for the EPD Program*
- *On July 31st, FTA Region IX held a kick-off meeting with VTA, BART and their Project Management Oversight Consultant (PMOC) outlining future reviews on documents and risk assessments*
- *Ongoing VTA efforts on EPD:*
  - i. *Much of the supporting documentation is complete, but there are some items that VTA are updating or generating.*
  - ii. *Ridership forecast models to be re-run using FTA's proprietary the Simplified Trips-on-Project Software (STOPS) travel demand model, which is scheduled to be completed at the end of September.*
  - iii. *Critical Third-Party Agreements are not all executed yet, which is required for the application to be considered complete.*

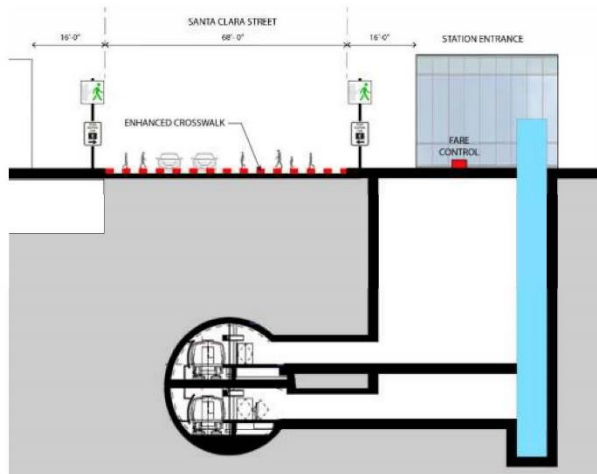
# Phase II Project Update

- *Key VTA and BART staff co-located to project office*
- *VTA's management continues working with professional service providers for development of an Integrated Work Program, streamlining and improving efficiencies of all necessary consultant support*
- *Technical Working Groups – BART, VTA and Engineering SME's to develop operational, maintenance and safety requirements for the four contracts*
- *VTA is also starting real estate acquisition process (with appraisals) for key properties*



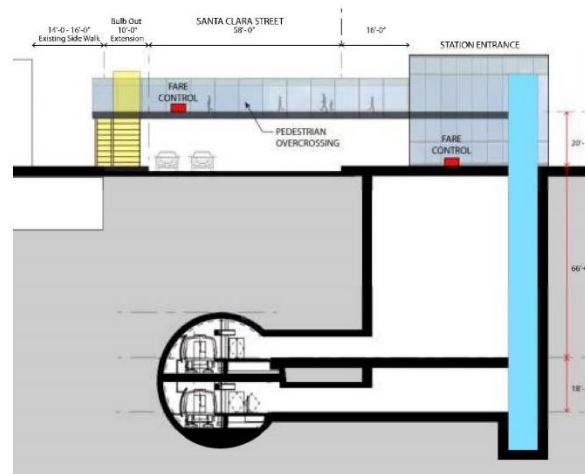


# VTA's Proposed Plan on Entrance Concepts



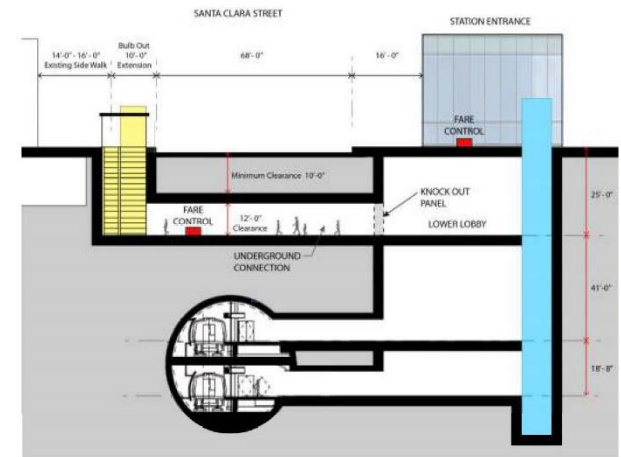
**Concept 1:  
At Street Level**

- Minor public ROW impacts



**Concept 2:  
Above Street Level**

- Public ROW impacts including sidewalks and parking spaces
- Environmental Considerations
- Cost and potential schedule implications (if part of Project)



**Concept 3:  
Below Street Level**

- Public ROW impacts including sidewalks and parking spaces
- Environmental Considerations
- Cost and potential schedule implications (if part of Project)

**DTSJ**



# BART's Entrance Priorities

1. *Passenger Experience and Benefit*
2. *Safe & Reliable Access (including ADA, bike, & pedestrian)*
3. *Operational Flexibility*
4. *Equal distribution of Passengers*
5. *TOD and other opportunities*

# VTA's Proposed Plan on Entrance Concepts

1. *Obtain VTA Board of Director's feedback*
2. *Coordinate with the City of San Jose and BART*
3. *Obtain required approvals for separate project including any necessary environmental clearance*
4. *Advance engineering design to develop capital cost estimates*
5. *Identify funding sources*
6. *Receive VTA Board approval*



# Next Steps



## Summer 2020:

- Initiate development of procurement documents
- ***Prepare BART's operational, maintenance & safety requirements for each contract***
- Begin real estate acquisition process
- Per FTA recommendation, VTA is conducting a peer review with other agencies and FTA later in September



QUESTIONS?



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 4, 2020

**FROM:** General Manager

**SUBJECT:** Transbay Corridor Core Capacity Project Update

Attached is the "Transbay Corridor Core Capacity Project Update" presentation that will be presented at the September 10, 2020 board meeting as an information item.

If you have any questions, please contact Carl Holmes, Assistant General Manager, Design and Construction at (510) 464-7592.



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Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

Board Meeting  
September 10, 2020



## Transbay Corridor Core Capacity Project



# Transbay Corridor Core Capacity Project



- TCCCP will renew BART's aging system and provide capacity for the future
- TCCCP includes four project elements:
  - Communications-Based Train Control System (CBTC)
  - Hayward Storage Yard (HMC2)
  - 6 additional Traction Power Substations (TPSS)
  - 252 New Vehicles
- Improvements will allow BART to run 28 ten-car trains per hour
- Federal Funds: \$1.169 B
- Local Funds: \$1.537 B
- Total Cost: \$2.706 B
- Required Completion Date (RCD): January 15, 2030



# Full Funding Grant Agreement Status / Next Steps



- ✓ **Full Funding Grant Agreement (FFGA) moved to mandatory 30-Day Congressional Review on August 4, 2020**
- ✓ **30 Day Review Period completed on Sept. 3, 2020**
- ✓ **Acting FTA Administrator to sign and send via overnight courier to BART**
- ✓ **BART ready to sign FFGA upon Receipt (Largest Federal Grant in BART History)**
- ✓ **Next Steps for TCCCP upon execution of FFGA:**
  - ✓ Award Design Build Contract for CBTC
  - ✓ Advertise and Award HMC2 Civil Grading Contract
  - ✓ Award HMC2 Rail Procurement for East Storage Yard
  - ✓ Award Vehicles Contract for 252 additional Revenue Cars