

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

BOARD MEETING AGENDA

October 13, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 13, 2016, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 22, 2016.\* Board requested to authorize.
- B. Updates to Title VI Major Service Change Policy.\* Board requested to authorize.
- C. Audit of Directors' Use of District Property for Fiscal Year 2016.\* Board requested to accept.
- D. Award of Contract No. 15TK-190, for Station Agent's Booth Dutch Doors and Hardened Polycarbonate and Laminated Security Glass, Phase II.\* Board requested to authorize.
- E. Award of Invitation for Bid No. 9013, Interlocking Track Components.\* Board requested to authorize.
- F. Lease of Warehouse Space at 31775 Hayman Street, Hayward.\* Board requested to authorize.
- G. Sale of Low Carbon Fuel Standard Credits.\* Board requested to authorize.
- H. Appointment of BART Police Citizen Review Board Member.\* Board requested to ratify.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Fiscal Year 2016 Year-End Budget Revision.\* Board requested to authorize.
- B. Open Data Policy.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., for Added Bolts at End Plate Splice (C.O. No. 39).\* Board requested to authorize.
- B. Change Order to Power Purchase Agreement at Warm Springs Station, with SolarCity, for Electric Vehicle Charging Stations (C.O. No. 1).\* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Amendment to Late Night Bus Core Service Agreement.\* Board requested to authorize.
- B. 2016 Legislative Update.\* For information.

7. GENERAL MANAGER'S REPORT

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

8. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Office of the Independent Police Auditor. For information.

9. 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.)

10. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Carter Mau, Assistant General Manager, Administration and Budget; and Carol Isen, Chief Employee Relations Officer

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;  
(2) American Federation of State, County and Municipal Employees, Local 3993;  
(3) BART Police Officers Association;  
(4) BART Police Managers Association;  
(5) Service Employees International Union, Local 1021; and  
(6) Service Employees International Union, Local 1021, BART Professional Chapter  
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

12. OPEN SESSION

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

Board of Directors  
Minutes of the 1,772nd Meeting  
September 22, 2016

A regular meeting of the Board of Directors was held September 22, 2016, convening at 9:00 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Murray presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, and Raburn.

Absent: None. Directors Josefowitz, Saltzman, and Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of September 8, 2016 (Regular and Special).
2. Award of Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof.
3. Award of Contract No. 17AG-160, Refurbish Montgomery and 24<sup>th</sup> Street Breakrooms.
4. Award of Invitation for Bid No. 8993, Portable Lift for Revenue Vehicles.
5. Award of Invitation for Bid No. 9005A, Bearings, Traction Motor.

Director Keller exited the Meeting.

Director Mallett made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 5: Directors Blalock, Mallett, McPartland, Murray, and Raburn. Noes - 0. Absent – 4: Directors Josefowitz, Keller, Saltzman, and Radulovich.

1. That the Minutes of the Meetings of September 8, 2016 (Regular and Special), be approved.
2. That the General Manager be authorized to award Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof, to Stronger Building Services of Hayward, California, for the Bid Price of \$148,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 17AG-160, Refurbish Montgomery and 24<sup>th</sup> Street Breakrooms, to

Barrera's Builders, Inc., for the Bid Price of \$132,700.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

4. That the General Manager be authorized to award Invitation for Bid No. 8993, for the procurement of Portable Lifts for Revenue Vehicles, to Windhoff Bahn-und Antagentechnik, of Rheine, Germany, for the bid price of \$302,001.00, including all applicable sales taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 9005A, for Bearings, Traction Motor, to Motion Industries, Inc., for an amount of \$1,018,512.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

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

Director Saltzman entered the Meeting.

Vice President Murray brought the matter of Training Session: Training in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code Section 53235, before the Board. Mr. Matthew Burrows, General Counsel, introduced Ms. Shelline Bennett of Liebert Cassidy Whitmore.

Directors Josefowitz and Keller entered the Meeting.

Ms. Bennett conducted the training session.

The Board Meeting recessed at 9:57 a.m.

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The Board Meeting reconvened at 10:09 a.m.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

Absent: President Radulovich.

The training session continued.

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

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Amendment to California Public Employees' Retirement System Contract to Include Purchase of Public Service Credit before the Board. Ms. Diane Iwata, Human Resources Program Manager, presented the item. Director Blalock moved adoption of Resolution No. 5328, Resolution Authorizing an Amendment to the Contract. Director Raburn seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, and Saltzman. Noes - 0. Abstain – 1: Director Mallett. Absent – 1: Director Radulovich.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Metropolitan Transportation Commission's Plan Bay Area Update before the Board. Ms. Ellen Smith, Planning Division Manager, introduced Mr. Ken Kirkey, of the Metropolitan Transportation Commission.

President Radulovich entered the Meeting.

Mr. Kirkey presented the item. The item was discussed.

Director Mallett exited the Meeting.

Discussion continued.

The Board Meeting recessed at 12:37 p.m.

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The Board Meeting reconvened at 1:03 p.m.

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

Absent: Director Mallett. Directors Josefowitz and Radulovich entered the Meeting later.

Director Raburn brought the matter of Multimodal Access Design Guidelines for Stations before the Board.

Directors Radulovich and Josefowitz entered the Meeting.

Ms. Mariana Parreiras, Access Coordinator, Transit & Shuttles, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 09AU-130, BART Earthquake Safety Program Oakland Shops Spur Tracks, before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. The item was discussed.

Director Saltzman exited the Meeting.

Director Keller moved that the General Manager be authorized to award Contract No. 09AU-130, BART Earthquake Safety Program, Oakland Shops Spur Track, to Shimmick Construction Company, Inc., for the Bid price of \$7,903,190.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Josefowitz, Keller, McPartland, Murray, and Radulovich. Noes – 1: Director Raburn. Absent – 2: Directors Mallett and Saltzman.

Director McPartland brought the matter of Agreement with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Systemwide (Agreement No. 6M3312), before the Board. Mr. Timothy Cardoza, Facilities Maintenance Supervisor, presented the item. Director Blalock moved that the General Manager be authorized to award Agreement No. 6M3312, to furnish and install replacement glass at all District stations and facilities, as needed, for a period of five years, at a bid price of \$667,069.00, to ACR Glazing Contractors, Inc., of Oakland, California. President Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent – 2: Directors Mallett and Saltzman.

President Radulovich called for the General Manager's Report.

General Manager Grace Crunican reported she had attended the American Public Transportation Association Annual Meeting, and she reported on steps she had taken and activities and meetings she had participated in, outstanding Roll Call for Introductions items, and reminded the Board of upcoming events.

Director Keller reported on the event previewing the eBART trains.

Mr. Paul Oversier, Assistant General Manager, Operations, reported on the track work performed between Balboa Park and Daly City.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director McPartland reported he had attended a meeting of the Altamont Regional Rail working group and a South Hayward BART Station Access Authority meeting.

Director Blalock reported he had attended the South Hayward BART Station Access Authority meeting, the Diridon Station Area Joint Policy Advisory Board meeting, and a League of Women Voters meeting.

Director Murray reported she had attended a Contra Costa Transportation Authority meeting, and the Capitol Corridor Joint Powers Authority meeting, and had given a Better BART presentation to the Concord Rotary Club.

Director Raburn reported he had attended the Capitol Corridor Joint Powers Authority meeting and a workshop at the senior center in San Leandro on transit oriented development at the Bay Fair Station.

President Radulovich called for In Memoriam. Director Murray requested the Meeting be



adjourned in honor of Ted Radke, East Bay Regional Parks District board member. Director Keller joined in the In Memoriam request.

President Radulovich requested the Meeting be adjourned in honor of Rose Pak.

President Radulovich called for Public Comment. No comments were received.

The Meeting was adjourned at 2:01 p.m. in honor of Ted Radke and Rose Pak.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sharon Moore Dept: Office of Civil Rights <i>[Signature]</i> 9/29/16	General Counsel <i>[Signature]</i> 10/13/16 [ ]	Controller/Treasurer <i>[Signature]</i> 10/11/16	District Secretary <i>[Signature]</i> 10/13/16 [ ]	BARC <i>[Signature]</i> 10-3-16 [ ]

TITLE:

### TITLE VI MAJOR SERVICE CHANGE POLICY

NARRATIVE:

**PURPOSE:** To request that the Board of Directors formally adopt the following amended Civil Rights Policy for the District:

- Major Service Change Policy

### DISCUSSION:

Federal Transit Administration (FTA) Title VI Circular 4702.1B (Circular), effective October 2012, requires recipients of federal funding to develop a Major Service Change Policy. This Policy is submitted to the FTA every three years as part of the District's Title VI Civil Rights Program Update. BART's next Triennial update is due to the FTA in January 2017.

As part of the District's Title VI Corrective Action Plan, the Major Service Change threshold was developed in 2010, after an extensive public comment and outreach process. The Board formally adopted the Major Service Change Policy in 2013 as part of BART's 2013 Triennial Update to the FTA. The amended Policy under consideration is the same Policy adopted in 2013, with minor updates to incorporate language consistent with the Circular and to reflect current operational procedures.

#### Major Service Change Policy:

The Major Service Change Policy includes a threshold to determine when a service change constitutes a major service change. Only service changes that meet or exceed the threshold established by the Major Service Change Policy will require a Title VI equity analysis. Under the Circular, recipients must conduct an equity analysis prior to a major service change to determine whether the adverse effects of a proposed change disproportionately affect minority or low-income populations or riders.

The Major Service Change Policy applies to new lines, extensions, and stations. Additionally, any increase and/or decrease of more than 25% in line length, service levels, and service hours both in aggregate changes across all lines and cumulative changes within a three-year period will require a Title VI equity analysis.

## TITLE VI MAJOR SERVICE CHANGE POLICY

Exclusions to the Major Service Change Policy include any changes to service caused by: temporary service, a new line “break-in” period, acts of other governmental agencies, forces of nature, competing infrastructure failure, and overlapping services.

In addition to the above exclusions, the District proposes to make the following amendments to the Major Service Change Policy:

- Revising the exclusion of temporary services in effect from 180 days to 12 months to be consistent with the language and requirements in the FTA Circular. Per the FTA Circular, “a transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than 12 months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis...”
- Adding a Major Service Change exclusion to include service changes or service interruptions as a result of urgent or necessary maintenance.

### **PUBLIC PARTICIPATION:**

In developing the Major Service Change Policy, staff conducted robust public participation, including eighteen (18) multilingual community meetings throughout the service area and separate meetings with local transportation equity advocacy groups. An online survey was also available for those who were unable to attend a public meeting. Outreach for the meetings was conducted using newsletters and communications from community based organizations, targeted e-mails, phone calls, web posting on bart.gov, print and online media, ethnic media, and flyer posting at BART Stations and within the community. In August 2016, staff presented the proposed revisions to its Title VI/Environmental Justice Advisory Committee and Limited English Proficient Advisory Committee. The advisory committees concurred with recommended edits and commented on the reasonableness of such amendments.

### **FISCAL IMPACT:**

There is no immediate fiscal impact associated with adoption of the amended Major Service Change Policy.

### **ALTERNATIVES:**

Do not adopt a Major Service Change Policy, or defer adoption of the Policy to a later date. If the District does not adopt the amended Policy, the existing Policy will not be consistent with the FTA Circular. Furthermore, the District will not be in compliance with Title VI requirements and its related regulations if it fails to have a Policy in place and risks losing federal funding.

### **RECOMMENDATION:**

TITLE VI MAJOR SERVICE CHANGE POLICY

It is recommended that the Board adopt the following motion.

**MOTION:**

The Board adopts the amended District Major Service Change Policy.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**Memorandum**

**TO:** Board of Directors

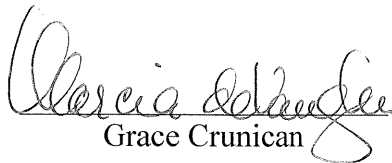
**DATE:** October 6, 2016

**FROM:** General Manager

**SUBJECT:** Consent Calendar Item #2.C.: Audit of Directors' Use of District Property

Attached is the Internal Audit Department's final audit report – *Audit of Directors' Use of District Property*, which will appear on the October 13, 2016, Board Consent Calendar.

If you have any questions regarding the audit, please contact Carter Mau, AGM, Administration and Budget at (510) 464-6194.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

*Audit of Directors' Use of District Property  
for Fiscal Year 2016*

**BACKGROUND**

The Internal Audit Department has audited the District's compliance with the requirements of the San Francisco Bay Area Rapid Transit District's *Rules of the Board of Directors* Board Rule 5-3.5, Use of District Property Other than Automobiles. The Rules require that the Internal Audit Department shall complete an annual audit for the previous fiscal year for compliance with the requirements of Board Rule 5-3.5, and shall submit the audit report, including a list of property issued to each Director, to the next Administration Committee following September 15 for review and forwarding to the full Board.

Board Rule 5-3.5 requires that:

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- The property shall be returned when a Director leaves office;
- Directors request the property through the District Secretary's Office;
- The District Secretary shall request quarterly that the Directors review their cellular phone and calling card charges;
- Directors reimburse the District within 30 days of the quarterly request for reimbursement of costs that are not for District business; and
- The District Secretary shall report to the Board President or Vice President if the quarterly requests are not responded to or reimbursements not made within 30 days.

The purpose of our audit was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ended June 30, 2016. To accomplish our purpose, we reviewed the requirements of the Board Rule, reviewed the report for the audit of compliance with the Board Rule done for the previous year, examined records maintained by the District Secretary, notified Directors of the property recorded in the District's records as issued to each Director, and conducted discussions with the staff of the District Secretary's Office.



*Audit of Directors' Use of District Property  
for Fiscal Year 2016*

**BACKGROUND**  
*(Cont'd)*

We performed the audit in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the circumstances. We used the *Rules of the Board of Directors* Board Rule 5-3.5 as criteria for the audit.

We provided Kenneth A. Duron, District Secretary, with a draft copy of our audit report on September 2, 2016. We discussed the draft audit report with him on September 2, 2016, and he had no additional comments.

**SUMMARY OF  
AUDIT RESULTS**

We found that in fiscal year 2016, the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

We also found that a former Director who left office in December 2014 has not returned or reimbursed the District for District purchased equipment as required by Board Rule 5-3.5(a). The equipment was valued at \$2,888 when the Director left office. The District Secretary has sent correspondence to the former Director requesting payment for the unreturned equipment in December 2014, April 2015, August 2015, March 2016, and April 2016.

  
\_\_\_\_\_  
Terry Green, Acting Department Manager  
Internal Audit Department

*Audit of Directors' Use of District Property  
 for Fiscal Year 2016*

**Exhibit A**

Schedule of District Property in Directors' Custody  
 As of June 30, 2016

<b>DIRECTOR</b>	<b>PROPERTY DESCRIPTION</b>
Gail Murray 1st District	Apple iPhone Dell Laptop
Joel Keller 2nd District	Samsung Galaxy Smartphone
Rebecca Saltzman 3rd District	(No Equipment Issued)
Robert Raburn 4th District	Computer Phone Card
John McPartland 5th District	Apple iPhone Dell Laptop External Computer Hard Drive Apple iPad Mini Computer Phone Card
Thomas M. Blalock 6th District	Brother Intellifax Apple iPad Mini
Zakhary Mallett 7th District	Computer Phone Card
Nick Josefowitz 8th District	(No Equipment Issued)
Tom Radulovich 9th District	Apple MacBook Computer External Computer CD/DVD Drive Apple iPhone





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/2016		BOARD APPROVED ITEM: No		
Originator/Prepared by: Victor Wu Dept: Maintenance and Engineering  Signature/Date: 10/5/16	General Counsel  10/6/16 [ ]	Controller/Treasurer  10/6/16 [ ]	District Secretary [ ]	BARC  10/6/16 [ ]

TITLE:  
**Award of Contract No. 15TK-190 For Station Agent's Booth Dutch Doors and Hardened Polycarbonate and Laminated Security Glass , Phase 2**

NARRATIVE :

**PURPOSE:**

To obtain the Board's authorization for the General Manager to award Contract No. 15TK-190 for Station Agent' Booth Dutch Doors and Hardened Polycarbonate and Laminated Security Glass, Phase 2 ("Contract"), to Bullet Guard Corporation of Sacramento, CA.

**DISCUSSION:**

The proposed work under this Contract consists of providing all labor, equipment and materials necessary for modifications to 36 Station Agent's booths. For 14 Station Agent's booths, the Work consists of installation of Dutch doors and replacing the glass windows with hardened polycarbonate and laminated glass. For the remaining 22 station agent's booths, the Work consists of installation of Dutch doors and adjacent glass panels and installation of safety film on the remaining windows.

Advance Notice to Bidders was mailed on August 11, 2016 to 149 prospective Bidders. The Contract Documents were sent electronically to 23 plan rooms. The Contract was advertised on August 10, 2016. A pre-Bid meeting was held on August 24, 2016 with 3 prospective Bidder attending the meeting. No addendum was issued. A total of 4 firms purchased the Contract Book. Two Bids were received on September 6, 2016 as follows:

	Bidder	Location	Total Bid
1	Saboo, Inc.	Brentwood, CA	\$1,050,000.00
2	Bullet Guard Corporation	Sacramento, CA	\$1,256,440.00
<b>ENGINEER'S ESTIMATE</b>			<b>\$1,135,000.00</b>

The apparent low bidder, Saboo, Inc. ("Saboo"), requested to be relieved of its Bid on September 9, 2016, due to a mistake in its bid. Staff analyzed documentation provided by Saboo in support of its request, and determined that the evidence demonstrated that Saboo made a mistake in its Bid within the meaning of Public Contract Code section 5103. Pursuant to Paragraph 13 of the Contract's Instructions to Bidders, staff consented to Saboo's request. As a result, Bullet Guard Corporation ("Bullet Guard") was the only remaining Bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). Bullet Guard did not commit to any MBE and WBE participation and did not meet the MBE and WBE Availability Percentages. Therefore, Bullet Guard was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Bullet Guard, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. Although Bullet Guard is a certified Small Business, the Small Business Prime Preference is not applicable because, as a result of Saboo's request to be relieved of its Bid, Bullet Guard was the only bidder on this Contract.

Staff has determined that Bullet Guard's license, business experience, and financial capabilities indicate that Bullet Guard is responsible.

**FISCAL IMPACT:**

Funding of \$1,256,440 for award of Contract No. 15TK-190 is included in the total project budget for 15TK001, Station Agent's Booth Dutch Door. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of September 30, 2016, \$2,100,000 is available for this project from the following sources:

Fund	Fund Description	Source	Amount
851W	FY07-11 Operating Allocation to Capital	BART	\$300,000
8528	Station & Access Project Allocation	BART	\$300,000
8529	FY15 Operating Allocation to Capital	BART	\$1,000,000
8530	FY16 Operating Allocation to Capital	BART	\$500,000
Total			\$2,100,000

BART has expended \$145,869, committed \$0 and reserved \$0 to-date. This action will commit \$1,256,440, leaving an available fund balance of \$697,691 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The alternative is to reject all Bids and re-bid the Contract. A re-bid is not likely to result in better pricing and will result in the deferral of modifications to the Station Agent's booths.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 15TK-190 to Bullet Guard Corporation, for the Bid Price of \$1,256,440.00 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maricia Adrege</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/8/2016 <i>10/5/16</i>		BOARD APPROVED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept: Maintenance and Engineering <i>Gregory Shivy</i> Signature/Date: <i>10/5/16</i>	General Counsel <i>W.P. Ong</i> <i>10/5/16</i>	Controller/Treasurer <i>M. White</i> <i>10/5/16</i>	District Secretary	BARC <i>Paul Chenier</i> <i>10/5/16</i>

TITLE:

## Award Invitation for Bid No. 9013, Interlocking Track Components

NARRATIVE :

PURPOSE:

To request Board Authorization to Award Invitation for Bid (IFB) No. 9013 to Voestalpine Nortrak,(Voestalpine) Cheyenne, WY for the Bid price of \$153,397.20 including all applicable taxes, for the procurement of interlocking track components.

DISCUSSION:

The M55 interlocking is located between 16<sup>th</sup> Street Mission Station and 24<sup>th</sup> Street Mission Station. This double diamond crossover is vital to operations ability to turn trains, to facilitate delay recovery and route trains between the M1 track and the M2 track. M55 is the only crossover between Montgomery Station and Balboa Park Station. The track components in this interlocking are reaching the end of their designed life expectancy and require replacement to maintain a State of Good Repair. IFB No. 9013 is for the procurement of frogs, switch points, stock rails and other track materials. The procurement of these track components will ensure the reliability of the M55 interlocking in order to accommodate the District's future operating plans. A notice requesting bids was published on July 11, 2016 and bid requests were mailed to 6 (six) prospective bidders. Bids were opened on August 2, 2016 and 3 (three) bids were received.

Bidder	Unit Price	Quantity	Grand Total including 10% Sales Tax
Voestalpine Nortrak Cheyenne, WY	\$139,452.00	1 Lot	\$153,397.20
Progress Rail Albertville. AL	\$308,665.00	1 Lot	\$339,531.50
Atlantic Track & Turnout Wheaton, IL			Non-responsive Bid

Independent cost estimate by BART staff: \$ 230,000.00

Staff has determined that the lowest Bid submitted by Voestalpine is a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on the Independent Cost Estimate. Furthermore, examination of Voestalpine's business experience and financial capabilities shows a satisfactory condition.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender neutral efforts for procurement contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding of \$153,397.20 for Bid No. 9013 will come from project budget 11KH001 24th Street Station Crossover. The following table depicts funding assigned to the referenced project and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the source listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of August 31, 2016 \$2,226,000.00 is available for this project from the following fund source:

Fund	Description	Amount
8524	FY2012 Operating Capital Allocation	225,999.10
3008	FTA 5307 CA-95-X271-00	2,000,000.90
		2,226,000.00

BART has expended \$210,507.88 and committed \$676,152.20 to date for other actions. This action will commit an additional \$153,397.20 leaving an uncommitted balance of \$1,185,942.72 in this fund source.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVE:**

The alternative to awarding this contract would be to reject all Bid's and re-advertise the contract. This, however, is not likely to result in increased competition or lower bid prices and would likely result in delay to the critical replacement of the existing track components.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award IFB No. 9013, for the procurement of Interlocking Track Components, to Voestalpine Nortrak of Cheyenne, WY, in the amount of \$153,397.20, including applicable sales taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and the FTA's requirements related to Protest Procedures.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia Schuchardt</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/2/2016 <i>10/5/16</i>		BOARD APPROVED ITEM: No		
Originator/Prepared by: Patricia Schuchardt Dept: <i>Real Estate and Property Development</i> Signature/Date: <i>Patricia Schuchardt</i>	General Counsel <i>[Signature]</i> <i>10/4/16</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>10/4/16</i> [ ]	District Secretary [ ]	BARC <i>Powers</i> <i>4 OCT 2016</i> [ ]

TITLE:

## LEASE OF WAREHOUSE SPACE - 31775 HAYMAN ST., HAYWARD CA

NARRATIVE :

### PURPOSE

To obtain the Board's authorization for the General Manager, or her designee, to enter into a lease with L.A. SPECIALTY PRODUCE CO, (Landlord) for approximately 75,328 square feet of warehouse space located at 31775 Hayman St, Hayward CA 94544 (31775 Hayman St. ) for a three-year term.

### DISCUSSION

As part of the Hayward Maintenance Complex (HMC) Project's 01RQ-150 Central Warehouse Construction Contract, the Logistics and Procurement department's occupying Building #2, located at 1063 Whipple Road, Hayward, CA 94544 will be required to move to a temporary location for approximately two to three years. Building #2 will be completely demolished and rebuilt as a new facility for the purpose of records storage and inventoried parts storage.

In order to properly store BART's records and inventoried parts, a warehouse location near the HMC Project has been identified to lease during construction for the new Central Warehouse.

Staff evaluated multiple locations that could meet the District's need for storage. Four potential properties met the basic storage criteria. After a detailed evaluation of each site based on proximity to the Hayward shops, cost per square foot, truck and dock access, common area maintenance, tenant improvement costs, age of facility, building classification and stability of ownership, staff determined that 31775 Hayman St, Hayward was the most suitable location for the District's needs. The average cost per square foot of the three properties considered was \$1.07 per square feet, per month.

The property selected at 31775 Hayman St, Hayward will have a lease term of 36 months commencing January 1, 2017 and expiring December 31, 2019. The lease provides for two 1 year options to extend if needed.

The first year lease payment, including taxes, insurance and common area operating expenses, gas and water, excluding electricity which is metered separately, will be \$679,459. There will not be any escalation in the lease payments during the entire initial lease term and extended option period.

First Year \$679,459  
 Second Year \$741,228  
 Third Year \$741,228

Total \$2,161,915

The lease will be approved as to form by the Office of the General Counsel.

#### FISCAL IMPACT

The total not to exceed amount of \$2,161,915 for the lease of warehouse space located at 31775 Hayman St. Hayward is included in the total project budget for FMS #01RQ002 - HMC Site, Trackway & Systems. The office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of September 6, 2016, \$38,332,091 is available for this project from the following sources:

F/G 3007 – Federal – CA-95-X236 \$33,935,400  
F/G 8524 – FY12 Operating Capital Alloc. \$4,396,691  
Total \$38,332,091

BART has expended \$13,981,570 and committed \$7,801,659 and reserved \$0 to date for other actions. This action will commit \$2,161,915 and leave an available fund balance of \$14,386,947 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

#### ALTERNATIVES

The Board may elect to not lease the warehouse space at 31775 Hayman St, and continue to search for another location to temporarily store the equipment and long term storage of District documents impacted by the HMC construction.

#### RECOMMENDATION

It is recommended that the Board adopt the following motion:

#### MOTION

The General Manager, or her designee, is authorized to execute a lease agreement with L.A. SPECIALTY PRODUCE CO. for approximately 75,328 square feet of warehouse space at 31775 Hayman St, Hayward, CA 94544 for a three year term for a total lease amount not to exceed \$2,161,915.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DATE: 10/6/2016 <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: BOARD APPROVED ITEM: No		
Originator/Prepared by: Holly Gordon Dept: Systems Development- Sustainability Signature/Date: <i>[Signature]</i> 10/6/16	General Counsel <i>[Signature]</i> 10/6/16 [ ]	Controller/Treasurer <i>[Signature]</i> 10/6/16 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> Per Bob Powers 10.6.16 [ ]

TITLE: 10/6/16

## Authorization to Sell Low Carbon Fuel Standard Credits

NARRATIVE :

### Authorization to Sell Low Carbon Fuel Standard Credits

#### Purpose:

To authorize the General Manager, or her designee, to sell the Low Carbon Fuel Standard (“Low Carbon Fuel Standard”) credits.

#### Discussion:

The goal of the LCFS is to reduce the carbon intensity of transportation fuels by 10% below 2010 levels by 2020. CARB is the regulatory agency charged with implementing regulations to achieve the goals. As of January, 2016, fixed guideway systems in California, including BART, are entitled to receive credits generated by the program. These credits are added to the LCFS market for replacement of high-carbon fuels with low-carbon electrified transportation. The credits will ultimately be purchased by companies whose products produce carbon intense fuels, primarily oil companies.

Because the credits are part of a market based program, the price fluctuates frequently. Based on the historical fluctuation in prices, it is estimated that the value of the credits would be between \$4-\$8 million annually. Staff believes that prices are currently at the high end of the market and are likely to go lower in the near future. Given the wide fluctuation in credit prices, authorization is requested to sell the credits in order to maximize the financial benefit to the District. Staff will report to the Board of Directors on the amount of the actual transaction on a periodic basis.

The LCFS credits were presented to the Board as an information item on September 8, 2016. Staff intends to provide the Board with a proposed draft policy and then a final policy with respect to the allocation of the revenue from selling the credits.

#### Fiscal Impact:

The sale of the credits will generate revenue of \$4-\$8 million annually to the District.

**Alternatives:**

The Board can elect not to authorize the General Manager to sell the LCFS credits. If that occurs, the District will continue to accumulate the credits, the price will continue to fluctuate and the District has the potential to lose a financial benefit.

**Recommendation:**

Adoption of the following motion:

**Motion:**

The Board authorizes the General Manager, or her designee, to sell LCFS credits on behalf of the District.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

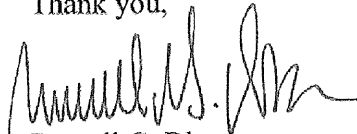
**TO:** Board of Directors **DATE:** October 3, 2016  
**FROM:** Independent Police Auditor  
**SUBJECT:** Appointment of BART Police Citizen Review Board Member

In accordance with Chapter 2-06 of the BART Citizen Oversight Model, vacancies on the BART Police Citizen Review Board shall be filled for the unexpired portion of the term, subject to ratification by the Board of Directors. At present, a vacancy exists in the seat representing BART District 5, which has a term that expires on June 30, 2018. BART District 5 Director John McPartland has selected a candidate to fill the vacancy for the unexpired portion of the term.

Attached to this memorandum is a motion which, if adopted by the Board of Directors, will ratify Director McPartland's appointment.

Please contact me at (510) 874-7477 or [oipa@bart.gov](mailto:oipa@bart.gov) at your convenience if you have any questions about this matter.

Thank you,



Russell G. Bloom

*Attachment*

cc: Board Appointed Officers  
Deputy General Manager

**RATIFICATION OF BART POLICE CITIZEN REVIEW BOARD DISTRICT 5 APPOINTEE**

**MOTION:**

That the Board of Directors ratifies the appointment of the following individual to the BART Police Citizen Review Board to fill the vacancy that exists in the seat representing BART District 5, with a term that expires on June 30, 2018:

**Robert Maginnis – District 5**



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  DATE: 9/22/2016 <u>10/6/16</u>		<b>GENERAL MANAGER ACTION REQ'D:</b> Place on the October 13, 2016 Board of Directors Agenda		
<b>DATE:</b> 9/22/2016 <u>10/6/16</u>		<b>BOARD APPROVED ITEM:</b> No		
<b>Originator/Prepared by:</b> Robert Umbreit Dept: Budget  Signature/Date: <u>10/6/16</u>	<b>General Counsel</b>  Signature/Date: <u>10/6/16</u>	<b>Controller/Treasurer</b>  Signature/Date: <u>10/6/16</u>	<b>District Secretary</b>  Signature/Date:	<b>BARC</b>  Signature/Date: <u>10-6-16</u>

TITLE:

**Fiscal Year 2016 Year-End Budget Resolution**

NARRATIVE :

**PURPOSE:** To amend the Fiscal Year 2016 (FY16) Budget for year-end adjustments.

**DISCUSSION:** The District finished FY16 favorable by a net of \$1.2 million (M). Sources were \$1.4M (0.2%) favorable to budget and total uses were \$0.2M (0.03%) unfavorable, The results are summarized below, with more detail provided in the Background section and Attachments 1, 2 and 3.

**FY16 Operating Results (\$ million)\***

		Budget	Actual	Var.	%
<b>Sources</b>	Operating Revenue	\$ 539.3	\$ 546.9	\$ 7.6	1.4%
	Sales Tax	244.6	241.5	(3.1)	-1.3%
	Other Assistance	63.8	60.7	(3.1)	-4.8%
	<b>Total Sources</b>	<b>847.7</b>	<b>849.1</b>	<b>1.4</b>	<b>0.2%</b>
<b>Uses</b>	Labor	468.7	469.8	(1.1)	-0.2%
	Non-Labor	184.9	186.5	(1.6)	-0.9%
	<b>Total Expense</b>	<b>653.6</b>	<b>656.3</b>	<b>(2.7)</b>	<b>-0.4%</b>
	Debt Service	50.3	48.6	1.7	3.3%
	Capital & Other Allocations	143.8	143.0	0.8	0.5%
	<b>Total Debt Service &amp; Allocations</b>	<b>194.1</b>	<b>191.6</b>	<b>2.5</b>	<b>1.2%</b>
	<b>Total Uses</b>	<b>847.7</b>	<b>847.9</b>	<b>(0.2)</b>	<b>0.0%</b>
<b>Net Result</b>		<b>\$ (0.0)</b>	<b>\$ 1.2</b>	<b>\$ 1.2</b>	

\*Note: For clarity, the above table excludes the MTC Rail Car Fund Swap revenue and extraordinary expense, the Other Post Employment Benefit (OPEB) Unfunded Liability and GASB 68 pension adjustments, which do not impact the Net Result. Results including these adjustments are shown on Attachment 3.

**BACKGROUND:** Total Operating Sources were \$1.4M favorable for the year. The \$7.6M Operating Revenue variance consisted of favorable passenger revenue (\$7.9M) and unfavorable other operating revenue (\$0.3M). Passenger trips in FY16 totaled 128.5M (0.7% unfavorable to budget) and average weekday ridership was 433,394 (0.9%) favorable. Although total ridership was unfavorable, passenger revenue was positive due to longer trips than budgeted and other factors. Of the \$0.3M unfavorable result in other operating revenue, better than budget parking revenue generated \$2.6M (allocated to stations and access projects per Board policy), but was offset by a \$2.9M unfavorable budget result in other operating revenues. This variance is mainly due to \$4.3M in unfavorable results in fiber optics and cell site revenue. These revenues were budgeted to increase significantly over last year, but have not yet fully materialized

due to a slowdown in the fiber optics market.

In the financial assistance category, sales tax was unfavorable to budget by \$3.1M, growing 3.6% over last year (4.9% growth budgeted). Other financial assistance was \$3.1M unfavorable. State Transit Assistance (STA) was \$5.3M below budget due to lower diesel prices. BART booked the \$4.5M received through the Low Carbon Transit Operations Program (LCTOP) directly to capital for the Rail Car program, so the revenue does not show in operating sources. Offsetting these negative variances were property tax (favorable by \$3.4M), federal grants (\$2.4M) and local financial assistance (\$1.1M).

Operating expense was \$2.7M (0.4%) unfavorable for the year. Net labor and benefits were \$1.1M (0.2%) over budget, mainly due to overtime. Overtime totaled \$57.6M, \$41.4M over budget. The variance is due to expenses related to capital projects (estimated at approximately \$16M, covered by capital labor credits) and maintenance needs, as well as filling behind vacant positions. For FY16, the overtime was offset by savings from vacant positions. Non-labor was \$1.6M (0.9%) unfavorable to budget overall. Increased expenses included \$1.0M set aside for a general liability insurance claim, increased maintenance costs of the aging system, and \$2.0M of expenses which had originally been budgeted as capital but were determined to be operating in nature. These were offset by savings in other categories such as electric power and rental expense.

Debt service was \$1.7M favorable for the year due to savings from the 2016 sales tax bond refunding. Capital allocations were a total of \$0.8M lower than budget due to a reduced allocation for eBART pre-revenue service (later hiring than budgeted) of \$1.1M, and a reverse capital allocation of \$2.0M (cited above). There were also a number of allocations lower than budget with small variances netting to \$0.3M, which are outlined in the resolution to amend the budget. These were offset by a larger than budgeted allocation of parking revenues to stations and access projects of \$2.6M due to parking revenue coming in higher than budgeted.

Included in this revision is a \$2.5M allocation from reserves for the eBART Pittsburg station. These funds were set aside in FY14 as BART's share of the station until funding agreements with the other project partners were completed. The agreements have now been completed.

**SUMMARY OF PROPOSED YEAR-END ALLOCATIONS:** Of the \$1.2M favorable result, \$0.6M will be allocated to reserves, consistent with the change adopted to the Financial Stability Policy that requires increasing the reserve goal to 15% of operating expense and allocation of half of a positive operating result up to \$3.5M. This will increase the District's Operating Reserve to about \$40.7M, or 5.9% of the FY17 operating expense budget.

Staff recommends using the remaining \$0.6M positive year-end result to partially fund the Enterprise Resource Planning initiative of \$2.0M that was removed from the FY17 budget due to a reduction in State Transit Assistance funding. This funding will assist in upgrading the District's financial systems to maintain the eligibility of support from the vendor and also provide timely information to stakeholders.

In addition to the proposed capital allocations and operating reserve contribution discussed above, the budget revision also requests Board approval for other adjustments that conform the final budget to Board Rules. These adjustments increase or decrease categories of expense, revenue and allocations and offset each other. For example, the budgets for operating revenue and various categories of financial assistance are increased, as is labor and non-labor, and a number of allocations are increased or decreased, as described in the Background section of this document.

**FISCAL IMPACT:** Board approval of the proposed allocations closes the fiscal year and results in a balanced FY16 Budget.

ALTERNATIVES: If the Board does not approve the recommended allocations, the District would end the year with a favorable result of \$1.2M. Alternatively the Board could specify other uses for the funding.

RECOMMENDATION: Approval of the motion below.

MOTION: Approval of the attached resolution "In the Matter of Amending Resolution No. 5296 regarding Fiscal Year 2016 Annual Budget."

**Attachment 1**  
**Quarterly Financial Report**  
**Fourth Quarter**  
**Fiscal Year- 2016**

	Current Quarter			Year to Date		
	Budget	Actual	Var	Budget	Actual	Var
<b>Revenue</b>						
Net Passenger Revenue	125.1	125.0	-0.1%	481.7	489.6	1.6%
Parking Revenue	7.8	8.7	10.9%	30.9	33.5	8.4%
Other Operating Revenue	6.6	6.1	-6.9%	26.7	23.8	-10.9%
<b>Total Net Operating Revenue</b>	<b>139.5</b>	<b>139.9</b>	<b>0.2%</b>	<b>539.3</b>	<b>546.9</b>	<b>1.4%</b>
<b>Expense</b>						
Net Labor	118.0	109.2	7.4%	468.7	469.8	-0.2%
OPEB Unfunded Liability	0.6	(0.0)	105.4%	2.5	1.6	34.3%
GASB 68 Pension Adjustment	-	(19.6)	-	-	(19.6)	-
Electric Power	10.5	9.4	10.0%	40.3	37.7	6.5%
Purchased Transportation	6.7	7.0	-4.3%	26.7	26.8	-0.6%
Other Non Labor	30.5	36.6	-20.1%	118.0	122.0	-3.4%
<b>Total Operating Expense</b>	<b>166.2</b>	<b>142.5</b>	<b>14.3%</b>	<b>656.1</b>	<b>638.3</b>	<b>2.7%</b>
<b>Operating Surplus (Deficit)</b>	<b>(26.7)</b>	<b>(2.6)</b>	<b>90.2%</b>	<b>(116.8)</b>	<b>(91.4)</b>	<b>21.8%</b>
<b>MTC Rail Fund Car Swap</b>	<b>(13.2)</b>	<b>0.0</b>	<b>100.0%</b>	<b>(52.7)</b>	<b>(50.2)</b>	<b>4.7%</b>
<b>Taxes and Financial Assistance</b>						
Sales Tax	59.6	58.2	-2.3%	244.6	241.5	-1.3%
Property Tax, Other Assistance	16.3	20.0	23.0%	47.2	49.5	4.7%
MTC Rail Fund Car Swap	13.2	(0.0)	-100.0%	52.7	50.2	-4.7%
State Transit Assistance	8.3	5.0	-38.8%	16.5	11.3	-31.8%
Debt Service	(14.1)	(14.4)	-1.9%	(50.3)	(48.6)	-3.3%
Capital and Other Allocations	(31.9)	(32.0)	-0.4%	(143.8)	(143.0)	-0.5%
OPEB Unfunded Liability Offset	0.6	(0.0)	-105.4%	2.5	1.6	-34.3%
GASB 68 Pension Adj. Offset	-	(19.6)	-	-	(19.6)	-
<b>Net Financial Assistance</b>	<b>52.0</b>	<b>17.3</b>	<b>-66.7%</b>	<b>169.5</b>	<b>142.7</b>	<b>-15.8%</b>
<b>Net Operating Result</b>	<b>12.1</b>	<b>14.7</b>		<b>(0.0)</b>	<b>1.2</b>	
<b>System Operating Ratio</b>	<b>84.0%</b>	<b>98.2%</b>	<b>14.2%</b>	<b>82.2%</b>	<b>85.7%</b>	<b>3.5%</b>
<b>Rail Cost / Passenger Mile</b>	<b>0.33</b>	<b>0.29</b>	<b>12.0%</b>	<b>0.34</b>	<b>0.33</b>	<b>3.7%</b>

\* Totals may not add due to rounding to the nearest million.

No Problem

Caution: Potential Problem/Problem Being Addressed

Significant Problem

**Revenue**  
 ● Avg weekday trips for the quarter were 434,495, 0.5% under budget and 1.2% over the same quarter last year. For FY16, avg weekday was 433,394, 0.9% over budget, and total trips were 128.5M, 0.7% under budget. Total trips grew 2.0% over FY15. FY16 net passenger revenue was \$7.9M favorable mainly due to longer trips.  
 ● Parking revenue was \$2.6M favorable for FY16 due to higher actual Daily Non-Reserve revenue compared to budget.  
 ● Other operating revenue was \$2.9M unfavorable for FY16 mainly due to \$4.3M under budget fiber optics and cell site revenue.

**Expense**  
 ● Net Labor was \$8.8M (7.4%) favorable in Q4, an improvement from Q3 due to catch up capital credits, savings from vacancies and other factors. YTD net labor was \$1.1M unfavorable due to overtime related to capital projects and system maintenance needs.  
 ● OPEB unfunded liability is shown as an expense and is offset; there is no bottom line impact. GASB 68 adj. (to comply with accounting standards) also has no impact.  
 ● Electric Power market prices were lower than budgeted resulting in a favorable quarter and year.  
 ● Other Non Labor was unfavorable in Q4 due to timing of payments. Non Labor was unfavorable for the year by \$1.6M mainly due to increase maintenance costs, general liability accrual, and reclassifying from capital expense to operating expense.

**MTC Rail Car Swap**  
 ● The MTC Rail Car Fund Swap is a funding exchange program between MTC and BART that does not affect the net operating result.

**Financial Assistance and Allocations**  
 ● Sales Tax for 4Q grew 5.5% over 4QFY15. FY16 grew 3.6% for the year, but was \$3.1M unfavorable (4.9% growth was budgeted).  
 ● Property Tax was \$38.1M for FY16 vs. budget of \$34.7M. Other Assistance was \$1.1M unfavorable to budget, with \$4.7M under budget LCTOP (\$4.5M received booked directly to capital for Rail Car program) offset by favorable \$2.4M federal grants and \$1.1M local financial assistance.  
 ● STA for FY16 was \$5.3M unfavorable due to low diesel prices.  
 ● Debt service for FY16 was \$1.7M favorable due to savings from 2016 sales tax bond refunding.

● Capital and Other Allocations were \$0.7M favorable to budget, due to a combination of variances as described in the year-end document. Recommended allocations of \$0.6M to reserves and \$0.6M to capital are not yet included.

**Net Operating Result**  
 ● The Net Operating Result for the quarter was favorable by \$2.6M, mostly due to favorable variance in operating expenses. The YTD result was favorable by \$1.2M, mostly due to better than budget passenger revenue with other major categories essentially on budget.

Attachment 2  
Explanation of GASB 68

Governmental Accounting Standards Board (GASB) Statement No. 68 establishes accounting and financial reporting standards and requirements related to pension liability and expense for State and Local government employers for fiscal years beginning with FY15. Cash flow and contribution rates are not impacted by the standards, which represents a shift from the “funding based approach” to an “accounting based approach”, and are intended to provide standardization and additional transparency for public agency pension reporting. What this means is that the expense reported in the District’s financial statements, which is reported using Generally Accepted Accounting Principles (GAAP) and GASB guidelines, will be different than the amount required to be paid to CalPERS annually to fund the pension plans. For budgeting purposes, the District considers the actual payment to CalPERS as expense based on the amount of funds spent during the year. Because the expense determined under GASB 68 is not budgeted since it is not funded by the District the pension expense adjustment recognized will then be backed out in non-expense allocations and therefore will not impact the net operating result.

The main changes to financial statements are that employers will now report the pension liability on their balance sheet, and expenses are calculated in a different manner than the payments required to fund the plan. Local governments will now receive two actuarial reports for each plan, one for funding contributions and a second valuation for financial reporting. The actuarial report for GASB 68 uses new fiscally conservative pension measurements, and investment gains and losses will be amortized over an accelerated period. For example investment returns are amortized over five years vs. the CalPERS actuarial method of a fixed thirty year period.

For FY16, the implementation of GASB 68 resulted in a net credit of \$19.6M to pension expense. The result of an expense credit is probably atypical; in most years it is likely that the pension expense reported under GASB 68 will be higher than the funding contribution expense. As discussed above, since the adjustments to pension for GASB 68 are not considered in the budget since it is not funded, the Net Operating Result for budgeting purposes is not impacted and the effects are reversed, similar to the treatment of expense recognized for the Other Post-Employment Benefits (OPEB) unfunded liability.

### Attachment 3

## FY16 Operating Results, Including Accounting Adjustments and MTC Rail Car Fund Swap

### FY16 Operating Results (\$ million)\*

		Budget	Actual	Var.	%
<b>Sources</b>	<b>Operating Revenue</b>	\$ 539.3	\$ 546.9	\$ 7.6	1.4%
	Sales Tax	244.6	241.5	(3.1)	-1.3%
	Other Assistance	63.8	60.7	(3.1)	-4.8%
	<i>Federal Grant - MTC Rail Car Fund Swap</i>	52.7	50.2	(2.5)	
	<b>Total Sources</b>	<b>900.4</b>	<b>899.3</b>	<b>(1.1)</b>	<b>-0.1%</b>
<b>Uses</b>	<b>Labor</b>	468.7	469.8	(1.1)	-0.2%
	<i>OPEB Unfunded Liability <sup>(1)</sup></i>	2.5	1.6	0.9	
	<i>Pension - GASB 68 Adjustment <sup>(2)</sup></i>	-	(19.6)	19.6	
	Non-Labor	184.9	186.5	(1.6)	-0.9%
	<b>Total Expense</b>	<b>656.1</b>	<b>638.3</b>	<b>17.8</b>	<b>2.7%</b>
	<i>Extraordinary Exp.-MTC Rail Car Fund Swap</i>	52.7	50.2	2.5	
	Debt Service	50.3	48.6	1.7	3.3%
	Capital & Other Allocations	143.8	143.0	0.8	0.5%
	<b>Total Debt Service &amp; Allocations</b>	<b>194.1</b>	<b>191.6</b>	<b>2.5</b>	<b>1.2%</b>
	<b>Total Uses</b>	<b>902.9</b>	<b>880.1</b>	<b>22.8</b>	<b>2.5%</b>
	<i>OPEB Unfunded Liability <sup>(1)</sup></i>	(2.5)	(1.6)	(0.9)	
	<i>Pension - GASB 68 Adjustment Offset <sup>(2)</sup></i>	-	19.6	(19.6)	
	<b>Total Uses - After Adjustments</b>	<b>900.4</b>	<b>898.1</b>	<b>2.3</b>	
<b>Net Result</b>		<b>\$ (0.0)</b>	<b>\$ 1.2</b>	<b>\$ 1.2</b>	

<sup>(1)</sup> OPEB Unfunded Liability: Other Post Employment Benefits, primarily life insurance (non-cash adjustment)

<sup>(2)</sup> GASB 68 requires restating of pension expense (non-cash adjustment)



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

In the matter of amending Resolution No. 5296 regarding Fiscal Year 2016 Annual Budget

Resolution No. \_\_\_\_\_

RESOLVED, that Resolution No. 5296 is amended by changing the following line items in Exhibit A thereof:

<u>Fund Source Line Item:</u>	<u>Current Amount</u>	<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
Operating Revenue	\$ 539,349,751	\$ 7,570,549	\$ 546,920,300
Sales Tax	\$ 244,625,494	\$ (3,079,036)	\$ 241,546,458
Property Tax	\$ 34,702,397	\$ 3,383,996	\$ 38,086,393
Measures B, BB & J Assistance	\$ 4,448,133	\$ 144,954	\$ 4,593,087
State Transit Assistance	\$ 16,503,040	\$ (5,250,835)	\$ 11,252,205
Low Carbon Transit Operations Program	\$ 6,300,000	\$ (4,703,951)	\$ 1,596,049
San Mateo Financial Assistance - Prop 42	\$ -	\$ 801,024	\$ 801,024
Other Financial Assistance	\$ 110,000	\$ 134,719	\$ 244,719
CalTrain - Millbrae Station Joint Use	\$ 845,657	\$ -	\$ 845,657
Federal Preventive Maintenance & Other Grants	\$ 843,325	\$ 2,442,258	\$ 3,285,583
MTC Rail Car Fund Swap	\$ 52,671,798	\$ (2,495,676)	\$ 50,176,122
<u>Fund Use Line Item:</u>			
Net Labor Expense	\$ 471,204,644	\$ (19,435,815)	\$ 451,768,829
Non Labor Expense	\$ 184,926,882	\$ 1,598,011	\$ 186,524,893
MTC Rail Car Fund Swap - Expense	\$ 52,671,798	\$ (2,495,676)	\$ 50,176,122
Bond Debt Service	\$ 50,296,626	\$ (1,669,100)	\$ 48,627,526
Allocations to Capital - Rehabilitation*	\$ 52,428,845	\$ (538,095)	\$ 51,890,750
Reverse Capital Allocations		\$ (2,006,342)	\$ (2,006,342)
Allocations to Capital - Parking Funds to Stations/Access Projects	\$ 5,502,338	\$ 2,594,039	\$ 8,096,377
Allocation - Priority Capital Programs	\$ 27,004,507	\$ (10,371)	\$ 26,994,136
Allocation to Rail Car Project from SFO Net Result	\$ 12,246,151	\$ (24,286)	\$ 12,221,865
Allocations to Capital - Other	\$ 1,608,338	\$ (164,481)	\$ 1,443,857
Allocation to Capital - eBART Pittsburg Station	\$ -	\$ 2,500,000	\$ 2,500,000
Allocation to Capital - Rail Car Sinking Fund	\$ 45,000,000	\$ -	\$ 45,000,000
Allocations to Operating Reserves	\$ -	\$ 596,800	\$ 596,800
Allocations from Operating Reserves	\$ -	\$ (2,500,000)	\$ (2,500,000)
Other Post Employment Benefits Unfunded Liability	\$ (2,490,534)	\$ 854,691	\$ (1,635,843)
PERS Employer Current Year Contrib - Reversal Offset (GASB 68)		\$ (30,402,979)	\$ (30,402,979)
PERS Pension Expense - Offset (GASB 68)		\$ 50,051,602	\$ 50,051,602

\*Amendment of reduction of \$538,095 includes the recommended increase to Capital Rehabilitation Allocations of \$596,800 less the allocation of \$1,134,895 for lower eBART pre-revenue service operations costs.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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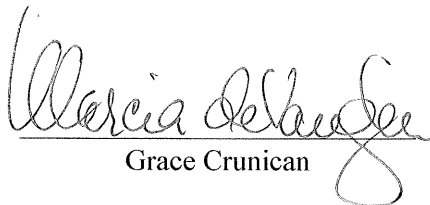
## MEMORANDUM

**TO:** Board of Directors **DATE:** October 6, 2016  
**FROM:** General Manager  
**SUBJECT:** Administration Agenda Item #4.B.: Open Data Policy – For Information

At the Board of Directors meeting on October 13, 2016, staff will make a presentation on the attached Draft Open Data Policy; it is anticipated that the draft policy will be presented to the Board for adoption on October 27<sup>th</sup>.

BART currently shares great deal of data with the public. The attached Draft Open Data Policy would create a more formal structure to manage the District's current Open Data practice, including the creation of a web portal that would act as a "one-stop-shop" to house District data in accessible, machine-readable, and interoperable formats. BART data would be available license-free and free of charge, and controls would be established to identify and exclude datasets that might create privacy, confidentiality or security risk for the District.

If you have questions or require additional information, please contact Ravi Misra, Chief Information Officer, at (510)-464-6857.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carca de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 10/5/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Ahmad Rassai Dept: Dept. PD&C/ESP	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary BARC <i>[Signature]</i>
Signature/Date: 09-30-16	9/30/16 [ ]	9/29/16 [ ]	10/3/16 [ ]
Status: Approved		Date Created: 09/14/2016	

TITLE:

#### Contract No. 79HM-120 SFTS MB, Change Order No. 39, Added Bolts at End Plate Splice

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 39, Added Bolts at End Plate Splice, to Contract No. 79HM-120, in the amount not to exceed \$512,000.00.

#### DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB was authorized by the Board on February 12, 2015 to Manson Construction Co. Inc.; Notice to Proceed was issued on May 19, 2015. Change Order No. 39 will be for an amount not to exceed \$512,000.

Subsequent to the Award of the Contract, the District's engineers determined that, in order to provide an extra margin of strength and durability in the marine barrier's structural frame, four additional bolts per end plate splice connection would be required. Change Order No. 39 will provide compensation to the Contractor in an amount not to exceed \$512,000 for furnishing and installing additional bolts at 264 end plate splice connections.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

Funding of \$512,000 for Contract No. 79HM-120 Change Order No. 39 will come from project budget 79HM000 Transition Barriers. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of September 12, 2016, \$94,845,897 is available for this project from the following fund sources:

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
3751	FY2007 TSGP GR#2007-RL-T7-K001	\$4,574,191
3907	FY06 HOMELAND SECURITY	\$1,900,000
5371	FY09-10 CTSGP PROP 1B(HOMELND)	\$267,170
3754	FY2009 TSGP GRANT#2009	\$1,957,507
352Z	FY07 CAP ASST PGM CA90	\$17,354,280
3758	DHS FY2014 EMW RA-00011-S01	\$17,400,250
226I	1999 S/T REV DEBT SERV2	\$99,672
535F	FY08-09 CTSGP PROP 1B (SECTY G	\$1,748,628
352X	FY05 CAP ASST PGM CA-9	\$782,403
5375	FY13-14 CTSGP Prop 1B (CalEMA)	\$750
535T	FY07-08 CTSGP PROP 1B(HOMELND)	\$1,275,577
5376	FY 14-15 CTSGP Prop 1B #6761	\$3,368,997
6011	BRIDGE TOLL ALLOC 07376802	\$1,215,861
5372	FY010-11 CTSGP PROP 1B(HOMELND	\$1,811,638
3908	FY06 UASI REGIONAL FUN	\$213,937
3704	DHS FEMA ARRA TSGP-CP0	\$5,143,219
6015	BRIDGE TOLL ALLOC 09387201	\$95,929
6213	REGIONAL MEAS 2 08382301	\$3,122,709
3757	FY 13 TSGP - USDHS RA-00004	\$10,009,500
3755	FY11 TSGP Security CCTC and WI	\$20,768,000
3752	FY2007 TSGP GR#2007-RL-T7-K111	\$1,722,115
5374	FY12-13 CTSGP Prop 1B (CalEMA)	\$13,564
	<b>Total</b>	<b>\$ 94,845,897</b>

BART has expended \$53,971,859 and committed \$36,452,023 to date for other actions. This action will commit an additional \$512,000.00 leaving an uncommitted balance of \$3,910,015 in this project.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVE:**

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will require a Suspension of Work while the technical problems are resolved. Such action will delay completion of the Contract and increase the Contract cost.

**RECOMMENDATION:**

Recommend that the Board approve the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 39, Added Bolts at End Plate Splice, in the not to exceed amount of \$512,000.00, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**EXECUTIVE DECISION DOCUMENT**

**Date: 09/14/16**

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

**CO No. 39**

**CHANGE ORDER SUMMARY**

**BACKGROUND**

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 07/31/16:	35.88%

<u><b>COST</b></u>	<u><b>% of Award</b></u>	<u><b>CO Totals</b></u>	<u><b>Contract Amount</b></u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	2.05%	\$ 1,016,299	
Other Than Board Authorized COs	1.48%	\$ 733,784	
This Change Order No. 39	1.03%	\$ 512,000	
Subtotal of all Change Orders	4.55%	\$ 2,262,083	
<u>Revised Contract Amount</u>			<u>\$ 51,948,083</u>

**SCHEDULE**

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	0	days
Time Extension Due to this CO39	0	days
Revised Contract Duration	730	days

**DBE PARTICIPATION**

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	1.95%
Projected DBE Participation excluding this Change Order	16.10%
This Change Order No. 39	0.00%
Contract 79HM-120 DBE Participation Commitment	1.95%



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/2016		BOARD APPROVED ITEM: No		
Originator/Prepared by: Holly Gordon Dept: Systems Development - Sustainability Signature/Date: <i>Holly Gordon</i> 10/6/16	General Counsel <i>[Signature]</i> 10/6/16 [ ]	Controller/Treasurer <i>[Signature]</i> 10/6/16 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 10/6/16 [ ]

TITLE:

**Change Order to SolarCity Power Purchase Agreement at Warm Springs / South Fremont Station**

NARRATIVE :

**Change Order to SolarCity Power Purchase Agreement at Warm Springs / South Fremont Station**

**PURPOSE:**

To authorize the General Manager to execute Change Order No. 1, Electric Vehicle ("EV") Charging Stations, in an amount not to exceed \$578,985 with SolarCity.

**DISCUSSION:**

In December, 2014 the District signed a Power Purchase Agreement with SolarCity to build an on-site solar project at the Warm Springs station that will provide electricity to the District for a total price of \$2.3 million. Subsequent to that action, the District applied for and received a grant from the Bay Area Air Quality Management District ("BAAQMD") specifically for the Warm Springs Station / South Fremont Station for 41 EV charging stations. In April, 2016 District staff presented a draft EV policy and proposed a pilot project at Warm Springs / South Fremont station consisting of 41 EV charging stations with data collection. There was general agreement by the Board to move forward with a pilot project. The EV charging stations will be connected to and fed electricity by the existing on-site solar project, which was completed in March, 2016. In addition, during the construction of the Warm Springs station, a portion of the EV charging infrastructure was installed and prepared for build out.

Implementation of the pilot project is broadly consistent with the goals identified by the Board in the adopted Station Access Policy (June 2016) including: Safer, Healthier, Greener; Better Experience; and Innovation and Partnerships.

This Change Order will provide design, equipment and construction of the 41 EV charging stations at Warm Springs / South Fremont.

The Office of General Counsel will approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order for compliance with procurement guidelines prior to execution.

### **FISCAL IMPACT:**

Funding of \$578,985 for the award of CO#1 Electric Vehicle Charging Stations is included in the total project budget for FMS #02FC000 – WSX EV Charging Stations. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of October 5, 2016, \$600,000 is available for this project from the following sources:

<b>Fund Number</b>	<b>Fund Description</b>	<b>Source</b>	<b>Amount</b>
TBD	BAAQMD	Local	250,000
6217	RM2 Allocation 09366703	Regional	350,000
Total			600,000

BART has expended \$0, committed \$0, and reserved \$0 to-date for other action. This action will commit \$578,985 leaving an available fund balance of \$21,015 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

### **ALTERNATIVE:**

The Board can elect not to authorize the execution of this Change Order. However, installing the pilot expeditiously will allow District staff to receive and review data and make decisions about moving forward with other EV charging station installations at other District locations. With the demand for EVs and EV charging stations rapidly increasing, this pilot will allow the District to participate in the EV charging economy and provide cleaner access options for our patrons.

### **RECOMMENDATION:**

Recommend that the Board approve the following motion:

### **MOTION:**

The General Manager is authorized to execute Change Order No. 1, Electric Vehicle (“EV”) Charging Stations, in an amount not to exceed \$578,985 with SolarCity.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/6/2016		BOARD APPROVED ITEM: No		
Originator/Prepared by: Mariana R Parreiras Dept: Customer Access <i>[Signature]</i> Signature/Date: 10-6-16	General Counsel <i>[Signature]</i> 10/6/16 [ ]	Controller/Treasurer <i>[Signature]</i> 10/6/16 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 10-6-16 [ ]

TITLE:

Late Night Bus Core Service Agreement Amendment

NARRATIVE :

## PURPOSE

Authorize the General Manager or her designee to execute an Amendment to the Agreement Between AC Transit And BART In Connection With The Late Night Bus Core Service Project to extend service for six months and make other changes arising as a result.

## DISCUSSION

In November 2015, the Board authorized the execution of an agreement with AC Transit to fund one year of enhanced Late Night Bus Core Service. Thereafter, BART and AC Transit entered into the Agreement which provides that BART will give funds to AC Transit and AC Transit will implement service enhancements consisting of the following:

- Route 800 San Francisco (24<sup>th</sup> St/Mission St) to Richmond trips with 20-minute frequencies, instead of 30 minute frequencies, late Friday and Saturday nights.
- Route 801 downtown Oakland to Bay Fair trips with 20-minute frequencies, instead of 30 minute frequencies, late Friday and Saturday nights. (Route 801 trips between Bay Fair and Fremont remain at 60 minute headways.)

The ridership data for March-June 2016 shows a 33% increase in ridership (from 2,670 to 3,540 trips per weekend) over the base year (CY14) in the two routes combined. Data for July-September 2016 is not yet available; however it will be available for the Board meeting on October 13, 2016.

Staff now seeks authority to execute an Amendment to extend the enhanced late night bus core service for six months and to make other modifications to the Agreement.

## Funding

Currently, the Agreement has a not-to-exceed amount of \$508,200 and a term of one calendar year (December 2015 to December 2016). Since approximately half of the service was completed in FY16, half of the original funding had already been spent in FY16. Extending the service by six months would align the service calendar with the funding calendar.

Since execution of the Agreement, the Metropolitan Transportation Commission has agreed to provide \$177,000 in Regional Measure 2 (RM2) funds towards the continuation of the enhancements on Route 800, contingent upon service enhancements continuing through to the end of FY17. These funds have already been transferred directly to AC Transit.

The proposed 6-month extension in service would cost \$249,800. Offset by the RM2 grant, the net cost to the District would be \$72,800; therefore, the not-to-exceed amount in the Agreement only needs to be increased by this amount.

### Amended Agreement Provisions

The proposed Amendment to the Agreement also includes changes that reflect the six-month extension of service, including:

- Revising the number of Fridays, Saturdays, and Holidays when the service enhancements will be provided.
- Revising the service Termination Date.
- An acknowledgment from the parties that the costs of the additional six months of enhanced services will be paid for in part by the RM2 grant and in part by BART.
- Revising BART's not-to-exceed amount (from \$508,200 to \$581,000).

The Amendment would also include a change to the fare recovery provision to ensure that BART is not penalized when ridership along a particular route decreases during a given quarter when compared to the base quarter.

### Service Schedule

AC Transit's service schedule is constrained by its Operator Sign-Up and can only be changed in quarterly service blocks. For July service, the Operator Sign-Up occurs in March. Therefore, if the motion is approved, staff anticipates coming to the Board no later than March 2017 for a decision on whether BART will continue to fund the service enhancements in FY18.

The Amendment to the Agreement will be approved as to form by the Office of the General Counsel prior to execution.

### FISCAL IMPACT

The maximum fiscal impact of the proposed Amendment, which will extend the enhanced late night bus core services to the end of Fiscal Year 2017, is \$72,800. Funding for this amount, as well as the approximate \$254,100 in costs under the current Agreement for enhanced late night bus core services in the first half of Fiscal Year 2017, is included in the operating budget of the Customer Access Department for Fiscal Year 2017.

## ALTERNATIVES

Decline the motion. This would return AC Transit Routes 800 and 801 to pre-pilot service levels (i.e. 30-minute frequencies) in late December 2016 and cause BART and AC Transit to lose the \$177,000 RM2 grant.

## RECOMMENDATION

Adopt the following motion:

## MOTION

The General Manager or her designee is authorized to execute an Amendment to the Agreement Between Alameda Contra Costa Transit District and The San Francisco Bay Area Rapid Transit District In Connection With The Late Night Bus Core Service Project.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

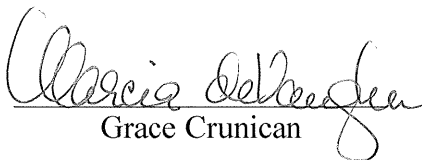
**DATE:** October 6, 2016

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda Item #6.B.: 2016 Legislative Update – For Information

At the October 13 Board of Directors meeting, staff will provide an update on the 2016 State and Federal Legislative Session. The presentation will include an overview of legislative achievements, Transportation Special Session outcomes, and federal appropriations for fiscal year 2017.

If you have questions, please contact Kerry Hamill, AGM, Office of External Affairs, at (510) 464-6153.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff