

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

BOARD MEETING AGENDA

November 15, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 15, 2018, in the BART Board Room, 2040 Webster 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>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

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

Patricia K. Williams
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of October 25, 2018 (Regular) and October 25, 2018 (Special).* Board requested to authorize.
- B. Resolution Fixing the Employer's Contribution to California Public Employees Retirement System Medical Premium for Non-Represented Employees.* Board requested to adopt.
- C. Award of Contract No. 6M3418, Reconditioning of Transit Vehicle Nickel Cadmium Batteries.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Award of Agreement No. 6M5131, with Hinderliter, de Llamas and Associates, for Sales Tax Revenue Collection Services.* Board requested to authorize.
- B. Actuarial Report on Changes to Pension and Other Postemployment Benefits (OPEB) under Consideration by the District.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Authorization for Negotiation for Sole Source Procurement of Additional Transit Vehicles.* Board requested to authorize.
(TWO-THIRDS VOTE REQUIRED)
- B. Sole Source Procurement with Bombardier Transportation for Software Changes, Testing and System Certification for the West Bay Line GEALOC Track Signaling Circuit Boards.* Board requested to authorize.

- C. Change Orders to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, with Icenogle Construction Management, Inc., for the Procurement and Installation of a Light-Emitting Diode (LED) Light System.* Board requested to authorize.
- D. Change Order to Contract No. 01RQ-150, Construction of Hayward Maintenance Complex Project Central Warehouse, with Clark Construction Group - California, LP, for Additional Dump Fees for Hauling to a Class II Landfill (C.O. No. 10).* Board requested to authorize.
- E. Change Order to Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, with DMZ Builders, to Mitigate Conflicts with Concurrent Projects (C.O. No. 1).* Board requested to authorize.
- F. Update on Wheel and Rail Profile Optimization.* For information.
- G. Quarterly Performance Report, First Quarter Fiscal Year 2019 – Service Performance Review.* For information.

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

Director Blalock, Chairperson

- A. New Transbay Rail Crossing Update.* For information.
- B. Recommendation for Deployment of Ford GoBike at 24th Street Mission BART.* Board requested to authorize.
- C. Discussion of Advertisement Guidelines.* 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.)

9. 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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, 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

B. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Directors, Raburn, Keller and Simon

Titles: General Manager, General Counsel, Controller/Treasurer, and Independent Police Auditor

Gov't. Code Section: 54957.6

11. OPEN SESSION

A. Compensation and Benefits for District Secretary. Board requested to authorize.

B. Compensation and Benefits for General Manager, General Counsel, Controller/Treasurer, and Independent Police Auditor. Board requested to authorize.

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

Board of Directors
Minutes of the 1,824th Meeting
October 25, 2018

A regular meeting of the Board of Directors was held October 25, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, District Secretary.

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

Absent: Director McPartland. Directors Allen and Simon entered the meeting later.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of October 9, 2018 (Special), and October 11, 2018 (Regular).

Director Saltzman moved that the Minutes of the Meetings of October 9, 2018 (Special) and October 11, 2018 (Regular), be approved. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, and Raburn. Noes – 0. Absent – 3: Directors Allen, McPartland, and Simon.

President Raburn called for Public Comment.

Ben Zarzychi addressed the Board.

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

President Raburn brought Board Matters, Appointment of BART Police Citizen Review Board At-Large Member before the Board. The item was discussed.

The following individuals addressed the Board:

Richard Corriea
Megan Wachpress

Director Simon entered the meeting.

Erin Armstrong addressed the Board.

Discussion continued. The Board members completed weighted voting nomination forms to determine the At-Large appointee. Ms. Williams announced that Erin Armstrong was the applicant receiving the highest score, and Erin Armstrong was appointed At-Large Member of the BART Police Citizen Review Board for a term expiring on June 30, 2020.

Director Dufty, Vice Chairperson of the Administration Committee, brought the matter of Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program before the Board. Mr. Robert Powers, Deputy General Manager; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Michael Eiseman, Manager, Financial Planning; presented the item. The item was discussed.

Director Allen entered the meeting.

Director Saltzman moved that the District's Final Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program be adopted and transmitted to the Metropolitan Transportation Commission and Federal Transit Administration as required. Directors Blalock and Simon seconded the motion. Discussion continued. The Motion carried by electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, and Simon. Noes – 1. Director Raburn. Abstain – 1: Director Allen. Absent – 1: Director McPartland.

Robert S. Allen addressed the Board.

Director Keller exited the meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matters of Sole Source Procurement of Cubic Ticket Vending Machine Software Upgrade for EMV (Europay, Mastercard Visa Protocol) (Chip) Payment Cards and Sole Source Procurement of Ingenico PIN Pads and Readers for EMV TVM (ticket vending machine) as a unit before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. John Yen, Manager of Computer Systems Engineering, presented the item. The items were discussed.

President Raburn moved that the General Manager be authorized to enter into direct negotiations and to execute a professional services agreement with Cubic Transportation Systems, Inc. to modify Ticket Vending and Add Fare Machine Software to accept EMV cards and encrypt cardholder data, in an amount not to exceed \$1,850,000. Director Dufty seconded the motion which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 0. Absent – 2: Directors Keller and McPartland.

President Raburn moved that pursuant to Public Contract Code section 20227, the Board finds that UCP is the single source for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs in use by the District and that the General Manager be authorized to negotiate and award a contract to UCP for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs, in an amount not to exceed \$750,000, plus applicable taxes. Director Dufty seconded the motion, which carried by unanimous roll call vote by the required two-thirds vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 0. Absent – 2: Directors Keller and McPartland.

Director Keller re-entered the Meeting.

Director Simon brought the matter of Change Order No. 288, to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark

Construction Group – LP, for New Truck Turntables before the Board. Ms. Allen; and Mr. Thomas Horton, Group Manager, Seismic Retrofit Capital, presented the item.

Director Blalock moved that the General Manager be authorized to execute Change Order No. 288, New Truck Turntables, for an amount not to exceed \$300,000, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.

Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Change Order No. 312, to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group – California, LP, for Milestone No. 3 Time Extension before the Board. Ms. Allen and Mr. Horton presented the item.

Director Blalock moved that the General Manager be authorized to execute Change Order No. 312, Milestone No. 3 Time Extension, in an amount not to exceed \$3,150,000, and extend the Contract completion date 150 calendar days for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Agreements for Transbay Tube Earthquake Safety Service Plan before the Board. Ms. Allen; Ms. Rachel Russell, Senior Planner; and Mr. Joel Soden, Senior Transportation Engineer, presented the item. The item was discussed.

Charlotta Wallace addressed the Board.

Director Blalock moved that the General Manager be authorized to enter into agreements with bus operators to provide early morning bus services for an amount not to exceed \$3,000,000 per year, for a base period of up to three years, plus up to three one-year extensions. Director Simon seconded the motion.

Director Saltzman requested an amendment to the motion that staff report on service, ridership and outreach to the Board of Directors monthly from January through April 2019 and thereafter twice per year.

Directors Blalock and Simon accepted the amendment.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Mobility As A Service (MAAS) before the Board. Ms. Allen; Mr. Ravi Misra, Assistant General Manager, Technology/ Chief Information Officer; and Mr. Travis Engstrom, Assistant Chief Information Officer, presented the item. The item was discussed.

Randall Glock addressed the Board.

Director Simon brought the matter of Surveillance Technology Approvals before the Board. Ms. Allen; Mr. Engstrom; and Mr. Jefre Riser, Manager of Electrical and Communications Engineering, presented the item. The item was discussed.

Director Dufty made the following motions as a unit:

1. That the Board determines that the benefits to the community of the BART Mobile Applications and Related Modifications to BART.gov outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART Mobile Applications & Related Modification to BART.gov as described in the attached documents.
2. That the Board determines that the benefits to the community of the BART Closed Circuit Television (CCTV) technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with use of BART Closed Circuit Television (CCTV) as described in the attached documents.
3. That the Board determines that the benefits to the community of the BART CCTV Public Video Monitors technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART CCTV Public Video Monitors as described in the attached documents.
4. That the Board determines that the benefits to the community of the BART Public Emergency Phone Towers technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART Public Emergency Phone Towers as described in the attached documents.

Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director McPartland. (The policies are attached and hereby made a part of these Minutes.)

Director Simon brought the matter of Procurement of Additional Transit Vehicles before the Board. Mr. Duncan Watry, Project Manager, Systems Development; and Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

President Raburn called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

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

Director Dufty reported he had attended a Salesforce Workshop and reported participating in a walkthrough of 24th Street/Mission BART Station with San Francisco Supervisor Ronen,

President Raburn and San Francisco Municipal Transportation Agency staff. He requested that the District not move forward with the Ford Go Bike plans at 24th Street/Mission BART Station to respect the Latino Heritage District.

Director Simon reported regularly visiting the RISE youth organization near the Richmond BART Station. She thanked BART staff for assistance received with the Transportation Committee for Transition Team for San Francisco Mayor London Breed.

Director Saltzman reported she had attended a Muni Transit Assistance Program (MTAP) ride-along with Directors Allen and Josefowitz, the Grand Opening of the new entrance to the Downtown Berkeley Station, an AB2923 meeting at the North Berkeley Station, and a community meeting at the North Berkeley Station on Transit Oriented Development concepts; and she spoke at the Contra Costa Transportation Authority Citizen Advisory Committee on Measure J and Measure RR funded projects.

Director Josefowitz reported he had attended the MTAP ride along and would like staff to look at the budgetary costs for this type of program.

Director Allen reported she had attended the MTAP ride along, had given a presentation to the Lafayette Rotary, and had addressed the Lafayette City Council on AB2923.

President Raburn reported he had attended the Oakland African American Chamber Luncheon and a meeting in the South Bay on the future of transportation.

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

President Raburn announced that Item 10, Closed Session, would be continued to the Special Meeting of the Board of Directors.

The Meeting was adjourned at 12:17 p.m.

Patricia K. Williams
District Secretary



Surveillance Use Policy

BART Mobile Applications & Related Modifications to BART.gov

BART Office of the Chief Information Officer

OCIO-BMAARMTB-SUP-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

A. Purpose

This section should include: The purpose(s) that the surveillance technology is intended to advance.

The proposed BART Mobile Applications (BART Official App & BART to Airport App) and related modifications to BART.gov, will be hereafter referred to as the "BART Applications" in this document. The BART Applications will be used for providing consistent transit information, transit incentives and maps to BART riders. In addition, the BART Applications will also be used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement.

Many of the services provided by the BART Official App & the BART to Airport App will also be offered on BART.gov, to help the District provide a consistent brand experience for BART patrons.

B. Authorized Use

This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.

The BART Applications shall be used in a lawful manner as identified in Section A above. In addition, the following uses shall also be authorized:

- Navigation
- Trip Planning
- Fare, Parking and Bike Storage Transactions
- Transaction Enforcement
- Transit System Analysis & Demand Management
- Providing & Redeeming Incentives
- Transit Information & Communication
- Surveys

All other uses not referenced above shall be prohibited, except as defined in the District's Surveillance Technology Ordinance.

C. Data Collection

This section should include: The information that can be collected by the surveillance technology.

The following data may be obtained through the BART Applications:

- Name
- Address
- Phone Number
- Email Address
- Payment Card Details
- Clipper Card Details (Serial Number, Entry/Exit, Timestamps)
- Username
- Password
- Social Media Information*
- Parking Stall Number & User Defined License Plate for Registered Parking
- User Defined Location (Favorite Station, Station Start, Station Stop, Address, Point of Interest)

Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

- GPS Location
- Radio Frequency Identification (RFID)
- Near Field Communication (NFC)
- Bluetooth Connection/Broadcast Information
- Barcode/QR Code and similar Data

Any data collected by the BART Applications must be used and handled pursuant to this policy. Data from the BART Applications shall not be used for personal purposes or to surveil any particular individual or group without probable cause or a court order. Data shall not be used to intentionally violate anyone's right to privacy; and shall not be used to harass, intimidate, or discriminate against any individual or group.

*The District's single sign on functionality allows integration with social providers such as Google, Facebook, PayPal, Amazon and Box. This integration also allows sharing of basic profile information when using a social provider as the single sign-on account logon. This functionality is currently available, but not yet implemented.

D. Data Access

This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.

- Access to the BART Applications data is limited to authorized BART employees, BART service providers and the BART Advertising Franchise pursuant to this policy.
- Data may be downloaded and released to a third party as required by law. See section H below.

E. Data Protection

This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

The BART Office of the Chief Information Officer sets standards for BART data protection in an Information Security Procedure Manual that includes standards within ISO/IEC 27002, NIST, PCI-DSS and HIPAA.

The BART Applications will consist of databases and servers that interact through an Application Programming Interface (API) between systems in both BART secure on-premise datacenter(s) and secure cloud environments.

The BART Applications shall utilize encryption technology to transmit any Personally Identifiable Information and store all payment related information in at least a Level 2 Payment Card Industry Data Security Standard (PCI-DSS), as applicable.

Access to the BART Applications Backend Enterprise Architecture is limited to the following:

- BART Database, Server & Application Administrators
- BART Cybersecurity Engineers
- BART Supervisor of Business Systems Applications
- BART Assistant Chief Information Officer over Web & Mobile
- BART Service Providers

Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

The BART Applications Backend Enterprise Architecture will be handled only by those that have been trained in its operation.

F. Data Retention

This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

Data generated from the BART Applications shall be stored in the BART Applications Backend Enterprise Architecture. Non-Personally Identifiable Information may be retained indefinitely unless otherwise deleted by the BART Office of the Chief Information Officer when the allocated hardware has reached its memory capacity. Individual Transit Account and Personally Identifiable Information may be retained for a maximum of four years and six months from the date of individual account termination. Active accounts are retained as long as they are active.

The data retention period aligns with the Metropolitan Transportation Commission's Clipper Policy for data retention. Data collected is to be used for historical analysis and transit use by BART personnel. Data is retained on a digital storage system with a set retention schedule which is automatically enforced by the same digital system.

G. Public Access

This section should include: How collected information can be requested by members of the public, including criminal defendants.

Requests for information under the California Public Records Act should be filed with the Office of the District Secretary. Email records@bart.gov. Phone (510) 464-6080, Fax (510) 464-6011. Mail Public Records Request c/o District Secretary BART 300 Lakeside Drive 23rd Floor Oakland, CA 94612.

H. Third Party Data Sharing

This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.

Other than data subject to public release under the California Public Records Act, data may be shared with BART service providers and the BART Advertising Franchise pursuant to this policy.

Staff will adhere to the District's Safe Transit Policy.

I. Training

This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

Training for access and administration of the BART Applications Backend Enterprise Architecture will be provided by BART internal staff associated with custom application development, and where necessary related service providers. Training will be limited to staff assigned to the administration of the BART Applications.

Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

J. Auditing and Oversight

This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.

Pursuant to the BART Chief Information Officer's Information Security Procedure Manual, the BART Applications Backend Enterprise Architecture will be subject to BART's cybersecurity controls, enterprise logging, administrator activity monitoring and Level 2 Payment Card Industry Data Security Standards (PCI-DSS), as applicable.

As defined in the District's Surveillance Technology Ordinance, an annual accounting of this surveillance technology will be included in the District's "Surveillance Annual Report", in a public hearing on or before August 1, before the BART Board of Directors.

Surveillance Impact Report

BART Mobile Applications & Related Modifications to BART.gov

BART Office of the Chief Information Officer
OCIO-BMAARMTB-SIR-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

A. Information describing the proposed surveillance technology and how it generally works.

The proposed BART Mobile Applications (BART Official App & BART to Airport App) and related modifications to BART.gov, will be hereafter referred to as the “BART Applications” and are intended to be released as publicly available Android and iOS mobile apps that use an Application Programming Interface (API) to provide transit information, transit incentives and maps to BART riders. In addition, the BART Applications will also be used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement.

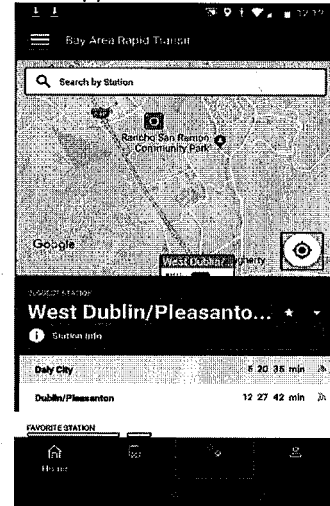
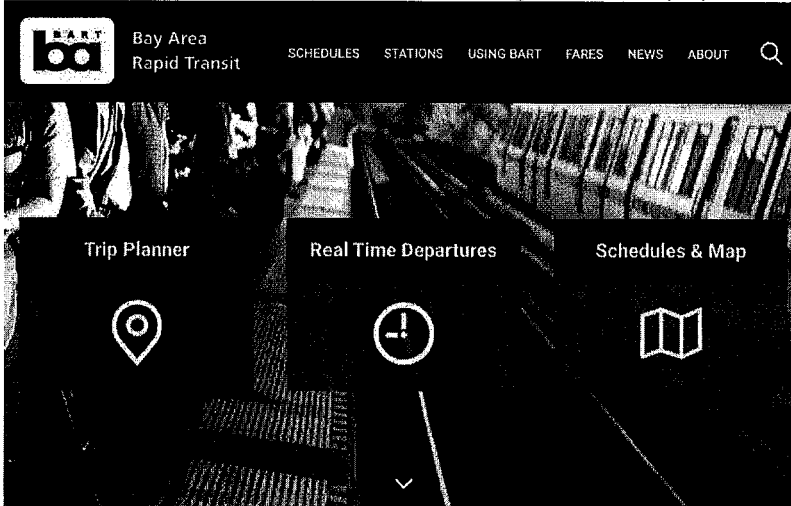
The BART Applications are intended to provide:

- Navigation
- Trip Planning
- Fare, Parking and Bike Storage Transactions
- Transaction Enforcement
- Transit System Analysis & Demand Management
- Providing & Redeeming Incentives
- Transit Information & Communication
- Surveys

As a for-pay transportation agency, BART intends to use a combination of locational data and related financial transactions to allow BART riders to more easily plan and execute their trips on BART.

BART staff has determined that, “Locational” data is a key element in the core function of the BART Applications, as riders use the apps to plan their trips to and from BART stations and surrounding points of interest using the “My Location” feature of their mobile device and other user defined fields such as station pick lists.

Sample Images of the, BART.gov Mobile Re-Design & “Plan Trip” portion of the BART Applications



Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

All data use is subject to the "Surveillance Use Policy" for the BART Applications, submitted with this "Surveillance Impact Report".

B. Information on the proposed purpose(s) for the surveillance technology.

The proposed BART Applications will be used by BART for the following purposes:

- **To Provide Navigation Services**
 - Provide BART riders with modern navigation to and from BART stations, in and around BART public facilities, and to user defined points of interest and destinations.
- **To Provide Trip Planning Services**
 - Provide BART riders with the necessary tools to plan their trips, view relevant fares and view departure and arrival times.
- **To Manage Fare, Parking and Bike Storage Transactions**
 - Provide BART riders with the ability to purchase select products/services through their mobile device, store digital tickets/receipts and provide digital proof of payment.
- **To Resolve Payment Issues & Conduct Payment Enforcement**
 - Provide BART Operations employees and the BART Police Department with the ability to verify payment, troubleshoot rider payment issues, and conduct payment enforcement.
- **To Perform Transit System Analysis**
 - Analyze transit system use, trip preferences, demand management, frequency and duration to better enhance the service provided by BART.
- **To Provide Transit Use Incentives**
 - Provide incentives such as points, discounts, and special offers to encourage transit system use, off-peak ridership, frequency and to reduce crowding.
- **To Redeem Incentives**
 - Provide BART riders with the ability to redeem incentives such as select gift cards or other forms of incentives.
- **To Provide Official Transit Information & Communication**
 - Provide BART with a platform to send official correspondence to participating mobile devices such as, BART Service Alerts, Safety Messages, Trip Related Tips, Directions, and Advertising.
- **To Conduct BART Surveys**
 - Widen participation and/or frequency of BART surveys by sending digital surveys through the BART Applications.

C. If applicable, the general location(s), it may be deployed.

The BART Applications are intended to be released as publicly available Android and iOS mobile apps and related modifications to BART.gov that encompass all geographic areas of BART Operation, and they are intended to be updated from time to time to include all future geographic extensions of BART service(s).

Due to the nature and portability of installed mobile apps, users who download the BART Applications, will have the ability to view content within the app from anywhere in the world, and at all times.

Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The BART Applications will be used to provide BART Operations employees and the BART Police Department with the ability to verify payment, troubleshoot rider payment issues, and conduct payment enforcement.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

The BART Applications are voluntary, user installed applications subject to modern app store restrictions for the voluntary use of location services, push notifications and other transmissions. As such, the use of the BART Applications do not collect any surreptitious information or violate the 4th Amendment protections for any individuals.

The BART Applications are subject to BART’s Surveillance Technology Ordinance and a specific Surveillance Use Policy that has been publicly noticed and presented to the BART Board for approval.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

The BART Applications were under construction, and nearly ready for release, prior to the September 2018 approval of the BART Surveillance Technology Ordinance. However, due to the Board’s adoption of the Ordinance, the BART Mobile Applications public launch has been delayed until the requirements of the Ordinance have been met, including the creation and approval of both a “Surveillance Use Policy”, and “Surveillance Impact Report”.

App Component	Budget	Fund	Ongoing Cost
BART Incentives	\$500,000	Federal Grant	
	\$475,000	BART Funds	
Mobile Application	\$400,819	BART Funds	
Multi-Modal Trip Planner	\$98,500	BART Funds	\$98,500
BART to Airport App	\$131,719	BART Funds	
Single Sign-On	\$163,950	BART Funds	\$146,250
Total	\$1,769,988		\$244,750

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Yes. Data from the BART Applications will be handled and stored by a third-party on an ongoing basis. Examples of this include connections to the BART Application Programming Interface (API) that provide specific customer centered integrations for the use of Credit Card Information, Clipper Card Information, and the

Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

storage of Usernames and Passwords to enable Single-Sign On (SSO) between elements of the BART Applications.

Access to the BART Applications data is limited to authorized BART employees, BART service providers and the BART Advertising Franchise pursuant to the "Surveillance Use Policy" for the BART Applications.

The BART Applications shall utilize encryption technology to transmit any Personally Identifiable Information and store all payment related information in at least a Level 2 Payment Card Industry Data Security Standard (PCI-DSS), as applicable.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

In developing the concept for the BART Applications, BART staff looked at the following alternatives.

Public API Strategy

In the past, BART has used a Public Application Programming Interface (API) strategy to allow the public market to develop commercial apps for BART. Although this effort has created a wide variety of commercially available applications, BART cannot ensure the uptime, accuracy, security or consistency of the data and messaging provided by these externally managed products. In addition, the commercial app developers cannot process payments to BART or provide riders with tickets.

As the world has migrated further into a mobile centric web browsing base, and grown more accustomed to digital payment, BART has recognized a need to enter this space, and provide a dedicated mobile app to better manage BART's message, service offerings and payments.

BART has recognized that the transportation world is rapidly evolving, and without a convenient mobile interface, BART is more likely to lose market share to other service providers.

Modifications to Existing Fare Infrastructure & Signage

BART has examined the costs and complexities involved with making modifications to existing fare infrastructure and signage and found that the Mobile Application alternative is far more cost effective and efficient for both the rider and BART administrator. In addition, the introduction of new Mobile Application technology opens the door to a greater expansion of foreign language support, currency support, disability support for the hearing impaired and blind, as well as augmented reality and rich web experiences when using a smartphone camera to interact with a BART journey.

Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

- I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

Although BART's Application Programming Interface (API) is highly BART specific, many of the core technologies that BART intends to use are currently employed around the world. Agencies such as SFMTA, SamTrans, CalTrain, LA Metro, WMATA, DART, Denver RTD, New Orleans RTA, TriMet, Hamburg, Berlin, Stuttgart, Aschaffenburg, and others have leveraged modern smartphone technology including but not limited to GooglePay and ApplePay to provide more efficient and convenient ways to plan trips, make payments, and provide a wide variety of proof of payment options to transit operators such as secure visual inspections and electronic access to fare gates.

BART is not aware of any known adverse information about the anticipated technology such as unanticipated costs, failures, civil rights or civil liberties issues associated with the use outlined in the BART Applications Surveillance Use Policy and this Surveillance Impact Report.



Surveillance Use Policy

BART Closed Circuit Television (CCTV)

BART Maintenance & Engineering

ME-BCCTV-SUP-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

A. Purpose

This section should include: The purpose(s) that the surveillance technology is intended to advance.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, road way accidents and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collect passenger and transport data to monitor and support network planning objectives and initiatives.

Location of cameras

The cameras are generally installed, but not limited to, the following locations:

- Stations (including all areas for ingress and egress)
- Parking Lots and Structures
- Public areas of BART facilities
- Joint use area's
- BART Board Room
- Revenue Vehicles

Location of cameras not included

- District wide capital improvement projects contracted to third party
- Secure areas not accessible to the public.

B. Authorized Use

This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.

The CCTV security cameras and the images/video they capture shall be used for BART business purposes only, including the uses identified in Section 1 of this Policy, and not for personal use or other non-BART uses. The use of the security cameras shall be 24 hours a day, 7 days per week, and 365 days per year within all San Francisco Bay Area Rapid Transit District properties and adjacent properties not owned by BART where the image is captured during normal surveillance of BART property. The security cameras and their recordings shall be used in a lawful manner. The cameras shall not be used in areas where there is a reasonable expectation of privacy, such as restrooms, and shall not be used to harass, intimidate, or discriminate against any individual or group.

Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

For purposes of this Use Policy, BART business shall include use for BART administrative, civil, and criminal investigations and monitoring activity to protect against harm to persons or property. It shall be permissible for data collected from the cameras to be used for the following public safety and BART investigation purposes:

- To assist in identifying and preventing threats to persons and property.
- To assist in identifying, apprehending, and prosecuting offenders.
- To assist in gathering evidence for administrative, civil, and criminal investigations and court actions.
- To help public safety personnel respond to emergency events.
- To assist in investigating and resolving staff and customer complaints and/or issues relating to conduct of the public or employees

BART management shall be permitted to review images or video footage to protect BART's technology equipment, assets, and electronic information; and to respond to law enforcement inquiries, to investigate complaints by employees and customers, and to provide local law enforcement authorities with images or video clips of potential illegal or suspicious activity. BART staff will adhere to the District's Safe Transit Policy.

CCTV analytics are prohibited unless explicitly approved through the Surveillance Ordinance process.

C. Data Collection

This section should include: The information that can be collected by the surveillance technology.

BART's CCTV system shall collect and record audio, video and still photography images.

There are three conditions under which BART records audio. The first is in the operators cab of a train. This instance could result in a passenger who approaches an operator with an open window during a station stop to be recorded. The second is during an emergency event on a train. When the operator activates the emergency button on the new train cars visual and audio are recorded in all cars on the train until the train come to a stop. Finally, on the new fleet of train cars, when a passenger activates the intercom audio is recorded. The recording stops as soon as the intercom call is ended. Audio records are stored on a closed loop system that normally over rides after 14 days.

D. Data Access

This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.

Access to live images and live video footage shall be restricted to:

- All persons designated by the BART Police Department as video surveillance system users
- BART personnel involved in the operation, installation and maintenance of the CCTV system.
- Operational Control Center - OCC
- Customer Access
- Office of Independent Police Auditor
- Station Agents
- Operations Planning

Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

- BART Management

E. Data Protection

This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

BART shall maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

F. Data Retention

This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

BART shall retain/stored data collected from the CCTV system per BART Policy 707.

707.1.5 VIDEO STORAGE CAPABILITY

Structure and facility images captured from the video surveillance system will automatically be downloaded onto a secure data storage system where they will be stored based on the systems' design and recording capabilities before being overwritten by new data; which varies from seven (7) to thirty (30) days. The design of some legacy camera systems in District facilities will only record video when the camera is being actively monitored by an authorized user.

Train car video recorders store images for two (2) to seven (7) days before being overwritten. This video image storage time frame is based on the various recording systems design, capabilities, and District resources.

G. Public Access

This section should include: How collected information can be requested by members of the public, including criminal defendants.

BART shall grant Public access to data collected from the CCTV system per BART Policy 707.

707.1.8 RELEASE OF VIDEO IMAGES TO THE GENERAL PUBLIC

All video images/data shall be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Department employees shall not release any information, including capabilities regarding the Districts CCTV systems to the public without prior authorization from the Chief of Police, or the appropriate designee. Personnel shall not release the Video Recovery Personnel telephone number or email address to members of the public.

707.1.9 REQUESTS FOR VIDEO IMAGES FROM THE MEMBERS OF THE PUBLIC

Persons that have a subpoena or preservation letter, and are interested in requesting video footage, shall be directed to the Department's Records Division during normal business hours, or via fax at 510-464-7089.

Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

Persons that do not have a subpoena or preservation letter and are interested in requesting video footage are to be directed to the District Secretary's Office at 510-464-6000 or via fax at 510-464-6011.

Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

H. Third Party Data Sharing

This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.

- In response to subpoenas issued by the defendant
- Pursuant to a Court Order
- Criminal Investigations by Law Enforcement Agencies
- Staff will adhere to the District's Safe Transit Policy.

I. Training

This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

Training for access and administration of the BART CCTV system will be provided by BART internal staff and where necessary related service providers. Training will be limited to staff assigned to the operation, installation, maintenance and administration of the BART CCTV System.

J. Auditing and Oversight

This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.

The BART Police Department shall oversee the BART CCTV System to ensure compliance with the Policy, designate personnel who shall have access to the camera system and ensure that access to the data complies with this Policy.

A log shall be maintained that records when access to image/video data is requested. This shall include the date, time, data record accessed, and staff member involved.

Surveillance Impact Report

BART Closed Circuit Television (CCTV)

BART Maintenance & Engineering
ME-BCCTV-SIR-01
21 Day BART Board Notice – October 04, 2018
15 Day Public Notice – October 10, 2018
BART Board Meeting – October 25, 2018



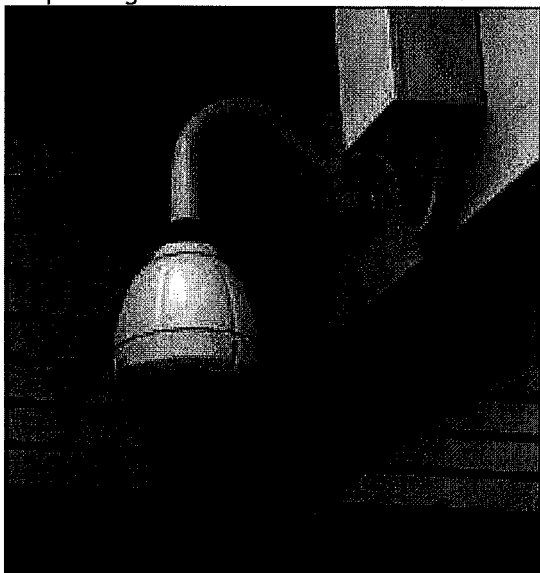
Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

A. Information describing the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV Camera



B. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, road way accidents and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collect passenger and transport data to monitor and support network planning objectives and initiatives.

C. If applicable, the general location(s), it may be deployed.

- A10 – Lake Merritt
- A20 – Fruitvale
- A30 – Coliseum
- A40 - San Leandro
- A50 - Bay Fair
- A60 – Hayward
- A70 – South Hayward
- A80 – Union City
- A90 – Fremont
- L10 - Castro Valley
- L20 - West Dublin
- L30 - Dublin / Pleasanton
- K10 – 12th Street
- K20 – 19th Street
- K30 – MacArthur
- R10 – Ashby
- R20 – Berkeley
- R30 - North Berkeley
- R40 - El Cerrito Plaza
- R50 - El Cerrito Del Norte
- R60 – Richmond
- C10 – Rockridge
- C20 – Orinda
- C30 – Lafayette
- C40 – Walnut Creek
- C50 – Pleasant Hill
- C60 – Concord
- C70 - North Concord
- C80 – Pittsburg
- M10 – West Oakland
- M16 – Embarcadero
- M20 – Montgomery

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

- M30 – Powell
- M40 – Civic Center
- M50 - 16th Street
- M60 - 24th Street
- M70 - Glen Park
- M80 - Balboa Park
- M90 - Daly City
- W10 – Colma
- W20 - South San Francisco
- W30 - San Bruno
- W40 – Millbrae
- Y10 – SFO
- S10 – Irvington (Future)
- S20 - Warm Springs
- S40 – Milpitas
- S50 – Berryessa
- E20 – Pittsburg City
- E30 – Antioch
- C88 / E10 – Transfer Platform
- BART Board Room
- Oakland Airport Connector
- Revenue Vehicles
- All future stations
- Hercules (Bus Park-and-Ride)
- Isabel (Livermore) (Park-and-Ride)
- Laughlin (Livermore) (Park-and-Ride)
- Irvington (Fremont) (future station)
- Brentwood

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence and detections. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Cost

Based on a budget generated by BART, the cost is approximately \$12.3 million.

Personnel Costs

BART personnel will provide installation for the Closed-Circuit Television System, the cost is approximately \$3.2 million at normal BART labor rates.

Ongoing Costs

The ongoing costs associated with the deployment of Closed Circuit Television System are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system could be extended.

Potential Sources of Funding

- FTA Security Grant
- Operating Funds
- Other Grants Services
- Private Investments

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Yes. Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

While no published experience was known at the time of this writing a report by the ACLU of Illinois dated February 2011 titled *CHICAGO'S VIDEO SURVEILLANCE CAMERAS: A PERVASIVE AND UNREGULATED THREAT TO OUR PRIVACY* included some estimated costs.

- The Chicago Police Department's Police Observation Devices POD cameras cost approximately \$10 million to install. There are 1,260 POD's
- The Chicago Transit Authority is spending \$43 million on its cameras.
- The Chicago Public schools spent \$4 million to install cameras in 2006 and 2007.
- Chicago's Navy Pier spent \$4.2 million on its camera system in 2009.



Surveillance Use Policy

BART CCTV Public Video Monitors

BART Maintenance & Engineering

ME-BCCTVPVM-SUP-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Proposed Surveillance Use Policy – BART CCTV Public Video Monitors

A. Purpose

This section should include: The purpose(s) that the surveillance technology is intended to advance.

The CCTV Public Video Monitors may be deployed above the entry fare gate array at BART stations 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.

B. Authorized Use

This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.

- Public information
- Awareness of CCTV surveillance in the BART station.

C. Data Collection

This section should include: The information that can be collected by the surveillance technology.

No data is collected or stored. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

D. Data Access

This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.

Access to live CCTV images are available to all persons in a viewable distance of the CCTV Public Video Monitors.

E. Data Protection

This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

No Data Protection is required. No data is collected or stored. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

F. Data Retention

This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

No Data Retention occurs. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

G. Public Access

This section should include: How collected information can be requested by members of the public, including criminal defendants.

Public Access occurs during viewing on Monitor in public areas.

Proposed Surveillance Use Policy – BART CCTV Public Video Monitors

H. Third Party Data Sharing

This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.

No Third-Party Data-Sharing occurs

I. Training

This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

Training for operating the CCTV Public Video Monitors system will be provided by BART and will be limited to staff assigned for operation and maintenance of this device.

J. Auditing and Oversight

This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.

The BART Maintenance and Engineering Department (M&E) shall oversee the CCTV Public Video Monitors to ensure compliance with the Policy.

Surveillance Impact Report

BART CCTV Public Video Monitors

BART Maintenance & Engineering
ME-BCCTVPVM-SIR-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

A. Information describing the proposed surveillance technology and how it generally works.

The CCTV Public Video Monitors is a large format color LED or equivalent video monitor mounted above the entrance to a BART station jointly determined by BART police department and BART Operations as part of the Districts Fare Evasion and Public Safety measures.

Sample Image of CCTV Public Video Monitor



B. Information on the proposed purpose(s) for the surveillance technology.

The CCTV Public Video Monitors will be deployed above the entry fare gate array at BART stations 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.

Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

C. If applicable, the general location(s), it may be deployed.

BART may deploy the CCTV Public Video Monitors at the follow 95 locations and any future locations.

<u>Station</u>	<u>Number of Monitors</u>
A10 – Lake Merritt	2
A20 – Fruitvale	2
A30 – Coliseum	1
A40 - San Leandro	1
A50 - Bay Fair	1
A60 – Hayward	1
A70 – South Hayward	1
A80 – Union City	2
A90 – Fremont	2
L10 - Castro Valley	1
L20 - West Dublin	2
L30 - Dublin / Pleasanton	1
K10 – 12 th Street	4
K20 – 19 th Street	4
K30 – MacArthur	2
R10 – Ashby	1
R20 – Berkeley	4
R30 - North Berkeley	1
R40 - El Cerrito Plaza	2
R50 - El Cerrito Del Norte	2
R60 – Richmond	1
C10 – Rockridge	1
C20 – Orinda	1
C30 – Lafayette	2
C40 – Walnut Creek	1
C50 – Pleasant Hill	1
C60 – Concord	2
C70 - North Concord	2
C80 – Pittsburg	1
N10 – West Oakland	1
M16 – Embarcadero	5
M20 – Montgomery	5
M30 – Powell	5
M40 – Civic Center	3
M50 - 16th Street	2
M60 - 24th Street	2
M70 - Glen Park	3
M80 - Balboa Park	2
M90 - Daly City	2
W10 – Colma	2
W20 - South San Francisco	1
W30 - San Bruno	2
W40 – Millbrae	2
Y10 – SFO	2

Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

S10 – Irvington (Future)	1
S20 - Warm Springs	2
S40 – Milpitas	2
S50 – Berryessa	2
E20 – Pittsburg City	1
E30 – Antioch	1

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The CCTV Public Video Monitors are intended to be passive view only devices to deter fare evasion and reduce crime in the areas deployed by alerting the public that a CCTV system is operation. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

The CCTV Public Monitors are a passive display only device, no recording capabilities exist. BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Cost

Based on a budget generated by BART, the cost of full implementation is approximately \$285,000.

Personnel Costs

BART personnel will provide installation for the CCTV Public Monitors at normal BART labor rates.

Ongoing Costs

There are no ongoing costs associated with the deployment of CCTV Public Video Monitors. The anticipated lifespan of the system is about Three (3) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system to be 5 years.

Potential Sources of Funding

- FTA Security Grants
- Operating Funds
- Other Grant Services
- Private Investment

Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

No Data is collected, and no third-party sharing occurs.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

No alternative method was examined.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

No known study is available at this time.



Surveillance Use Policy

BART Public Emergency Phone Towers

BART Maintenance & Engineering

ME-BPEPT-SUP-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

A. Purpose

This section should include: The purpose(s) that the surveillance technology is intended to advance.

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed at every BART station throughout the District totaling 204 on 69 Platforms. There will be three units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobes and Closed-Circuit Television. The use of the Public Emergency Phone Towers shall be 24 hours a day, 7 days per week, and 365 days per year within all San Francisco Bay Area Rapid Transit District properties.

B. Authorized Use

This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.

- To alert BART Police assistance is needed
- Platform CCTV Surveillance
- PSIM Interface for Station metrics (if adopted by the Board of Directors)

C. Data Collection

This section should include: The information that can be collected by the surveillance technology.

- Location of caller
- Audio of caller
- Video of caller
- Environmental Information
- Station metrics of conditions

D. Data Access

This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.

- Callers location, audio and video will be available to the BART Police Department 911 dispatch system.
- The audio and video of the caller will be recorded, and access will be through proper information access requests per BART Policy 707.

E. Data Protection

This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

BART shall maintain data collected by Public Emergency Phone Towers in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

F. Data Retention

This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

BART shall retain/stored Video data collected from the Public Emergency Phone Towers per BART Policy 707.

707.1.5 VIDEO STORAGE CAPABILITY

Structure and facility images captured from the video surveillance system will automatically be downloaded onto a secure data storage system where they will be stored based on the systems' design and recording capabilities before being overwritten by new data; which varies from seven (7) to thirty (30) days. The design of some legacy camera systems in District facilities will only record video when the camera is being actively monitored by an authorized user.

BART shall retain/stored Audio collected from the Public Emergency Phone Towers per BART Policy 802.

802.7 AUDIO RECORDING OF RADIO AND TELEPHONE

The Communications Division will maintain a system for recording and immediate playback of all telephone and radio transmissions within the Integrated Security Response Center (ISRC). The records shall be maintained in accordance with the SF Bay Area Rapid Transit District Retention Policy unless the communication is identified as being needed as evidence. Those recordings identified will be copied and placed into evidence. All non-evidence audio recordings will be maintained for a minimum of 90 days. The Support Services Division Lieutenant shall assure that security measures are in place and maintained for the digital recordings referred in this section. Review of the recordings are available for immediate review by Department personnel for business purposes. Supervisors and managers may review audio recording for purposes of quality control, evaluation and training. External requests for copies of audio recordings from the Integrated Security Response Center shall be routed through the Communications Supervisor or his/her designee.

BART operates an existing call recording server that records 911 phone calls and retains those calls for three years and then automatically deletes them. The Public Emergency Phone Towers will be integrated into this existing call recording system and retention schedule.

G. Public Access

This section should include: How collected information can be requested by members of the public, including criminal defendants.

BART shall grant Public access to Video data collected from the Public Emergency Phone Towers per BART Policy 707.

707.1.8 RELEASE OF VIDEO IMAGES TO THE GENERAL PUBLIC

All video images/data shall be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Department employees shall not release any information, including capabilities regarding the Districts CCTV systems to the public without prior authorization from the Chief of Police, or the appropriate

Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

designee. Personnel shall not release the Video Recovery Personnel telephone number or email address to members of the public.

707.1.9 REQUESTS FOR VIDEO IMAGES FROM THE MEMBERS OF THE PUBLIC

Persons that have a subpoena or preservation letter, and are interested in requesting video footage, shall be directed to the Department's Records Division during normal business hours, or via fax at 510-464-7089.

Persons that do not have a subpoena or preservation letter and are interested in requesting video footage are to be directed to the District Secretary's Office at 510-464-6000 or via fax at 510-464-6011.

H. Third Party Data Sharing

This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.

Audio recordings and Video footage or photographs may potentially be shared with the following:

- In response to subpoenas issued by the defendant
- Pursuant to a Court Order
- Criminal Investigations by Law Enforcement Agencies
- Staff will adhere to the District's Safe Transit Policy

I. Training

This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

Training for access and administration of the Public Emergency Phone Towers will be provided by BART internal staff and where necessary related service providers. Training will be limited to staff assigned to the operation, installation, maintenance and administration of the BART Public Emergency Phone Tower System.

J. Auditing and Oversight

This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.

The BART Police Department shall oversee the Public Emergency Phone Towers to ensure compliance with the Policy, designate personnel who shall have access to the camera system and ensure that access to the data complies with this Policy.

A log shall be maintained that records when access to image/video data is requested. This shall include the date, time, data record accessed, and staff member involved.

Surveillance Impact Report

BART Public Emergency Phone Towers

BART Maintenance & Engineering
ME-BPEPT-SIR-01

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018

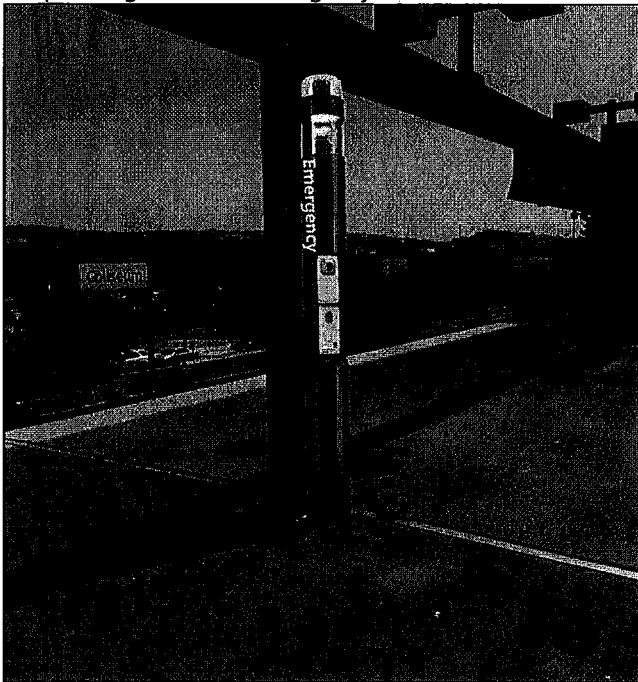


Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

A. Information describing the proposed surveillance technology and how it generally works.

The Public Emergency Phone Towers are intended to act as an additional security precaution in public areas. By having these highly visible, and easily accessible blue light phones, the community is continually reassured that they can summon police assistance immediately. The BART Police Department 911 dispatch center will automatically know where the call is coming from and quickly dispatch an officer to the exact location. At night a blue light atop the phone is automatically lit making them easily visible from long distances.

Sample Image of Public Emergency Phone Tower



B. Information on the proposed purpose(s) for the surveillance technology.

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed at every BART station throughout the District totaling 204 on 69 Platforms. There will be three units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobes and Closed-Circuit Television.

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

C. If applicable, the general location(s), it may be deployed.

<u>Station</u>	<u>Number of Platforms</u>	<u>Number of Towers</u>
A10 – Lake Merritt	1	3
A20 – Fruitvale	2	6
A30 – Coliseum	1	3
A40 - San Leandro	2	6
A50 - Bay Fair	1	3
A60 – Hayward	2	6
A70 – South Hayward	2	6
A80 – Union City	2	6
A90 – Fremont	1	3
L10 - Castro Valley	1	3
L20 - West Dublin	2	3
L30 - Dublin / Pleasanton	1	3
K10 – 12 th Street	2	6
K20 – 19 th Street	2	6
K30 – MacArthur	2	6
R10 – Ashby	1	3
R20 – Berkeley	1	3
R30 - North Berkeley	1	3
R40 - El Cerrito Plaza	2	6
R50 - El Cerrito Del Norte	2	6
R60 – Richmond	1	3
C10 – Rockridge	1	3
C20 – Orinda	1	3
C30 – Lafayette	1	3
C40 – Walnut Creek	2	6
C50 – Pleasant Hill	2	6
C60 – Concord	1	3
C70 - North Concord	1	3
C80 – Pittsburg	1	3
M10 – West Oakland	2	6
M16 – Embarcadero	1	3
M20 – Montgomery	1	3
M30 – Powell	1	3
M40 – Civic Center	1	3
M50 - 16th Street	1	3
M60 - 24th Street	1	3
M70 - Glen Park	1	3
M80 - Balboa Park	1	3
M90 - Daly City	2	6
W10 – Colma	2	6
W20 - South San Francisco	1	3
W30 - San Bruno	1	3
W40 – Millbrae	1	3
Y10 – SFO	2	6
S10 – Irvington (Future)	1	3

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

S20 - Warm Springs	2	6
S40 – Milpitas	2	6
S50 – Berryessa	2	6
E20 – Pittsburg City	1	3
E30 – Antioch	1	3

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Public Emergency Phone Towers are intended as an emergency communication system for when police assistance is needed by a member of the public or BART employee. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Cost

Based on a budget generated by BART, the cost is approximately \$5.25 million.

Personnel Costs

BART personnel will provide installation for the Public Emergency Phone Towers, the cost is approximately \$3.2 million at normal BART labor rates.

Ongoing Costs

The ongoing costs associated with the deployment of Public Emergency Phone Towers are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system could be extended.

Potential Sources of Funding

- FTA Security Grant
- Operating Funds

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

No Data is gathered or stored by third-party of this technology for use or maintenance.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

No alternative methods examined.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

No study of unanticipated costs was available.

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

Board of Directors
Minutes of the 1,825th Meeting
October 25, 2018

A special meeting of the Board of Directors was held October 25, 2018, convening at 12:17 p.m. in the Board Room, 2040 Webster Street, Oakland, CA and Holiday Inn Lansdale, 1750 Sumneytown Pike, Kulpsville, PA, 19443. President Raburn presided; Patricia K. Williams, District Secretary.

Directors present in Oakland: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn.

Director present in Pennsylvania: Director McPartland.

Absent: None.

President Raburn called for Public Comment on Item 3 Only.

Robert S. Allen addressed the Board.

The Board Meeting recessed at 12:22 p.m.

The Board reconvened in closed session at 12:35 p.m.

Directors present in Oakland: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn.

Director present in Pennsylvania: Director McPartland.

Absent: None.

Director Josefowitz exited the meeting.

The Board Meeting recessed at 1:29 p.m.

The Board reconvened in open session at 1:29 p.m.

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

Absent: Directors Josefowitz and McPartland.

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

The Meeting was adjourned at 1:30p.m.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Nov. 2018</i> <i>Val Mendez</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/30/2018 <i>For Robert M. Powers</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration Signature/Date: <i>Diane Iwata</i> 11/2/2018	General Counsel <i>[Signature]</i> 11/2/18 []	Controller/Treasurer <i>[Signature]</i> 11/2/18 []	District Secretary []	BARC <i>[Signature]</i> 11/2/18 []

Fix the Employer's Contribution to CalPERS Medical Premium for Non-Rep

PURPOSE

To obtain Board approval to adopt the resolutions which are required by the Public Employees' Medical and Hospital Care Act (PEMHCA) to implement the District and Employee/Annuitant premium contribution amounts for the Non-Represented Group.

DISCUSSION:

The Board has previously approved the medical premium contributions for employees/annuitants for American Federation of State, County and Municipal Employees Local 3993 ("AFSCME"), Amalgamated Transit Union Local 1555 ("ATU") and Service Employees International Union Local 1021 ("SEIU"), based on their collective bargaining agreements (CBAs) for 2019-2021. The CBAs provide for a 3% increase in the employee contribution from 2006 to 2034 and an additional \$37 per month from 2014 to 2021. In addition, the CBAs provide that the maximum the District will contribute for employee and annuitant medical premiums will be based on the greater of the CalPERS Bay Area HMO Blue Shield Access+ basic plan or the CalPERS Bay Area HMO Kaiser basic plan for the applicable level of plan participation for the employee, less employee/annuitant new monthly contributions of \$147.14 in calendar year 2019. Employees and annuitants who choose more costly plans will be responsible for the additional premium cost. All changes will be made effective January 1, 2019. This schedule is also subject to the retiree medical eligibility schedule.

For 2019, the General Manager intends to make the same change in the amount of the medical premium contribution for non-represented employees and eligible retirees as have

been approved for these represented groups.

FISCAL IMPACT:

For the 560 non-represented employees currently enrolled in health care coverage and 400 current retirees, the employee contribution increase (3% and additional monthly contribution increases) is estimated to produce \$463,200 in savings in 2019 for non-represented employees. Savings are included in the FY 2019 budget.

ALTERNATIVES:

As a matter of policy, the General Manager has recommended that medical benefits for non-represented employees be offered on the same terms as AFSCME, ATU and SEIU for 2019.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolutions pertaining to non-represented employees and eligible retirees regarding "Fixing the Employer's Contributions under the Public Employees' Medical and Hospital Care Act" and authorize the Board President to sign the resolutions on behalf of the Board.

RESOLUTION NO. 1
FIXING THE EMPLOYER CONTRIBUTION UNDER SECTION 22892
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 006 NON-REPRESENTED EMPLOYEES

- WHEREAS, (1) San Francisco Bay Area Rapid Transit District is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by employees who are non-represented; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- RESOLVED, (a) That the employer contribution for each employee/annuitant subject to vesting shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of Kaiser Bay Area Basic or Blue Shield Access+ Bay Area Basic, less employee/annuitant share of \$147.14 per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) San Francisco Bay Area Rapid Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of San Francisco Bay Area Rapid Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Francisco Bay Area Rapid Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the District Secretary to file with the Board a verified copy of this resolution, and to perform on behalf of San Francisco Bay Area Rapid Transit District all functions required of it under the Act.
- RESOLVED, (e) That coverage under the Act be effective on January 1, 2019.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this 15th day of November, 2018.

Signed: _____
President

Attest: _____
District Secretary

**RESOLUTION NO.
FIXING THE EMPLOYER VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 006 NON-REPRESENTED EMPLOYEES**

- WHEREAS, (1) San Francisco Bay Area Rapid Transit District is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by employees who are non-represented; and
- WHEREAS, (2) San Francisco Bay Area Rapid Transit District is a contracting agency has filed a resolution with the Board of the California Public Employees' Retirement System to provide a postretirement health benefits vesting requirement to employees who retire for service in accordance with Government Code Section 22902; and
- RESOLVED, (a) That the employer contribution for each annuitant subject to vesting shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of Kaiser Bay Area Basic or Blue Shield Access+ Bay Area Basic, less annuitant share of \$147.14 per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) San Francisco Bay Area Rapid Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of San Francisco Bay Area Rapid Transit District shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that San Francisco Bay Area Rapid Transit District would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, the California Public Employees' Retirement System may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the District Secretary to file with the Board a verified copy of this resolution, and to perform on behalf of San Francisco Bay Area Rapid Transit District all functions required of it under the Act.
- RESOLVED, (e) That coverage under the Act be effective on January 1, 2019.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this this 15th day of November, 2018.

Signed: _____
President

Attest: _____
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>5 Nov 2018</i> <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/23/2018 <i>For Plant M. Powers</i>		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops <i>[Signature]</i> Signature/Date: <i>11/2/18</i>	General Counsel <i>[Signature]</i> <i>11/2/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/5/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11.5.2018</i> []

AWARD OF CONTRACT NUMBER 6M3418, RECONDITIONING OF TRANSIT VEHICLE NICKEL CADMIUM BATTERIES

PURPOSE: To request Board authorization for the General Manager to award Contract No. 6M3418 to Industrial Battery Services (IBS) of Richmond, California in the amount of \$1,690,639.70 (including all taxes) for the reconditioning of transit vehicle nickel cadmium batteries.

DISCUSSION: The District's revenue vehicles utilize a 36-volt (VDC) storage battery set to provide low voltage backup power for interior lighting, door operators and other electrical systems. These batteries require routine maintenance and bad cells need to be replaced as necessary. This involves the reconditioning of battery sets at 5-year intervals. During reconditioning, battery cells are restored to design capacity requirements. Battery cells that have aged to the point that reconditioning is no longer effective must be replaced.

District facilities are not equipped to recondition batteries and BART is not able to properly dispose of batteries, which are considered toxic waste. Therefore, the District's batteries are sent to an outside contractor that is properly licensed for hazardous waste disposal.

This is a three-year estimated quantity contract for the reconditioning of revenue vehicle batteries. During the term of the contract, the District is required to purchase a minimum amount of 50 percent (50%) of the total dollar value of the contract. Upon Board authorization to award this contract, the General Manager will also have the authority to purchase up to 150 percent (150%) of the total value of the contract, subject to the availability of funding.

Advance Notice to Bidders was mailed on August 17, 2018 to four (4) prospective bidders.

Contract No. 6M3418 was advertised on August 22, 2018 as a two-step contract. With a two-step contract, technical qualification bids are first opened and reviewed. Firms meeting the technical qualifications are moved to the second step. A Pre-Bid meeting was held on September 11, 2018 and was attended by a single prospective bidder, Industrial Battery Services (IBS), which is currently providing this service for the District.

One bid was received from Industrial Battery Services (IBS), which is currently providing this service for the District. The Technical Qualification Bid was opened on September 25, 2018. After a review of the bid by staff, it was determined that the bid was acceptable. The price bid was then opened on October 9th, 2018. The results were as follows:

Bidder	Location	Total Bid
Industrial Battery Services	Richmond CA	\$1,690,639.70 including sales tax
Engineers Estimate: \$1,696,219.50 including sales tax.		

Staff has determined that the bid submitted by IBS is responsive and that the bid price is fair and reasonable based on past battery reconditioning contracts and the engineers estimate. Additionally, a review of this bidder's business experience, which includes fifteen consecutive years (15) of providing this service for the District, has resulted in the determination that Industrial Battery Services is responsible.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 2.2% for Minority Business Enterprises ("MBEs") and 1.1% for Women Business Enterprises ("WBEs"). Industrial Battery Services, Inc. committed to 0% for both MBE and WBE participation. Industrial Battery Services, Inc. did not meet either the MBE or WBE Availability Percentages; therefore, Industrial Battery Services, Inc. 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 Industrial Battery Services, Inc. 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% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive Bidder, Industrial Battery Services, Inc. is not a certified Local Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference but is still the lowest responsive Bidder.

FISCAL IMPACT: Funding for Contract No. 6M3418 in the amount of \$1,690,639.70 will come from Rolling Stock and Shops (RS&S) Maintenance Contracts account 680-230. Funding for FY 19 is included in the operating budget of department 0803622. Funding for FY 20 and FY 21, will be requested as part of each year's operating budget cycle and is subject to Board approval. The proposed award of this Contract will not result in any operating costs above the current year's adopted budget. This action is not anticipated to have any Fiscal Impact on un-programmed District reserves in the current Fiscal Year. Total funding for this Contract is based on the following totals by year:

Fiscal Year	Amount
FY 19	\$ 390,639.70
F Y20	\$ 650,000.00
FY 21	\$ 650,000.00
Total	\$ 1,690,639.70

ALTERNATIVES: The alternative to awarding this contract would be to reject the bid and re-advertise the contract, which staff believes would not lead to a better price or more competition.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager is authorized to award Contract No. 6M3418, an estimated quantities contract for Reconditioning Transit Vehicle Nickel-Cadmium Batteries to Industrial Battery Services (IBS) for a total bid price of \$1,690,639.70 including all taxes, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Val Monte</i> 8 Nov. 2018		GENERAL MANAGER ACTION REQ'D: N/A		
DATE: 11/1/2018 For Robert M Powers		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hal Keiner Dept: Performance & Audit	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 11/6/18	<i>[Signature]</i> 11/6/18 []	<i>[Signature]</i> 11/6/18 []	[]	<i>[Signature]</i> 11/6/18 []
Status: Routed		Date Created: 11/1/2018		

SALES TAX REVENUE COLLECTION SERVICES - 6M5131 - 2018

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M5131 with Hinderliter, de Llamas and Associates (HdL) to provide sales and use tax (sales tax) revenue collection services.

DISCUSSION:

This Agreement is to provide sales tax revenue collection services. The Agreement is for a period of three (3) years, with options to renew for two (2) additional one (1) year periods. BART currently does not have the capability in-house to provide these services. The Internal Audit division of the Performance and Audit department has determined that these services are necessary and are not duplicative of any duties performed by BART employees.

Many California jurisdictions do not receive all sales tax revenues to which they are entitled due to both taxpayer reporting errors and processing errors. Errors occur for many reasons, including businesses failing to correctly report their collections to the California Department of Tax and Fee Administration (CDTFA) or businesses misallocating tax collections among the many cities, counties, and special districts in which they operate. When businesses fail to correctly report their collections to the CDTFA, the CDTFA may distribute the tax it has collected in error to other jurisdictions. Under this Agreement, HdL, the selected Consultant will detect instances of misallocation and underreporting and correct these reporting errors for BART. The Consultant will help maximize BART's income and minimize lost revenue by detecting and documenting the misallocations of "sales tax".

Since 2003, BART has contracted with Avenu Insights & Analytics (formerly MuniServices, LLC) to provide sales tax revenue collection services. Avenu Insights & Analytics has recovered approximately \$1.6 million in sales tax dollars for the District under its current five-year agreement, which expires on February 24, 2019.

On July 12, 2018 the District advertised Request for Proposals (RFP) No. 6M5131 in ten newspapers. The advance notice was posted on the Procurement Portal. The RFP was posted on the Procurement Portal on July 12, 2018 and ten prospective proposers downloaded the RFP. A pre-proposal meeting was held on July 25, 2018 with representatives from Avenu Insights & Analytics, HdL and Williams Adley in attendance. Proposals were subsequently received from Avenu Insights & Analytics and HdL on August 21, 2018.

The two proposals were reviewed by the Source Selection Committee, chaired by Contract Administration and consisting of representatives from Internal Audit, Operating & Capital Budgets, and the Office of Civil Rights. The Source Selection Committee reviewed the technical proposals for compliance with the seven (7) minimum technical requirements set forth in the RFP. Both proposals were determined by the Source Selection Committee to be technically acceptable and responsive to the RFP requirements.

The two price proposals (for the 3-year base period and 2 additional options years) were evaluated by the Source Selection Committee and ranked by price as shown below. The proposed rate represents the percentage that will be applied to actual additional sales tax revenue recovered for BART. The estimated fee amount represents the estimated fee that would be paid based upon an estimated \$2,000,000 in additional sales tax recovered for BART over the five-year contract period.

PROPOSER	LOCATION	PROPOSED RATE	ESTIMATED FEE AMOUNT
Hinderliter, de Llamas and Associates (HdL)	Diamond Bar, CA	18%	\$360,000
Avenu Insights & Analytics	Fresno, CA	20%	\$400,000

HdL's proposed rate of 18% was the lowest of the two proposals when applied to the same estimated additional sales tax revenue amount. It has also been determined upon review of the proposer's business experience and financial capabilities that the proposer is responsible and that the proposed rate submitted by HdL is fair and reasonable based on competition.

Section 7056 of the State of California Revenue and Taxation Code requires, the Board Resolution No. [REDACTED] authorizing HdL to represent BART for the purpose of examining tax records of the CDTFA.

The Office of Civil Rights determined that the District’s Small Business Program, Non-Discrimination Program for Subcontracting, and Disadvantaged Business Enterprise Program would not apply to this Agreement since this Agreement is a revenue-generating agreement.

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

FISCAL IMPACT:

The subject EDD proposes a three (3) year contract, with options to renew for two (2) additional one (1) year periods, at a total cost of \$360,000 from February 2019 – February 2024.

Funds will be budgeted in the Performance and Audit operating budget (Dept 1302386-Audit, Account 681358-Sales Tax Collection Commission) as follows:

Proposed Funding	
FY19*	\$36,000
FY20	\$72,000
FY21	\$72,000
FY22	\$72,000
FY23	\$72,000
FY24**	\$36,000
Total	\$360,000

* Funding for FY19 is expected to begin February 2019.

** Funding for FY24 will end February 2024.

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

The action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year as the payments to HdL are contingent upon the amount of revenue it collects for BART. HdL will perform this service on an 18 percent contingency fee basis. No fee payment will be made to HdL until the associated revenue has been received by BART. Should the District exercise the two single-year options, the cost of this Agreement

will be for an estimated amount of \$360,000 in the aggregate for a five-year duration – from February 2019 to February 2024.

It is estimated that HdL's collection services will result in additional sales tax revenue of approximately \$400,000 over a twelve-month period. At this level of sales tax revenue collected, BART would pay HdL \$72,000 in fees resulting in "net" additional revenue to BART of approximately \$328,000 per year. For the five-year duration of the Agreement (with both options exercised), the "net" additional revenue to BART will be approximately \$1.6 million (\$2 million in collected sales tax revenue less \$360,000 in fees paid to HdL).

ALTERNATIVES:

1. To initiate another Request for Proposals (RFP). Such an action is unlikely to result in more competitive pricing.
2. To discontinue sales tax revenue collection services. This would result in BART forgoing additional annual revenue currently estimated at \$328,000.

RECOMMENDATION:

It is recommended that the Board adopt the following motions.

MOTIONS:

1. The General Manager is authorized to execute Agreement No. 6M5131 with Hinderliter, de Llamas and Associates to provide sales tax revenue collection services for an initial term of three years with options for two additional one-year terms based upon a contingency fee of 18% determined by the amount of tax revenue recovered for the District, pursuant to the notice to be issued by the General Manager, and subject to the District's protest procedures.
2. The Board of Directors approves the attached Resolution No. ____ pursuant to Revenue and Taxation Code Section 7056 authorizing Hinderliter, de Llamas and Associates to examine the tax records of the California Department of Tax and Fee Administration on behalf of the District for the purpose of detecting and documenting the misallocations of sales tax revenue.

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

In the Matter of Authorizing
Consultant Hinderliter, de Llamas and Associates
to Examine Sales and Use Tax Records
at the California Department of Tax and Fee Administration on
behalf of the District

Resolution No.

WHEREAS, the California Department of Tax and Fee Administration (formerly State Board of Equalization prior to July 2017) performs all functions incident to the administration and collection of local sales and use taxes; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District (District) adopted Resolution 4387 on January 10, 1991, authorizing the General Manager, or other officer or employee of the District designated by the Board, to examine sales and use tax records of the California Department of Tax and Fee Administration (CDTFA) and its predecessor agencies pertaining to sales and use taxes collected for the District by CDTFA, and

WHEREAS, Resolution 4387 did not address the authorization of the District's consultants to examine sales and use tax records of CDTFA, and

WHEREAS, Section 7056 of the California Revenue and Taxation Code allows the District to designate any person, other than an officer or employee, to examine sales and use tax records of CDTFA pertaining to sales and use taxes collected for the District by CDTFA provided certain conditions as required by Section 7056 are in the agreement (Agreement) with the designated person; and

WHEREAS, the Board of Directors of the District deems it desirable and necessary to designate Hinderliter, de Llamas and Associates (Consultant) as an authorized representative of the District to examine confidential sales and use tax records of CDTFA pertaining to sales and use taxes collected by CDTFA for the District for the purpose of detecting and documenting the misallocation of sales tax revenue; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of CDTFA records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales and use tax records of CDTFA;

NOW, THEREFORE, BE IT RESOLVED that Consultant is designated to examine the sales and use tax records of CDTFA pertaining to sales and use taxes collected for the District by CDTFA. The Agreement between the District and Consultant shall comply with the requirements of Section 7056 of the California Revenue and Taxation Code, so that all of the following conditions are met; specifically Consultant:

1. Will have an existing Agreement with the District to examine those sales and use tax records; and
2. Is required by that Agreement to disclose information contained in, or derived from, those sales and use tax records only to the District officer or employee authorized in accordance with Board Resolution 4387; and
3. Is prohibited by that Agreement from performing consulting services for a retailer during the term of that Agreement; and
4. Is prohibited by that Agreement from retaining the information in, or derived from, those sales and use tax records, after that Agreement has expired.

The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of District sales or use taxes by CDTFA.

###



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Val McCreath</i> 8. Nov. 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/2/2018 For Robert M. Purvis		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration Signature/Date: <i>Diane Iwata</i> 11/6/2018	General Counsel <i>[Signature]</i> 11/7/18 []	Controller/Treasurer <i>[Signature]</i> 11/7/18 []	District Secretary []	BARC <i>[Signature]</i> 11/7/18 []

Actuarial Report on Changes to Pension and OPEB under Consideration by the District

PURPOSE:

To provide a report on the actuarial impacts on potential changes to retirement benefits and Other Post-Employment Benefits (OPEB) for the BART Police Officers' Association (BPOA).

California Government Code 7507 requires a local legislative body, before authorizing changes in retirement benefits or OPEB, to "secure the services of an actuary to provide a statement of the actuarial impact upon future annual costs, including normal cost and any additional accrued liability," and also requires that the future cost of changes in retirement benefits or other postemployment benefits, as determined by the actuary, "be made public at a public meeting at least two weeks prior to the adoption of any changes."

If the future costs of the changes exceed a certain amount, Section 7507 also requires that an actuary be present at the public meeting at which the adoption of the benefit change is considered. Since each of the potential changes described below will result in cost savings, an actuary is not required to attend the public meeting.

This is an informational item. No Board action is required.

DISCUSSION:

The District is proposing to make three changes to retirement benefits and OPEB for BPOA, which include the following:

1. Change Pension Cost Sharing

For Sworn Classic employees, the employee's cost share of the Employer's pension contribution will increase from the current level of 4% to 7% in Year 1 of the new collective bargaining agreement (CBA) term, then increase an additional one percent a year to 8% in Year 2, 9% in Year 3, and finally 10% in Year 4.

For Sworn Public Employees' Pension Reform Act (PEPRA) employees, the employee's cost share of the Employer's pension contribution will decrease from the current level of 4% to 3% in Year 1 of the new CBA term, then decrease an additional one percent a year to 2% in Year 2, 1% in Year 3, and finally 0% in Year 4. PEPRA employees will continue to contribute half of the normal cost of their pension benefits, as required by law.

There will be no change to pension contributions for Non-sworn BPOA employees—Non-sworn Classic and PEPRA employees will continue to cost share 4% towards the Employer's pension contribution.

2. Change to Medical Contribution for Retirees

As required by the California Public Employees' Retirement System (CalPERS), active employees and eligible retirees pay the same medical contribution amount. The current employee/retiree medical contribution is listed in the CBA and automatically increases by 3% each year. Employees and retirees are also currently paying an additional monthly contribution of \$44. For 2018, the total monthly contribution is \$150.93, which includes the \$44. The proposed change is to maintain the additional \$44 contribution, and make the full contribution (i.e., the monthly contribution *and* the additional contribution) subject to the annual 3% escalator. Making this change will increase the employee/retiree annual contribution through compounding.

There is no change to the current medical cap.

3. Eliminate Retiree Life Insurance for Future Retirees

Currently, retirees receive life insurance coverage of 50% of their final base salary for their first year of retirement. The coverage level reduces each year by 10%, so by their fourth year of retirement, and for all subsequent years, they receive life insurance coverage of 20% of their final base salary. This benefit is 100% paid by the District. The proposed change would eliminate retiree life insurance for future BPOA retirees.

COST SAVINGS AND ACTUARIAL IMPACT:

1. The change to the pension cost share by Sworn employees is estimated to save the District \$388,558 in the first year of the CBA, and a total of \$1,144,354 over the 4-year term of the CBA.

2. The change to the medical cost for retirees is estimated to save the District \$100,751 in the first year of the CBA, and a total of \$431,890 over the 4-year term of the CBA.
3. The elimination of future retiree life insurance is estimated to save the District \$2,074 in the first year of the CBA, and a total of \$8,289 over the 4-year term of the CBA. This figure is based on premium reductions.

These proposed changes were reviewed by the District's actuarial firm, Bartel Associates, LLC. Bartel Associates has concluded that there is no negative impact to normal cost, future annual costs, or actuarial liability as these proposed changes will result in a net savings to the District.



November 7, 2018

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Program Manager (Compensation and Analytics)
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: CalPERS Pension Plan
Police Officers' Association**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retirement plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the actuarial impact of changes related to the CalPERS pension benefits for the BART Police Officers' Association (BPOA).

Summary of Proposed Benefit Changes

The District currently provides retirement benefits to eligible BPOA employees under CalPERS, with the District paying the CalPERS-required member contributions on behalf of Classic BPOA members. All BPOA members contribute 4% of their pensionable pay towards the District's required CalPERS contribution ("cost sharing").

Under the proposed change:

- Sworn (Safety) Classic employees would increase their cost sharing from 4% to 7% of pensionable pay effective for the first full pay period following the ratification of the agreement. Cost sharing would increase to 8% of pensionable pay on the following July 1st, 9% the following year, and to 10% of pensionable pay in year 4.
- Sworn (Safety) PEPRA employees would reduce their cost sharing from 4% to 3% of pensionable pay effective for the first full pay period following the ratification of the agreement. Cost sharing would decrease to 2% of pensionable pay on the following July 1st, 1% the following year, and to 0% of pensionable pay in year 4.
- There would be no change to cost sharing for Non-Sworn (Miscellaneous) employees.

Cost of Change

We estimated the cost impact of this change using the following assumptions:

- Census data was provided by the District as of June 30, 2017. Reported Safety headcounts were increased by 39 positions to the full budgeted level. Census data included pensionable and total pay.
- Pay increases were assumed to follow CalPERS 2016 actuarial valuation assumptions, including 3% total annual payroll growth
- Current employees were assumed to terminate and retire in accordance with CalPERS 2016 valuation assumptions. New employees were added to provide 3% total payroll growth. The percentage of new hires assumed to be PEPRA increased from 70% in 18/19 to 100% after 4 years. Future hires were assumed to have the same demographics as current employees.



- Present values were calculated using a 7% discount rate.
- We assumed the change would be effective December 1, 2018.

Because these proposed changes have no impact on CalPERS pension benefits, there is no change in the Normal Cost and Actuarial Accrued Liability. However, the District's contributions to CalPERS, net of employee contributions, will change. Therefore, the impact of the proposed changes has been measured based on expected changes in future District contributions to CalPERS.

The estimated cost of the change in current dollars (not a present value) over 3-7/12 years, the expected agreement term, is as follows.

Increase/(Decrease) in District Costs For 4 Years			
(Amounts in \$000's)			
	Classic	PEPRA	Total
■ Total increase/(decrease) in BART costs due to change in employee-paid cost sharing over 3-7/12 years (current dollars; not a present value)	(\$2,668)	\$347	(\$2,321)
■ Total increase/(decrease) in BART costs over 3-7/12 years due to change in employee-paid cost sharing as a percentage of total (not pensionable) pay	(3.07%)	2.04%	(2.23%)

Over the anticipated term of the agreement there will be more Classic than PEPRA employees and so this change results in a net savings to the District during the 3-7/12 anticipated years of the agreement. However, over time the number of Classic employees will decline and the number of PEPRA employees will grow. To measure the impact of the change in employee cost sharing, if it were to be continued, we estimated the change over 30 years. The cost impact is shown below, as the present value of the difference for each year.

Increase/(Decrease) in Present Value of District Costs Over 30 Years			
(Amounts in \$000's)			
	Classic	PEPRA	Total
■ Present value of the total increase/(decrease) in BART costs due to change in employee-paid cost sharing over 30 years	(\$7,873)	\$7,112	(\$761)
■ Present value of the total increase/(decrease) in BART costs due to change in employee-paid cost sharing as a percentage of total (not pensionable) pay	(3.90%)	2.81%	(0.17%)



Conclusion

Our calculations show the District's future annual costs would decrease over the next 4 years due to the change in employee cost sharing for BART Police Officers' Association. When evaluated as a present value over the next 30 years, the net impact of the proposed change is a reduction in the present value of the District's future annual costs. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District and CalPERS as summarized in this report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report.

Please contact Mary Beth Redding (mbredding@bartel-associates.com) or Bianca Lin (blin@bartel-associates.com) with any questions about this information.

Sincerely,

Mary Elizabeth Redding, FSA, MAAA, EA, FCA
Vice President

c: Doug Pryor, Bianca Lin, Bartel Associates, LLC

O:\Clients\BART\Projects\CalPERS\EMC Bargaining Study\BA BART 18-11-07 Letter - Impact of CalPERS Cost Sharing change for BPOA.docx

November 7, 2018

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Program Manager (Compensation and Analytics)
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: Retiree Healthcare Plan
Police Officers' Association**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retiree healthcare plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the impact of proposed changes related to retiree healthcare benefits for the BART Police Officers' Association (BPOA).

Summary of Proposed Benefit Changes

The District currently provides healthcare benefits to eligible BPOA employees who retire directly from the District under CalPERS, with the District paying monthly medical premiums up to the greater of the Bay Area Blue Shield Access+ or Bay Area Kaiser basic premiums. A percentage schedule applies for BPOA employees hired after July 10, 2014. The District participates in the CalPERS medical program (PEMHCA).

In addition to paying premiums above the cap, retirees also pay monthly contributions. The basic contribution for BPOA retirees is \$106.93 per month in 2018 with 3% annual future increases. The basic contribution ceases in 2035. There is also an additional contribution of \$44 per month, which was schedule to cease in 2018 under the current BPOA MOU.

Under the proposed benefit change, the \$44 monthly additional contribution for BPOA retirees would continue through 2035, with 3% annual future increases starting in 2019.

Cost of Change

Our estimated cost impact is based on our June 30, 2017 actuarial valuation methods, assumptions, and data, including:

- 6.5% discount rate
- Terminations, disabilities and retirements in accordance with CalPERS 2016 valuation assumption assumptions (1997-2011 CalPERS Experience Study)
- 226 BPOA actives and 151 BPOA retirees receiving benefits.



Following is the change in the District's June 30, 2017 actuarial obligations and 2018/19 Actuarially Determined Contribution due to the proposed benefit change.

Retiree Healthcare Plan (Amounts in \$000's)			
	Current Plan Before any Changes	After BPOA Proposed Change	Increase/ (Decrease)
■ June 30, 2017 Present Value of Projected Benefits	\$ 762,531	\$ 761,701	\$ (830)
■ June 30, 2017 Funded Status			
• Actuarial Accrued Liability (AAL)	573,941	573,231	(710)
• Market Value of Plan Assets	<u>270,151</u>	<u>270,151</u>	<u>-</u>
• Unfunded AAL	303,790	303,080	(710)
■ 2018/19 ADC - \$			
• Normal Cost	24,580	24,562	(18)
• Amortization of Unfunded AAL	<u>14,931</u>	<u>14,916</u>	<u>(15)</u>
• Total (future annual cost)	39,511	39,478	(33)

The Present Value of Projected Benefits represents the amount needed as of the valuation date to pay all future benefits for current members if all assumptions are met. The Actuarial Accrued Liability represents the portion of the Present Value of Projected Benefits that participants have earned (on an actuarial, not actual, basis) through the valuation date. The District's Actuarially Determined Contribution (ADC) is equal to the employer Normal Cost (the value of benefits earned during the year), plus an amortization payment on the unfunded liability (Actuarial Accrued Liability less Plan assets). Consistent with the 2017 valuation changes, the decrease in the unfunded liability due to the BPOA benefit change has been amortized over 16-years.

Conclusion

The District's actuarial cost would decrease due to the proposed benefit change for BART Police Officers' Association. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District as summarized in this letter and our June 30, 2017 actuarial valuation report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report

Diane M. Iwata
November 7, 2018
Page 3



Please contact Doug Pryor (dpryor@bartel-associates.com) or Mary Beth Redding (mbredding@bartel-associates.com) with any questions about this information.

Sincerely,

Doug Pryor, ASA, MAAA, EA
Vice President

c: Mary Elizabeth Redding, Bartel Associates, LLC

O:\Clients\BART\Projects\OPEB\17 val\Reports\BA BART 18-11-07 Letter - Impact of Retiree Medical Benefit Change for BFOA.docx



November 7, 2018

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Program Manager (Compensation and Analytics)
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: Retiree Life Insurance Plan
Police Officers' Association Benefits**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retiree healthcare plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the impact of proposed changes related to retiree life insurance benefits for the BART Police Officers' Association (BPOA).

Summary of Proposed Benefit Changes

The District currently provides retiree life insurance benefits to eligible BPOA employees who retire directly from the District under CalPERS. Coverage is equal to 50% of final base salary at retirement, reduced by 10% annually until reaching 20% for year 4 and all future years.

Under the proposed benefit change, future BPOA retirees would not have life insurance benefits provided by the District, nor would they be eligible to purchase life insurance through the District plan. Current retirees would continue to have their life insurance coverage paid by the District.

Cost of Change

Our estimated cost impact is based on our June 30, 2017 actuarial valuation methods, assumptions, and data, including:

- 3.75% discount rate
- Terminations, disabilities and retirements in accordance with CalPERS 2016 valuation assumption assumptions (1997-2011 CalPERS Experience Study)
- 226 BPOA actives with \$19.476 million in 2016/17 payroll. Additionally, there are 162 BPOA retirees with life insurance coverage who will not be impacted by the change.
- The value of life insurance is based on the death benefits expected to be paid to retirees. This is a better measure than if retiree life insurance premiums were valued, since the active life insurance premiums paid by the District subsidize retiree life insurance.



Following is the change in the District's June 30, 2017 actuarial obligations and 2018/19 Actuarially Determined Contribution due to the proposed benefit change.

Retiree Life Insurance Plan (Amounts in \$000's)			
	Current Plan Before any Changes	After BPOA Proposed Change	Increase/ (Decrease)
■ June 30, 2017 Present Value of Projected Benefits	\$ 44,838	\$ 43,529	\$ (1,309)
■ June 30, 2017 Funded Status			
• Actuarial Accrued Liability (AAL)	34,429	33,811	(618)
• Market Value of Plan Assets	—	—	—
• Unfunded AAL	34,429	33,811	(618)
■ 2018/19 ADC - \$			
• Normal Cost	1,209	1,142	(67)
• Amortization of Unfunded AAL	<u>2,415</u>	<u>2,368</u>	<u>(47)</u>
• Total (future annual cost)	3,624	3,510	(114)

The Present Value of Projected Benefits represents the amount needed as of the valuation date to pay all future benefits for current members if all assumptions are met. The Actuarial Accrued Liability represents the portion of the Present Value of Projected Benefits that participants have earned (on an actuarial, not actual, basis) through the valuation date. The District's Actuarially Determined Contribution (ADC) is equal to the employer Normal Cost (the value of benefits earned during the year), plus an amortization payment on the unfunded liability (equal to the Actuarial Accrued Liability since there are no Plan assets). Consistent with the 2017 valuation changes, the decrease in the unfunded liability due to the BPOA benefit change has been amortized over 16-years.

Conclusion

The District's actuarial cost would decrease due to the proposed benefit change for BART Police Officers' Association. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District as summarized in this letter and our June 30, 2017 actuarial valuation report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report

Diane M. Iwata
November 7, 2018
Page 3



Please contact Doug Pryor (dpryor@bartel-associates.com) or Mary Beth Redding (mbredding@bartel-associates.com) with any questions about this information.

Sincerely,

Doug Pryor, ASA, MAAA, EA
Vice President

c: Mary Elizabeth Redding , Bartel Associates, LLC

O:\Clients\BART\Projects\OPEB\17 val\Reports\BA BART 18-11-07 Letter - Impact of Retiree Life Insurance Benefit Change for BPOA.docx



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>5 Nov. 2018</i> <i>Val Mant</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 11/2/2018 <i>For Robert M. Powers</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ana Maria Maxey Dept: Rolling Stock and Shops <i>[Signature]</i> Signature/Date: 11-6-18	General Counsel <i>[Signature]</i> 11/6/18 []	Controller/Treasurer <i>[Signature]</i> 11/6/18 []	District Secretary []	BARC <i>[Signature]</i> 11.6.2018 []

Sole Source of Procurement for Transit Vehicles (Two Thirds Vote Required)

PURPOSE:

To request Board authorization for the General Manager to negotiate and execute a contract with Bombardier Transit Corporation for the sole source procurement of up to 425 revenue vehicles, subject to funding availability, in accordance with California Public Contract Code Section 20227.

DISCUSSION:

Since the initial procurement of A/B- car transit vehicles in the early 1970s, the District has procured additional vehicles (C1 and C2) and rehabilitated the original A/B vehicles. By 2019, a number of these A, B and C cars vehicles, depending on the age of the vehicle, will reach the end of their useful lives. The District currently has a contract for the procurement of 775 D (cab) and E (non-cab) revenue vehicles with Bombardier Transit Corporation (Bombardier) which will replace the afore mentioned cars over time.

This sole source vehicle procurement is for the purchase of up to 425 E cars which will increase the overall size of the District's next generation fleet of D and E cars to 1,200 vehicles. A sole source procurement of railcars will address the needs of the District, the goals of the Transbay Corridor Core Capacity Program (TCCCP) and demands arising from future rail extensions due to need for technical and functional compatibility at the individual car level between the Bombardier vehicle fleet of D and E cars currently in use and under production and the follow-on fleet of E cars being procured in this action.

The need for compatibility between railcars arises from BART's operating structure, which requires that all cars in the fleet be fully compatible operationally with each other in revenue service with all systems (vital and non-vital) functioning as designed. The BART system operation, and BART's yards and shops, were designed to have all vehicles in the fleet be fully interchangeable. Unlike other transit systems, BART regularly rotates cars between trainsets as needed for maintenance and other purposes. BART cannot keep trains semi-permanently coupled like many other transit agencies do since BART's shops were set up to maintain individual cars, not coupled trainsets.

The Bombardier D and E cars now in production, and this follow-on fleet of E cars rely on a new generation of sophisticated railcar technology that employs an Ethernet backbone for transmission of vital and non-vital system information throughout the train. This new follow-on fleet of E cars cannot operate as an independent fleet since the E cars are non-cab cars that rely on D cars for operation. Therefore, this follow-on order of 'E' cars will have to be fully compatible with the Bombardier-manufactured 'D' cars in use.

The ideal way to ensure compatibility between the current D and E car fleet and this follow-on fleet of E cars, considering the level of on-board system complexities and the fact that the current D and E cars utilize systems that are proprietary to Bombardier, is to purchase this follow-on fleet of E cars from Bombardier.

Federal Transit Administration (FTA) Circular 4220.1F, Chapter VI, Subparagraph 3.i(1)(b) provides that a recipient of FTA funding can make a sole source award under certain circumstances, including where patent and data rights restrictions preclude competition or where a competitive award would result in "Substantial Duplication Costs" to the recipient.

This sole source procurement of E cars is justified under the FTA requirements described above based on the following:

- Patent and Data Rights - Bombardier-owned patent and data rights with respect to on-board vehicle systems in use on the current D and E cars preclude BART from soliciting fully compatible railcars from another railcar manufacturer through a

competitive procurement. In addition, the technical complexities of engineering compatibility multiply the risk that a follow-on fleet of E cars from a different manufacturer will be operationally incompatible with the Bombardier fleet of D and E cars.

- Substantial Duplication Costs - The District would incur significant and duplicate expenses were it to engage in a 'follow-on' competitive procurement for "the continued development or production of highly specialized" railcars required to be compatible with the D and E cars being manufactured and delivered by Bombardier.
- Unacceptable Delay - Since the typical new car development, testing and troubleshooting processes would need to be repeated with a new vendor, Staff estimates that a follow-on competitive procurement would delay the replacement and expansion of BART's fleet from the end of 2023 to the end of 2026.

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

A sole source procurement with Bombardier for E cars is justified under California Public Contract Code Section 20227 based on the District's necessity of procuring only duplicates of specialized Bombardier-manufactured E cars currently in use within the BART system.

Staff is now seeking to enter into direct negotiations with Bombardier for the sole source purchase of E cars. The scope of work for this procurement will consist of providing the manufacture, assembly, delivery, and acceptance testing for this E car fleet order, along with associated program management, in-service support, publications, warranty, training and data submittals. BART anticipates that deliveries for the base order plus fundable options would commence in mid-2022, following delivery of the last of the 775-car contract, with final deliveries taking place in mid-2024.

BART anticipates negotiating a base order of up to 306 vehicles with options to purchase up to 119 vehicles, based on the expected availability of funding for the procurement. Although the final base order and option railcar quantities are subject to change pending negotiations with Bombardier, the District intends to pursue the quantities provided below as follows:

- Base order (Committed funding sources have been identified) – 206 vehicles (Core Capacity - FTA Capital Investment Grant eligible)
- Base order (unfunded) - 46 vehicles (Core Capacity - FTA Capital Investment Grant eligible)
- Base order (unfunded) - 54 vehicles (Core Capacity – not FTA Capital Investment Grant eligible)
- Option 1 – 60 vehicles (Silicon Valley Santa Clara Extension)*
- Option 2 – 59 vehicles (BART future capacity needs)

*Option 1 would only be exercised if fully funded by the Santa Clara Valley Transportation Authority (VTA).

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

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

FISCAL IMPACT:

The District currently has secured funding of \$2,000,000 from a BART capital fund. Funding commitment in the amount of \$679 million for the purchase of 306 E cars will be included in the total project budget for 40FD000, New Car Phase II, once the funding sources has been secured. This \$679 million will fund 150 of the 206-vehicle base order and is anticipated to come from funding sources identified in MTC Resolution No. 4302 and Regional Measure 3 Bay Area Traffic Relief Plan.

MTC RESOLUTION No. 4302

The MTC Commission adopted Resolution No. 4302 in September 2017, which committed \$179 million from the BART Car Replacement Exchange Account for an additional 306 railcars. The Exchange Account was established in 2006 under an agreement with BART authorized by MTC Resolution 3738, Revised. Under the agreement, MTC programmed federal formula funds to BART’s preventive maintenance program, and BART deposited an equal amount of its local funds into the Exchange Account, reserved for future expenditure on BART’s railcar procurement program. This amount is fully available to this project.

REGIONAL MEASURE 3

Regional Measure 3 (RM 3) was passed by 55 percent of Bay Area voters in July 2018. The ballot measure funds projects identified as “regionwide” that have an impact beyond one county or bridge corridor. Of these projects, \$500 million has been identified for the 306 additional rail cars. RM3 is subject to a lawsuit challenging the toll increase funding this measure.

The table below lists available and committed funding as of October 18, 2018, and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

F/G 8529 FY2015 Operating Capital Allocation	\$2,000,000
F/G TBD MTC Exchange Account (by arrangement)	\$179,000,000
F/G TBD Regional Measure 3 (voter approved)	\$500,000,000
Total	\$681,000,000

As of October 18, 2018, \$2 million of BART capital funds are the total available budget for this project. BART has expended \$0, committed \$0, and reserved \$0 to date. The Controller Treasurer certifies that \$2 million is available for this project.

This action will commit some portion of anticipated funding, however, before a notice of Award for the Base Contract and Options can be issued or exercised, the Controller/Treasurer must certify that all funding is available.

The additional funds for the remaining 156 vehicles are anticipated to come from a Full-Funding Grant Agreement (FFGA) with FTA which will be negotiated in late 2019, from future BART Capital Allocations, and from funds provided by Bay Area regional transportation agencies.

For option purchases additional funds are currently being negotiated with VTA for the 60 additional vehicles identified in Option 1 for the Silicon Valley Santa Clara Extension (SVRT Phase II). Option 2 for 59 vehicles for BART's future capacity needs is subject to the

availability of future funding. The full funding required for Project 40FD000, New Car Phase II is projected to be \$1,527,843,909.

ALTERNATIVES:

Do not authorize the General Manager to negotiate a sole source procurement for vehicles with Bombardier. A procurement with another vehicle manufacturer would result in a higher price per railcar, bring about a number of interfacing and non-compatibility risks, increase the need to procure more control cars, and will likely result in significant delays in meeting the District's needs to replace legacy vehicles, increase systemwide capacity, and support future service extensions.

RECOMMENDATION:

Adopt the following motion.

MOTION:

Pursuant to California Public Contract Code Section 20227, the Board of Directors finds that Bombardier Transit Corporation is the single source for the purchase of heavy rail transit vehicles that will be used to duplicate equipment currently in use by the District. The Board authorizes the General Manager to negotiate and execute a contract with Bombardier for the purchase of up to 425 E Car rail transit vehicles for an amount not to exceed \$1,167,282,284, including applicable taxes and fees, subject to funding availability.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Nov. 2018</i> <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/8/2018 <i>Per Robert M. Powers</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Heather Fergus Dept: Maintenance and Engineering	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: <i>11/7/18</i>	<i>[Signature]</i> <i>11/7/18</i> []	<i>[Signature]</i> <i>11/21/18</i> []	[]	<i>[Signature]</i> <i>11.2.2018</i> []
Status: Approved		Date Created: 10/8/2018		

Sole Source Procurement with Bombardier Transportation for Software Changes, Testing and System Certification for the West Bay Line Gealoc Track Signaling Circuit Boards.

PURPOSE:

To obtain Board authorization to execute a contract with Bombardier Transportation to perform W-Line train control speed code reductions.

DISCUSSION:

In anticipation of a California Public Utilities Commission (CPUC) mandate, the District has embarked upon a proactive safety enhancement project to implement speed code reductions from 27mph to 18mph on all No. 10 Turnout switches systemwide. The reduction from 27mph to 18mph allows the vehicle to operate automatically at the next lowest available speed code. Most of these reductions can be done with in-house personnel except the W Line which has 6 turnouts that are controlled by the Bombardier Transportation GEALOC system.

GEALOC is a Bombardier Transportation, Inc. (Bombardier) proprietary system which was deployed on the West Bay Extension Project, Contract 12YC-120. Because of this, BART does not have the capability to make the necessary speed code changes to this system, which is on the W Line.

To implement the speed code reduction changes at the No. 10 Turnouts on the W Line, application logic updates are required in the GEALOC system. Changes to the code are made at Bombardier's facility, loaded into electronic memory chips (EPROMS) and sent to BART. The EPROMS are then installed in the Bombardier Train Control Equipment, tested and certified to effectively make the required changes to the speed codes.

Federal Transit Administration (FTA) Circular 4220.1F, Chapter VI, Subparagraph 3.i(1)(b) provides that a recipient of FTA funding can make a sole source award under certain circumstances, including where patent and data rights restrictions preclude competition. Here, a sole source award to Bombardier is permissible since Bombardier-owned patent and data rights with respect to the GEALOC system to be modified in this Agreement preclude BART or any potential contractors from performing the modifications. Although this is a sole source procurement under the FTA Circular, since this is an Agreement for professional services, the terms of the District Annual Budget Resolution will govern the approval process for this Agreement.

Staff is now seeking to enter into direct negotiations with Bombardier Transportation to execute a sole source contract for the GEALOC application logic updates required for the #10 Turnout speed code reduction from 27mph to 18mph, at a cost of \$133,612.00. The Office of the General Counsel will approve the Contract as to form.

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

FISCAL IMPACT:

Funding in the amount of \$133,612 for Bombardier Transportation Speed Code Reduction Contract is included in the total project budget for FMS# 20LT004 – #10 Turnout Speed Reduction.

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

Proposed Funding	
F/G 3605 - FY15 Capital Improvements	\$ 568,000
F/G 3607 - FY15 Capital Improvements	\$ 400,000
F/G 8526 - FY14 Operating Allocation to Capital	\$ 142,000
F/G 8529 - FY15 Operating Allocation to Capital	\$ 100,000
TOTAL	\$ 1,210,000

As of October 4, 2018, \$1,210,000 is the total budget for this project. BART has expended \$539,711, committed \$47,770, and reserved \$0 to date. This action will encumber \$133,612, leaving an available fund balance of \$488,908 in this fund source for this project.

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

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

ALTERNATIVES:

Do not authorize the General Manager to negotiate with Bombardier to execute this Agreement. The District will not be in compliance with CPUC safety requirements.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The Board authorizes the General Manager to negotiate an Agreement with Bombardier Transportation to perform W-Line train control speed code reductions in an amount not to exceed \$133,612.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Val Aleuti</i> 5 Nov. 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 8/20/2018 For Robert M. Pargys		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley Ng Dept: Planning, Development & Construction	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 11/5/18	<i>[Signature]</i> 11/5/18 []	<i>[Signature]</i> 11/5/18 []	[]	<i>[Signature]</i> 11.5.2018 []
Status: Routed		Date Created: 8/20/2018		

Contract 15IF-130A, Powell St. Station Ceiling Improvement, Change Orders for a revised lighting system

PURPOSE:

To authorize the General Manager to execute Change Orders in an aggregate amount not to exceed \$3,500,000 to Contract No. 15IF-130A, Powell St. Station Ceiling Improvement Project with Icenogle Construction Management, Inc. (Icenogle) for the procurement and installation of a light-emitting diode (LED) lighting system.

DISCUSSION:

On July 14, 2016, Contract No 15IF-130A, Powell St. Station Ceiling Improvement was awarded to Icenogle, a DBE firm. The scope of work included the procurement and installation of a LED lighting system. Because this Contract is funded in part by Federal Transit Administration (FTA) funds, Federal Buy America requirements apply, which provides that only domestically manufactured products be installed throughout this project, thus limiting the number of qualified lighting manufacturers. The designer specified in the contract documents a light manufacturer and model number to be purchased and installed. Upon installation of a portion of the Buy America-compliant lighting products, it was determined that the light levels did not meet BART's or the manufacturer's product information. The industry standard is to rely on the product data supplied by the manufacturer and validate the information through a computerized simulation test or a physical testing lab to confirm the manufacturer's data. In this instance, the designer

performed the simulation test based on the manufacturer's product information.

When the performance issue arose, the Contractor worked with the distributor and manufacturer to resolve the issue. Three mockups over two months were tested. The manufacturer's final solution included a product which required increasing the number of lights, conduits and associated components which would result in unanticipated upgrades to the station's emergency power supply system and associated building upgrades to meet code. A physical test of these alternative lights had burned out in a week so these solutions were not acceptable.

Concurrently, Staff took this opportunity to explore other manufacturer alternatives with the following considerations: compliance with BART Facilities Standards requirements; effect on sightlines; maintenance considerations; consistency with design intent; a wet listed product; product efficiency; power usage; amount of re-wiring; product life cycle and cost. Another manufacturer was identified whose product exceeded the requirements. Staff initiated a site mock-up and lab testing which confirmed that this lighting alternative met the design requirements. The benefits of this system is that it has a 25% higher light output, is 500% more efficient, and has more variability in light output therefore having approximately a 50% longer life cycle. This product is consistent with the original architectural design intent and can utilize the existing station's power supply system. This is a California manufactured product that has been installed in various public and private facilities with a successful track record.

Staff therefore requests approval of Change Orders in an amount not to exceed \$3,500,000 to implement the procurement and installation of a revised lighting system to address the following:

Lighting hardware est. \$1,000,000

New lights, driver, connections and conduits

Installation est. \$1,500,000

Re-routing, removal and addition of new conduit to support the new light system.

Schedule Impacts and Delays est. \$ 500,000

Installation of the lights are on the critical path, ordering of materials schedule impacts, potential mitigation and extension of the Contractor on-site will result in delay costs

Project Contingency est. \$ 500,000

Contingency for additional work related to unanticipated obstructions or infrastructure which interferes with the location of the drivers or lights.

The District will make its best efforts to pursue all available legal remedies in recovering costs associated with the original lighting product through Icenogle.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval.

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

FISCAL IMPACT:

CAPITAL FISCAL IMPACT:

Funding in the amount of \$3,500,000 for Change Orders for Contract No. 15IF-130A is included in the total project budget for FMS# 15IF004 – Powell Station – Ceiling & Lighting Project.

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

Proposed Funding	
F/G 3002 - CA-90-Y873 FY11 CAP PRJ 5307	2,000,000
F/G 535B - FY14-15 Prop 1B - PTMISEA	4,620,000
F/G 6814 - SFMTA (Muni)	5,954,007
F/G 802A - 2017 Measure RR GOB	1,750,000
F/G 8524 - FY12 Operating Allocation to Capital	18,213
F/G 8528 - Station & Access Project Allocation	1,330,000
TOTAL	15,672,221

As of November 2, 2018, \$15,672,221 is the total budget for this project. BART has

expended \$10,042,118, committed \$1,735,091, and reserved \$0 to date. This action will commit \$3,500,000, leaving an available fund balance of \$395,011 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board can elect not to authorize the approval of Change Orders for the revised lighting system. This will delay the Powell Ceiling contract from completion as the existing lights do not support BART's lighting requirements.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Orders, in an aggregate amount not to exceed \$3,500,000 to Contract No. 15IF-130A, Powell St. Station Ceiling Improvements with Icenogle Construction Management, Inc. to provide a revised lighting system.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 15IF-130A

CO NO.: Various

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Icenogle Construction Management, Inc.
 Contract No./NTP: 15IF-130A / October 3, 2016
 Contract Description: Powell St. Station Ceiling Improvement Project
 Percent Complete as of: 10/09/2018 – 65%
 Dollars Percent Complete as of: 10/09/2018 – 76%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$7,497,788.00
Change Orders:			
Other than Board Authorized CO's	8.40%	\$629,839.70	
Board Authorized CO's:			
Previous Change Orders up to:	6.67%	\$500,000.00	
These Change Orders up to:	46.68%	\$3,500,000.00	
<hr/>			
Subtotal of All Change Orders	61.75%	\$4,669,839.70	
Revised Contract Amount:			\$12,127,627.70

SCHEDULE

Original Contract Duration:	365 Days
Time Extension to Date:	480 Days
Time Extension for these new Change Orders:	To Be Determined
Estimated Revised Contract Duration:	845 Days +TBD

SUMMARY REASON FOR THIS CHANGE ORDER

Implement the procurement and installation of the revised A1 lighting system.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Nov. 2018</i> <i>Val McEnt</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 10/29/2018 <i>Feb Robert H. Powers</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sonny Au Dept: Planning, Development & Construction	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 11/5/18	11/5/18 []	11/5/18 []	[]	11.5.2018 []

Contract No. 01RQ-150, Hayward Maintenance Complex Project, Central Warehouse, Change Order No. 010, for Additional Dump Fees for Hauling to Class II Landfill

PURPOSE:

To authorize the General Manager to execute Change Order No. 010 for Contract No. 01RQ-150, Hayward Maintenance Complex (HMC) Project, Central Warehouse with Clark Construction Group – California LP, for additional dump fees for hauling to a Class II landfill, for an amount not to exceed \$1,500,000.

DISCUSSION:

On March 8, 2018, the Board of Directors authorized the award of Contract No. 01RQ-150, Hayward Maintenance Complex Project, Central Warehouse to Clark Construction Group – California LP in the amount of \$49,838,100. The Contract is for the construction of the new Central Warehouse, which will serve as the central logistical facility for BART.

The Contract Work requires excavation and disposal of existing soil under the new Central Warehouse facility, as well as disposal of an existing soil stockpile located approximately 900 feet north of the facility. The total amount of soil to be disposed is approximately 75,200 cubic yards. Samples were tested, as required, before local landfills would accept the soils. The test revealed that the soils contained contaminants in concentrations that exceed the screening levels established by the Regional Water Quality Control Board. According to the General Conditions of the Contract, the soils represent a Differing Site Condition and must be hauled to and disposed of only at Class II or higher landfills. A change to the Contract is required to provide additional compensation to facilitate this requirement. The estimated value of this Change Order is an amount not-to-exceed \$1,500,000. The final amount is contingent upon the District's review of the Contractor's

submitted actual cost records and documentation of the total soil volume disposed of.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$1,500,000 for the award of Change Order No. 010 to Contract No. 01RQ-150 is included in the total budget for FMS# 01RQ000, HMC Program.

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

Proposed Funding	
F/G 3007 - FTA CA-90-X236	\$26,180,332
F/G 5602 - High Speed Passenger Rail Bond	\$18,200,000
F/G 656K & 653E - VTA	\$19,850,000
F/G 8524 to 8532 - FY12 to FY18 Operating Capital Alloc	\$74,276,377
F/G 881B - Program Income from Cap funds	\$254,640
TOTAL	\$138,761,349

As of October 31, 2018, \$138,761,349 is the total budget for this project. BART has expended \$83,012,796 committed \$53,655,396 to-date for other action. This action will commit \$1,500,000 leaving an available fund balance of \$593,157 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will lead to a claim for the Contractor's costs due to Differing Site Conditions and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 010, additional dump fees for hauling to Class II landfill, for an amount not to exceed \$1,500,000, for Contract No. 01RQ-150, Hayward Maintenance Complex Project, Central Warehouse, with Clark Construction Group – California LP.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-150

CO No: 010

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group – California LP
Contract No./NTP: 01RQ-150 / May 21, 2018
Contract Description: Hayward Maintenance Complex Project, Central Warehouse

Percent Complete as of: 10/31/2018 – 14.00%

Dollars Percent Complete as of: 10/31/2018 – 15.25%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$49,838,100.00
Change Orders:			
Other than Board Authorized C.O.s:	0.02%	\$ 10,000.00	
Board Authorized Change Orders:	0%	\$ 0.00	
This Change Order No. 010:	3.01%	\$1,500,000.00	
Subtotal of all Change Order			
	3.03%	\$1,510,000.00	
<u>Revised Contract Amount:</u>			\$51,348,100.00

SCHEDULE

Original Contract Duration: 550 Days
Time Extension to Date: 0 Days
Time Extension Due to Approved COs: 0 Days
Revised Contract Duration: 550 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Additional Dump Fees for Hauling to Class II Landfill

The Contract Work requires disposal of approximately 75,200 cubic yards of soil. Testing of the soil determined that it contains contaminants in concentrations that exceed the screening levels established by the Regional Water Quality Control Board. According to the General Conditions of the Contract, the soils represent a Differing Site Condition and must be hauled to and disposed of only at Class II or higher landfills. This change order provides additional compensation to facilitate this requirement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Nov 2018</i> <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to November 15th Board Meeting		
DATE: 10/3/2018 <i>Per Robert M. Powers</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: <i>10.29.2018</i>	General Counsel <i>[Signature]</i> <i>10/30/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>10/20/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11.5.2018</i> []

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CHANGE ORDER NO.1, SCHEDULE ACCELERATION TO MITIGATE CONFLICTS WITH CONCURRENT PROJECTS, TO CONTRACT NO. 09AF-111A, TBT CROSS PASSAGE DOORS REPLACEMENT.

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 1, Schedule Acceleration to Mitigate Conflicts with Concurrent Projects for Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, for an amount not to exceed \$290,000.

DISCUSSION:

On June 14, 2018, the Board of Directors authorized the General Manager to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, to DMZ Builders of Concord, CA, for the Base Bid Price of \$6,388,000 and authorized the General Manager to exercise Option A for the Bid Price of \$300,000 and Option B for the Bid Price of \$200,000. This action seeks to authorize the General Manager to execute Change Order No.1, Schedule Acceleration to Mitigate Conflicts with Concurrent Projects, in the amount not to exceed \$290,000, to decrease the Contract duration by an aggregate of 90 calendar days. The scope of work remains unchanged. Currently, the \$313 Million Transbay Tube (TBT) Seismic retrofit Contract No. 09AU-120 is in progress. In order to mitigate costly delays to the TBT seismic retrofit project, and to coordinate the efficient performance of both Contracts, staff determined that it is in the District's best interest to accelerate the duration of the TBT Cross-Passage Doors Replacement Contract from 420 calendar days, plus 60 additional calendar days upon Contractor's request, to no more than 390 calendar days with the start date of October 9, 2018. As part of the acceleration mitigations, this Change

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CHANGE ORDER NO.1, SCHEDULE ACCELERATION TO MITIGATE CONFLI (cont.)

Order includes additional measures to remove restrictions and create flexibility for the Contractor in planning and executing the work. The original scope of work remains unchanged. The cost of Change Order No.1 is not to exceed \$290,000.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board Approval. The Office of General Counsel will review and approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order prior to execution for compliance with Procurement guidelines.

FISCAL IMPACT:

Funding of \$290,000 for the award of Change Order No. 1, to Contract No. 09AF-111A is included in the total project budget for 09AF002, TBT Cross Passage Doors Replacement. 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 its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of October 8, 2018, \$10,943,216 is available for this project from the following source:

Fund No.	Fund Description	Source	Amounts
802A	2017 A Measure RR GOB	Measure RR	\$10,943,216

BART has expended \$137,108, committed \$1,221,235 and reserved \$6,485,194 to date for other action. This action will commit an additional \$290,000 leaving an uncommitted balance of \$2,809,678 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Do not authorize the General Manager to execute Change Order No.1, Schedule Acceleration to Mitigate Conflicts with Concurrent Projects, in the amount not to exceed \$290,000 to reduce the duration of the Contract. This will potentially conflict with and result in delays to the work of seismic retrofit project in the TBT and will cost the District considerably more in terms of claims filed by the Contractor for the TBT Retrofit Contract.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CHANGE ORDER NO.1, SCHEDULE ACCELERATION TO MITIGATE CONFLI (cont.)

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to execute Change Order No.1, Schedule Acceleration to Mitigate Conflicts with Concurrent Projects, in the amount of not to exceed \$290,000 for Contract No. 09AF-111A, TBT Cross Passage Doors Replacement.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: November 8, 2018

FROM: General Manager

SUBJECT: BART Wheel/ Rail Optimization

Attached is the "BART Wheel/ Rail Optimization" presentation that will be presented to the Board at the November 15, 2018 meeting as an information item.

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



for Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors


DATE: November 8, 2018

FROM: General Manager

SUBJECT: Quarterly Service Performance Review – First Quarter FY 2019

Attached is the “Quarterly Service Performance Review – First Quarter FY 2019” presentation that will be presented to the Board at the November 15, 2018 meeting as an information item.

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



for Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff


SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 8, 2018
FROM: General Manager
SUBJECT: New Transbay Rail Crossing Project Briefing

At the November 15, 2018 Board meeting, staff will provide an informational briefing on the New Transbay Rail Crossing Project, including a program overview and the project contracting plan.

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


for Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Val Merritt</i> 6 NOV 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/31/2018 For Robert M. Powers		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Steve Beroldo Dept: Systems Development <i>Steve Beroldo</i> Signature/Date: 11-7-2018	General Counsel <i>[Signature]</i> 11/7/18 []	Controller/Treasurer <i>[Signature]</i> 11/8/18 []	District Secretary []	BARC []
Status: Approved		Date Created: 10/31/2018		

Recommendation for deployment of Ford GoBikes at 24th St. Mission BART

PURPOSE:

To request Board support for the deployment of Ford GoBike station(s) at the 24th Street Mission BART Station.

DISCUSSION:

Bay Area bike share background:

In 2015, the Bay Area began transitioning the Bay Area Bike Share program from one that was publicly owned and operated to a public-private partnership. Motivate International Inc. ("Motivate") approached the Metropolitan Transportation Commission ("MTC") and proposed assuming ownership and operation of the system and becoming the exclusive supplier and operator of bike share in the Bay Area. The proposal called for a major program expansion from a 700-bike pilot program to a 7,000-bike program in the cities of Berkeley, Emeryville, Oakland, San Francisco and San Jose at no capital or operational cost to the public. In exchange for providing this major expansion and all required operations and maintenance, Motivate retained all sponsorship rights.

MTC accepted the proposal and entered into an agreement with Motivate. The agreement is for a 10-year term and includes a timeline for implementation, the option for other cities to buy in, requirements for community input, and a discounted membership program for low income individuals (offering the first year for \$5 and \$5/month thereafter; 20% of members are part of the discounted program--the highest of any bike share program in the U.S.). Ford is the title sponsor of the program and the program is called "Ford GoBike."

BART Station Access Policy:

In June 2016, the Board adopted the Station Access Policy. The policy is intended to:

- Promote and invest in active transportation access modes to improve public health
- Prioritize the most sustainable access modes with focus on lowest greenhouse gases
- Ensure disadvantaged communities share the benefits of BART accessibility
- Develop partnership with municipalities, transit operators, . . . bike share operators to best meet access goals

Ford GoBike roll out at BART:

BART has also entered into an agreement with Motivate that specifies requirements for bike share stations on BART property. The site selection is a collaborative effort between BART, city and Motivate staff with the goal of locating bikes in close proximity to BART faregates to encourage use. Depending on available space at each station, bikes can either be sited on BART property or on adjacent city property. Prior to installation on BART property drawings are circulated internally for approval.

To date GoBike docks are installed and operating on BART property at the following BART stations: 16th St. Mission, Lake Merritt, MacArthur, Fruitvale, Ashby, North Berkeley and Rockridge.

Additional GoBike station installations are planned on BART property at Balboa Park and Glen Park. At the downtown San Francisco, Oakland and Berkeley stations, as well as West Oakland, the GoBike stations are located near station entrances on city property.

24th Street Mission Context:

The sole remaining unserved BART station in the GoBike service area is 24th Street Mission. Staff has identified locations on the southwest plaza for a 17-dock station and on the northeast plaza for a 16-dock station and obtained internal approval for the installations. There is currently opposition from some community organizations to this and other proposed GoBike stations in the vicinity. The community concerns included: 1) lack of opportunity for community participation in the program design, 2) a sense that the GoBike program would not serve the Mission District's lower income residents, and 3) a limitation of opportunities for community use of the plaza where the bikes occupy space.

In response to these concerns, BART, SFMTA and Motivate halted implementation of the program in the central Mission and began to develop a number of options to address the concerns voiced by some community organizations, including: Spanish language marketing materials, outreach materials, map panels, mobile app, station kiosks and outreach staff; alternate affordable membership pricing options; free trials for community-based organization membership; small business promotion; workforce development opportunities; art/cultural organization collaboration for station design or art-bikes; and partnership with community business organizations to manage memberships for the undocumented

population without federal income verification requirements.

This issue is now before the Board to provide staff with direction on selecting a recommended option for deployment of a Ford GoBike station(s) at the 24th St. Mission BART station.

FISCAL IMPACT

There are no fiscal obligations associated with the installation of Ford GoBikes on the 24th St. Mission BART plazas or the alternatives, other than staff oversight of installation, which is included in FY 19 budget.

RECOMMENDATION:

Staff recommendation is to proceed with approximately half the originally proposed installation on the southwest plaza and the other half of the installation adjacent to the library on the sidewalk. While open plaza space in the Mission is clearly a precious commodity, prioritizing a portion of the plaza for bike sharing is consistent with the plazas' role as a transportation hub and consistent with the BART Station Access Policy which prioritizes active access modes to stations. The area on the southwest plaza where the bikes would be docked is currently underutilized and the bike share station would activate this space. The areas of the plaza most commonly engaged for community activities would not be impacted.

ALTERNATIVES:

Both BART Plazas Alternative:

Locate approximately half the bikes on the southwest plaza and the other half on the northeast plaza of the 24th St. Mission BART Station as originally proposed.

Library Only Alternative:

Locate all the bikes on City sidewalk as close to BART as possible. A potential site has been identified at the corner of 24th Street and Bartlett Street adjacent to the Mission branch library. This location is approximately 180' from the closest corner of the southwest BART plaza.

MOTION:

The Board recommends installing approximately half the Ford GoBike docks on the southwest plaza at 24th St. Mission BART and the other half of the originally proposed installation on City sidewalk adjacent to the Mission branch library.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: November 8, 2018

FROM: General Manager

SUBJECT: BART Advertising Content Guidelines

Attached are slides regarding BART Advertising Content Guidelines for presentation and discussion at the November 15, 2018 Planning, Public Affairs, Access, and Legislation Committee meeting. Also attached are:

- Two versions of potential new guidelines for discussion (labeled Option A and Option B) and;
- The existing guidelines adopted by the Board in 2007 (labeled attachment E)



for Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff