

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

BOARD MEETING AGENDA

February 11, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 11, 2016, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of January 14, 2016 (Continued from January 28, 2016, Board Meeting); January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special).\* Board requested to authorize.
- B. Resolution Authorizing the Execution of a Project Application for the Fiscal Year 2015-16 Low Carbon Transit Operations Program.\* Board requested to adopt.
- C. Award of Contract No. 15NU-110, Station Access, Parking, Path, and Wayfinding Improvements North Concord and Pittsburg/Bay Point Stations.\* Board requested to authorize.
- D. Award of Invitation for Bid No. 8974, Truck, Track Crew.\* Board requested to authorize.
- E. Award of Invitation for Bid No. 8978, Lining, Brake, Bonded Assembly.\* Board requested to authorize.
- F. Award of Invitation for Bid No. 8982, Motor, Condenser Fan A2/B2.\* Board requested to authorize.
- G. Award of Invitation for Bid No. 8986, Truck, Weld, Heavy Duty.\* Board requested to authorize.
- H. Award of Invitation for Bid No. 8987, Regulators, Ballast, 66" Wide Gauge.\* Board requested to authorize.
- I. Award of Invitation for Bid No. 8988, Turnouts, Concrete, Tie, #10.\* 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 Saltzman, Chairperson

- A. Warm Springs/ South Fremont BART Station Parking Fees.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- B. Parking Control Fees at Coliseum Station during Events at O.Co Coliseum and Oracle Arena.\* Board requested to authorize.
- C. Modifications to Parking Citation Fines at BART District Parking Facilities.\* Board requested to authorize.
- D. BART Major Projects Stabilization Agreement.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Escalator Status Report.\* For information.
- B. Station Maintenance Standards.\* For information.
- C. Quarterly Performance Report, Second Quarter Fiscal Year 2016 - Service Performance Review.\* For information.

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

Director Raburn, Chairperson

- A. Warm Springs/South Fremont BART Station West Side Access Bridge.\* Board requested to authorize.
- B. 2016 State and Federal Legislative Goals.\* Board requested to authorize.
- C. Draft Bond Expenditure Program 2016.\* For information.
- D. 2016 Regional and Local Funding Opportunities and Efforts.\* For information.
- E. Development Opportunities at Balboa Park Station.\* For information.

7. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 17, 2016.\* For information.
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Policy Regarding Divestment from Investments in Thermal Coal.\* Board requested to authorize. (Director Josefowitz's request.)

B. 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.)

C. 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.)

D. 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 LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: BART vs. General Reinsurance Corp., US District Court 14CV 1866 JSC  
Government Code Section: 54956.9(a)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Alameda Superior Court Action No. RG14-733322  
Government Code Section: 54956.9(a)

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Freeman vs. BART, Alameda Superior Court Action No. RG14-736843  
Government Code Section: 54956.9(a)

D. PUBLIC EMPLOYEE EMPLOYMENT/ APPOINTMENT

Title: Independent Police Auditor; Interim Independent Police Auditor  
Government Code Section: 54957 (b) (1)

E. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman  
Title: Independent Police Auditor; Interim Independent Police Auditor  
Government Code Section: 54957.6

11. OPEN SESSION

A. Compensation and Benefits for Interim Independent Police Auditor.

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

Board of Directors  
Minutes of the 1,749th Meeting  
January 14, 2016

A regular meeting of the Board of Directors was held January 14, 2016, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California; and Marriott Marquis Washington, DC, 901 Massachusetts Avenue NW, Washington, DC. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present in Oakland: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Directors present in Washington: None.

Absent: Directors Keller and Mallett.

President Radulovich called for a moment of silence to remember the victim of the recent shooting on a train at West Oakland Station.

President Radulovich announced that an additional opportunity for Public Comment would be provided at the beginning of the meeting. The following individuals addressed the Board.

Peter Tzifas  
Angel Leon

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of December 2, 2015 (Special); December 3, 2015 (Regular); December 10, 2015 (Special); and December 17, 2015 (Regular).
2. 2016 Standing Committee and Special Appointments.
3. Revisions to Equal Employment Opportunity Policy and Prevention of Sexual Harassment in the Workplace Policy.
4. Award of Contract No. 79NK-210A, Uninterruptible Power Supply Procurement for Train Control Room.
5. Award of Invitation for Bid No. 8942, Station Agent and Foreworker Uniforms.
6. Award of Invitation for Bid No. 8981, Window, Hinged Cab, C Car.
7. Reject Bid for Contract No. 09DJ-140, Repair and Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System.

Director Blalock made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Keller and Mallett.

1. That the Minutes of the Meetings of December 2, 2015 (Special); December 3, 2015 (Regular); December 10, 2015 (Special); and December 17, 2015 (Regular), be approved.
2. That the Standing Committee and Special Appointments for 2016 be ratified.
3. That the revised Equal Employment Opportunity and Prevention of Sexual Harassment in the Workplace Policies be adopted.
4. That the General Manager be authorized to award Contract No. 79NK-210A, Procurement of Train Control Room Uninterruptible Power Supply, to Power Innovations International, Inc., for the Bid price of \$1,546,183.00, subject to the District's protest procedures.
5. That the General Manager be authorized to award Invitation for Bid No. 8942, for the procurement of Station Agent and Foreworker Uniforms, to M&H Uniforms, for the Bid price of \$1,368,852.10, including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8981, to John Marron & Associates, of Danville, California, for the Bid price of \$329,422.50, including sales tax, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.  
  
(The foregoing two motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose .)
7. That the single Bid tendered for Contract No. 09DJ-140, Repair and Maintenance of Anode Cables, Anode Array Assemblies, and Cathodic Protection System, be rejected, and that the General Manager be authorized to re-advertise the work.

Director Saltzman, Chairperson of the Administration Committee, had no items.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 8960A, Procurement of Antenna's MUX, before the Board. Mr. Raul Millena, Manager of Train Control Engineering, presented the item. Director Saltzman moved that the General Manager be authorized to award Invitation for Bid No. 8960A, for the procurement of MUX antenna equipment, to LeeMAH Electronics, Inc., for the not-to-exceed price of \$3,138,660.00, plus applicable taxes, pursuant to notification to be issued by the General Manager. Director Blalock seconded the motion. The item was discussed. The motion

carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Josefowitz, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Keller and Mallett. (The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Resolution Requesting Funding of Additional BART Rail Vehicles by County Congestion Management Agencies in Contra Costa, Alameda, and San Francisco before the Board. Director Murray, General Manager Grace Crunican, and Ms. Deidre Heitman, Manager, Special Projects, presented the item. The item was discussed.

Director Raburn brought the matter of Late Night Bus Service Update – Research Plan, before the Board. Ms. Mariana Parreiras, Access Coordinator, Transit & Shuttles; and Mr. Aaron Weinstein, Department Manager, Marketing and Research, presented the item. The item was discussed. (Director Mallett’s written comments are attached and hereby made a part of these Minutes.)

Director Raburn brought the matter of BART Accessibility Task Force (BATF) Annual Report before the Board. Mr. Alan Smith, Chair of the BATF, and Mr. Clarence Fischer, Vice Chair, presented the report.

President Radulovich called for the General Manager’s Report. Ms. Crunican gave a brief report on the recent homicide on a train at the West Oakland Station, reported on steps she had taken and activities and meetings she had participated in, and reported on open Roll Call for Introduction items.

President Radulovich brought the matter of Resolution to Amend the Money Purchase Pension Plan to Provide for Additional Contributions for the General Manager before the Board. Director Murray moved adoption of Resolution No. 5307, In the Matter of an Amendment to the Money Purchase Pension Plan. Director Blalock seconded the motion, which carried by electronic vote. Ayes - 5: Directors Blalock, Josefowitz, McPartland, Murray, and Raburn. Noes - 2: Directors Saltzman and Radulovich. Absent - 2: Directors Keller and Mallett.

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

Director Raburn requested the District not automatically provide paper receipts at ticket vending machines, noting this request is a continuation of RCI 14-748 from June 12, 2014. Director Josefowitz seconded the request.

Director Raburn reported he had attended a College of Alameda workforce development program for transportation and logistics workers.

Director Blalock reported he had given a Better BART presentation at the California School for the Deaf.

Director McPartland reported he had given a Better BART presentation in Pleasanton.

Director Josefowitz reported that he would have an item on an upcoming agenda regarding divesting from thermal coal. Director Josefowitz reported that escalator outages were not meeting District goals and requested some feedback on the matter.

Director Murray reported that she had attended the installation of the new Chairperson of the Contra Costa County Board of Supervisors.

President Radulovich called for In Memoriam. No requests were received.

President Radulovich called for Public Comment. The following individuals addressed the Board.

Jerry Grace  
Wilfred Ussery

President Radulovich announced that the Board would enter into closed session under Items 9-A and 9-B (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 10:39 a.m.

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The Board Meeting reconvened in closed session at 10:45 a.m.

Directors present: Directors Blalock, McPartland, Raburn, Saltzman, and Radulovich.

Absent: Directors Keller and Mallett. Directors Josefowitz and Murray entered the Meeting later.

Director Murray entered the Meeting.

Director Josefowitz entered the Meeting.

The Board Meeting recessed at 12:24 p.m.

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The Board Meeting reconvened in open session at 12:25 p.m.

Directors present: President Radulovich.

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

President Radulovich announced that the Board had concluded its closed session under Items 9-A and 9-B, and that there were no announcements to be made.

The Meeting was adjourned at 12:25 p.m.

Kenneth A. Duron  
District Secretary



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: January 13, 2016

FROM: Director, District 7

SUBJECT: Agenda Item 5(B): Late Night Bus Service Update

I will not be present at the January 14 Board of Directors meeting, so am submitting my comments relating to the Agenda Item 5(B) (Late Night Bus Service Update) in writing.

**Background**

At the November 19 meeting of the Board of Directors, when the Board directed staff to return with a scope of work for a survey and marketing effort related to our late night bus program, I expressed concern about expending finances on marketing for the program given that we do not have a clear understanding of the prospective clientele to target the marketing towards nor whether the marketing will provide a return on such investment (i.e., more riders on the service). Several customers and constituents have expressed to me that the late night bus service is not a viable alternative to BART overnight due to the limited speed of the service. This suggests that many customers who "BART in" to San Francisco use a different means to get back to the East Bay and that this service may only be viable for customers who rely on it as a lifeline service or who are going a short distance into the East Bay such that the speed limitation of the service does not have a major impact on their trip.

**Proposal**

For any marketing effort of our late night bus program to be effective, we need a better understanding whether a reasonable increase in ridership can be expected from it and, if so, who to target the marketing towards. This understanding can only be achieved if Marketing and Research staff incorporates into a survey a description of the late night bus service (e.g., its fare costs, travel times, etc.), asks customers whether they would be inclined to make use of the service or choose alternative options, and associates these answers with characteristics of the survey participants (e.g., geographic location, whether or not they have access to alternative modes of transportation, demographic information, etc.).

It is my preference that staff be directed to include the above components in any surveying effort done and that the survey results be presented back to the Board of Directors prior to investment in any additional marketing of the late night bus program.

I ask that my fellow colleagues on the Board of Directors consider this when providing feedback to staff about the scope of work of their survey and marketing efforts on January 14.



Zakhary Mallett

cc: Board Appointed Officers  
Executive Staff  
Deputy General Manager  
Chief Marketing Officer  
Department Manager, Customer Access and Accessibility

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

Board of Directors  
Minutes of the 1,750th Meeting  
January 28, 2016

A regular meeting of the Board of Directors was held January 28, 2016, convening at 9:02 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director McPartland entered the Meeting later.

President Radulovich announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on proposed parking fees for the new Warm Springs BART Station and for parking control fees at Coliseum BART during events at the O.co Coliseum and Oracle Arena, that staff would give a brief presentation on the items, and that the meeting would then be opened for comments from the public.

Mr. Bob Franklin, Department Manager, Customer Access, presented the item.

Director McPartland entered the Meeting.

There being no public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 14, 2016.
2. Revisions to 2016 Standing Committee and Special Appointments.
3. District Base Pay Schedules.
4. Award of Contract No. 15TF-121A, Install Safety Barriers in Right-of-Way System Wide Phase II.
5. Award of Contract No. 17DA-110, Oakland Shop Inspection Pit Expansion.

Consent Calendar reports brought before the Board were:

1. Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2015.
2. Fiscal Year 2016 First Quarter Financial Report.

Director Mallett requested Item 2-A, Approval of Minutes of the Meeting of January 14, 2016, be removed from Consent Calendar and continued to a future meeting.

Director Keller requested Item 2-B, Revisions to 2016 Standing Committee and Special Appointments, be removed from Consent Calendar.

President Radulovich announced that Item 2-C, District Base Pay Schedules, would be removed from Consent Calendar.

Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the General Manager be authorized to award Contract No. 15TF-121A, Installation of Right-of-Way Safety Barriers System Wide, Phase II, to Golden Bay Fence Plus Iron Works, Inc., for the Bid price of \$1,039,416.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to award Contract No. 17DA-110, Oakland Shop Inspection Pit Expansion, to Valentine Corporation, for the Bid price of \$858,369.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

President Radulovich brought the matter of Revisions to 2016 Standing Committee and Special Appointments before the Board. The item was discussed and continued to a future meeting.

President Radulovich brought the matter of District Base Pay Schedules before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, gave a brief presentation on the item. Director Raburn moved that the base pay schedules in effect January 1, 2015, and January 1, 2016, be approved. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 1: Director Mallett.

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Coliseum Transit Village Project - Phase I, before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item.

The following individuals addressed the Board.

Honorable Larry Reid

Michael Johnson

Peter Woller

Sylvester Galsby

Clint Bolden

The item was discussed.

Director Raburn brought the matter of Resolution Requesting Funding of Additional BART Rail Vehicles by County Congestion Management Agencies in Contra Costa, Alameda, and San Francisco before the Board. Ms. Deidre Heitman, Manager, Special Projects; presented the item. The item was discussed. Director Murray moved adoption of Resolution No. 5308, in the Matter of Support for the Funding of Additional BART Rail Vehicles by the County Congestion Management Agencies in Alameda, Contra Costa and San Francisco Counties, as amended. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 1: Director Blalock.

Director Raburn brought the matter of Research on a Potential 2016 Funding Measure for District Infrastructure before the Board. Ms. Kerry Hamill, Assistant General Manager, External Affairs, and Mr. David Metz, President of Fairbank, Maslin, Maullin, Metz & Associates, presented the item. The item was discussed.

President Radulovich brought the matter of Policy Requiring Inclusion of Affordable Housing in Proposed Development Projects at BART Stations before the Board. Director Mallett gave a brief presentation on the item.

The following individuals addressed the Board.

Lily Gray  
Joel Ramos  
Amie Fishman  
Jeff Levine  
Nur Kausar

The item was discussed. Director Mallett moved adoption of the Affordable Housing Policy, with amendments as proposed by the Board. Director Saltzman seconded the motion.

Discussion continued. Director Blalock made a substitute motion, to revise the second paragraph to read as follows:

Each Request for Qualifications (RFQ) or Request for Proposals (RFP) issued by the District relating to proposed residential development projects at BART stations shall include the current percentage of affordable housing constructed at that station along with the cumulative 20 percent goal of affordable housing units within one-quarter mile walking distance of that station.

Director Murray seconded the substitute motion, which failed. Ayes - 4: Directors Blalock, McPartland, Murray, and Raburn. Noes - 5: Directors Josefowitz, Keller, Mallett, Saltzman, and Radulovich.

The main motion carried by electronic vote. Ayes - 6: Directors Josefowitz, Keller, Mallett, McPartland, Saltzman, and Radulovich. Noes - 3: Directors Blalock, Murray, and Raburn. (The Affordable Housing Policy is attached and hereby made a part of these Minutes.)

Director Saltzman, Chairperson of the Administration Committee, brought the matters of Warm Springs Station Parking Fees and Parking Control Fees at Coliseum Station during Events at

O.Co Coliseum and Oracle Arena before the Board. Mr. Robert Franklin, Department Manager, Customer Access, presented the items. The items were discussed.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Sole Source Procurement with Cubic Transportation Systems, Inc., for Procurement of Ticket Vending Machine Transport Installation Kits with Software Modifications to Dispense Clipper® Cards, before the Board. Ms. Patricia Nelson, Project Manager, Clipper® Program, presented the item. The item was discussed. Director Josefowitz moved that the Board find, pursuant to Public Contract Code section 20227, that Cubic Transportation Systems, Inc., is the single source for procurement of ticket vending machine transport installation kits with software modifications to dispense Clipper® cards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations and execute a contract with Cubic Transportation Systems, Inc., for such procurement, in an amount not to exceed \$2,800,000.00, subject to certification by the Controller-Treasurer that funding is available. Director Murray seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

The Board Meeting recessed at 12:59 p.m.

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The Board Meeting reconvened in open session at 1:31 p.m.

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

Absent: Director Saltzman. Director Keller entered the Meeting later.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 59CT-120, Way Finding Improvements, Phase III, before the Board. Mr. Tian Feng, District Architect, presented the item. The item was discussed.

Director Keller entered the Meeting.

Director Blalock moved that the General Manager be authorized to award Contract No. 59CT-120, Wayfinding Improvements Phase III, to LC General Engineering & Construction, Inc., for the Bid price of \$7,040,757.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Murray seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes - 0. Absent - 1: Director Saltzman.

President Radulovich 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, and

reported on open Roll Call for Introduction items. Mr. Paul Oversier, Assistant General Manager, Operations, reported on the service plan for SuperBowl week.

President Radulovich brought the matter of Policy Regarding Divestment from Investments in Thermal Coal before the Board. Director Josefowitz presented the item. The item was discussed.

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

Director Mallett reported he had attended the Transportation Research Board conference.

Director Keller requested an update on obtaining surveillance cameras for all train cars. Mr. Oversier gave a brief report on the status.

Director Keller requested the creation of a Parking and Connectivity Subcommittee, to consist of elected officials and staff from BART, Livermore-Amador Valley Transit Authority, Western Contra Costa Transit Authority, Central Contra Costa Transit Authority, and Tri-Delta Transit, to review the parking needs of riders from these areas and examine ways to provide alternatives to improve connectivity between these agencies; and if agreed upon by all parties, the meetings of the committee would be hosted on a rotational basis by each agency agreeing to participate; with Minutes of the meetings to be adopted and approved by the members of the committee. Director McPartland seconded the request.

Director Murray requested a report on the implementation of a plan for improved customer communications authorized by the Board on July 23, 2015. Director Josefowitz seconded the request.

Director Raburn reported he had attended the District's Martin Luther King Jr. "Living the Dream" event.

President Radulovich reported he had attended the District's Martin Luther King Jr. "Living the Dream" event.

President Radulovich called for In Memoriam, and requested that the Meeting be adjourned in memory of Espinola Jackson.

Director Raburn requested the Meeting be adjourned in memory of Sylvia McLaughlin.

President Radulovich called for Public Comment. The following individuals addressed the Board.

John Gallagher  
Jerry Grace  
Chris Finn

President Radulovich announced that the Board would enter into closed session under Item 9-A (Conference with Labor Negotiators) and Item 9-B (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 2:49 p.m.

The Board Meeting reconvened in closed session at 2:56 p.m.

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

Absent: Director Saltzman.

The Board Meeting recessed at 4:02 p.m.

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The Board Meeting reconvened in open session at 4:03 p.m.

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

Absent: Directors Josefowitz and Saltzman.

President Radulovich announced that the Board had concluded its closed session on Item 9-A and that there were no announcements to be made.

The Board Meeting recessed at 4:04 p.m.

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The Board Meeting reconvened in open session at 4:35 p.m.

Directors present: Director Radulovich.

Absent: Director Saltzman. Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, and Raburn entered the Meeting later.

President Radulovich announced that the Board would enter into closed session under Item 9-B (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 4:36 p.m.

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The Board Meeting reconvened in closed session at 4:36 p.m.

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

Absent: Director Saltzman. Director Blalock entered the Meeting later.

Director Blalock entered the Meeting.

The Board Meeting recessed at 4:51 p.m.

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The Board Meeting reconvened in open session at 4:52 p.m.

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

Absent: Director Saltzman.

President Radulovich announced that the Board had concluded its closed session on Item 9-B.

Director Raburn moved that the Board, acting on behalf of BART as the responsible agency for California Environmental Quality Act (CEQA) purposes, having considered the City of Oakland's Findings, Conditions of Approval and Notice of Exemption as set forth in the City's Project Approval document dated January 5, 2014, in connection with the Coliseum Transit Village Project – Phase 1, find that the Project is exempt from CEQA as an in-fill development under Section 15332 of the CEQA Guidelines, and that no further environmental review is required. Director Blalock seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes – 1: Director Keller. Absent - 1: Director Saltzman.

Director Raburn moved that the General Manager or her designee be authorized to execute an Option Agreement with Oakland Economic Development Corporation and UrbanCore Development, LLC, for the 66-year ground lease of approximately 1.32 acres of BART land at 7001 Snell Street, Oakland, California, for the development of a 110-unit (50 percent affordable, 50 percent workforce) rental housing project, with the option expiring December 31, 2016; and that the General Manager be authorized to execute any and all actions in support of the aforementioned motions. Director McPartland seconded the motion, which carried by roll call vote. Ayes - 6: Directors Blalock, Keller, Mallett, McPartland, Murray, and Raburn. Noes – 2: Directors Josefowitz and Radulovich. Absent - 1: Director Saltzman.

Director McPartland moved that the General Manager or her designee be authorized to execute a Shared Parking Agreement with the City of Oakland for approximately 112 spaces on a portion of Snell Street and 71<sup>st</sup> Avenue in connection with the Coliseum Transit Village – Phase 1 Project. Director Blalock seconded the motion, which carried by roll call vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich. Noes – 0. Absent - 1: Director Saltzman.

The Meeting was adjourned at 4:59 p.m. in memory of Espinola Jackson and Sylvia McLaughlin.

Kenneth A. Duron  
District Secretary



## AFFORDABLE HOUSING POLICY

It shall be the policy of the District that at each station where the District intends to pursue development that the cumulative development consist of a number of affordable housing units amounting to no less than 20 percent of the total proposed housing units on the property. This goal is for the total aggregate number of residential units on BART property at the station, regardless of the planned phasing of the project.

Each Request for Qualifications (RFQ) or Request for Proposals (RFP) issued by the District relating to proposed residential development projects at BART stations shall include the current percentage of affordable housing constructed at that station along with the cumulative 20 percent goal of affordable housing units per station.

The percentage of affordable units and/or depth of unit affordability based on Area Median Income (AMI) categories in any residential developments at its stations shall be a part of the District's assessment of RFQ/RFP responsiveness. There shall be a priority on residential units made available to very low (< 50% AMI) and low (51-80% AMI) income households. The General Manager or his/her designee will develop an approach to evaluating respondents' affordability housing proposals, that will consider a proposal's quantity and depth of affordability, as well as the proposal's validity and feasibility with respect to this policy.

If a party responding to the RFQ or RFP determines that such a goal is not feasible, that party shall provide an impact analysis, which will be assessed by the District to determine if the goal cannot be attained.

Upon selection of a Developer, the District commits to working with the Developer throughout the development's negotiation process to achieve the pre-established affordable housing goal.

As the negotiations of the proposed development proceed, the General Manager or his/her designee will provide periodic updates to the Board regarding the financial details of each component of the development, culminating in a term sheet for Board approval.

BART also affirms its commitment to develop sustainable partnerships to achieve thriving Priority Development Areas (PDA) at or near BART stations with housing opportunities for residents of all income levels – particularly those populations most reliant on public transit – in order to reduce Greenhouse Gas Emissions (GHG), encourage use of public transit and active transportation, and decrease reliance on automobiles.

On a project-by-project basis, the General Manager or his/her designee may request from the Board an exception to this Policy if staff determines it is infeasible for a specific project.

This policy shall be prospective, and shall not be applicable to past or present development projects for which exclusive negotiating agreements, option agreements for ground leases, or ground leases have already been executed between BART and developers.

Adopted: January 28, 2016

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

Board of Directors  
Minutes of the 1,751st Meeting  
January 28, 2016

A special meeting of the Board of Directors was held January 28, 2016, convening at 4:04 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, Mallett, Raburn, and Radulovich.

Absent: Director Saltzman. Directors Josefowitz, McPartland, and Murray entered the Meeting later.

President Radulovich called for Public Comment on Item 3-A only. No comments were received.

President Radulovich announced that the Board would enter into closed session under Item 3-A (Public Employment) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 4:05 p.m.

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The Board Meeting reconvened in closed session at 4:07 p.m.

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

Absent: Director Saltzman. Director Josefowitz entered the Meeting later.

Director Josefowitz entered the Meeting.

The Board Meeting recessed at 4:34 p.m.

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The Board Meeting reconvened in open session at 4:35 p.m.

Directors present: Director Radulovich.

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

President Radulovich announced that the Board had concluded its closed session under Item 3-A of the Special Meeting agenda, and that there were no further announcements to be made.

The Meeting was adjourned at 4:35 p.m.

Kenneth A. Duron  
District Secretary

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

Board of Directors  
Minutes of the 1,752nd Meeting  
February 4, 2016

A special meeting of the Board of Directors was held February 4, 2016, convening at 8:38 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, and Radulovich.

Absent: None. Directors Keller, Murray, Raburn, and Saltzman entered the Meeting later.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

President Radulovich announced that the Board would enter into closed session under Item 3-A (Public Employment) and Item 3-B (Conference with Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 8:39 a.m.

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The Board Meeting reconvened in closed session at 8:42 a.m.

Directors present: Directors Blalock, Josefowitz, Mallett, McPartland, Saltzman, and Radulovich.

Absent: None. Directors Keller, Murray, and Raburn entered the Meeting later.

Director Murray entered the Meeting.

Director Keller entered the Meeting.

Director Raburn entered the Meeting.

The Board Meeting recessed at 11:29 a.m.

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The Board Meeting reconvened in closed session at 1:02 p.m.

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

Absent: None.

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The Board Meeting recessed at 3:09 p.m.

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The Board Meeting reconvened in open session at 3:10 p.m.

Directors present: Director Radulovich.

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

President Radulovich announced that the Board had concluded its closed session under Items 3-A and 3-B of the Special Meeting agenda, and that there were no further announcements to be made.

The Meeting was adjourned at 3:10 p.m.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development <i>[Signature]</i> Signature/Date: 2.1.16	General Counsel <i>[Signature]</i> 2/2/16 [ ]	Controller/Treasurer <i>[Signature]</i> 2/2/16 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2-1-16 [ ]
Status: Routed		Date Created: 01/26/2016		

TITLE:  
**Adoption of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY16 Low Carbon Transit Operations Program (LCTOP)**

NARRATIVE:

**Purpose:**

To obtain Board approval of a Resolution Authorizing the Execution of the Additional Rail Cars Project Application for the FY16 Low Carbon Transit Operations Program (LCTOP).

**Discussion:**

The Low Carbon Transit Operations Program (LCTOP) is one of several programs established by the California Legislature in 2014 through Senate Bill 862 (SB 862) and 852 (SB 852). Drawing its funds from the state's Cap-and-Trade Program annual proceeds, the LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving Disadvantaged Communities.

Eligible projects and programs include new or expanded bus or rail services, expanded intermodal transit facilities, equipment acquisition, fueling, maintenance and other operating costs. Eligible projects must demonstrate greenhouse gas reductions and be consistent with both BART's Short Range Transit Plan (SRTP) and the region's Sustainable Communities Strategy (i.e., Plan Bay Area). In addition, 50% of the total funds received by a transit agency must be expended on projects that benefit Disadvantaged Communities within the agency's service area. Because approximately 50% of BART's stations serve Disadvantaged Communities, staff have determined that any project serving the entire BART system meets this criterion.

The LCTOP is a formula-based program, administered by the California Department of Transportation (Caltrans), similar to the State Transit Assistance (STA) program, in which BART receives the funding directly from the state, once applications are approved. For FY16, BART is eligible to receive \$4,476,845, nearly \$3 million more than in FY15. Funding is forecast to be released on June 1, 2016. Final guidelines, issued by Caltrans in December 2015, require transit agencies that receive LCTOP funds to authorize, by Board resolution, its agents to execute application documents and provide certain certifications and assurances. Previously, on March 26, 2015, the BART board passed Resolution 5290, authorizing the execution of required Certifications and Assurances for the LCTOP program. The final guidelines allow grant funds to be applied to a single project for up to three years. Caltrans has specified that an applicant must

propose a project or project that utilizes the entire FY16 allocation.

Consistent with the BART Board-adopted FY15 budget, in April 2015, BART applied for and used the FY15 LCTOP funds (\$1,596,049) for the Train Car Repair and Maintenance Project, ~~which provided for weekend maintenance shifts at the Hayward Maintenance facility. These shifts were added specifically to increase the availability of cars each weekday.~~ The FY15 LCTOP funds provided half the funding needed for the project; BART operating funds were used to fully fund the project for one year.

For the FY16 staff proposes to apply the grant funds to the Additional Rail Cars Project which is the acquisition of 4 new rail cars (produced after the test cars) to be run as part of the mixed fleet adding needed capacity and therefore able to demonstrate green house gas emissions reduction. Further, staff proposes that starting with the FY16 amount, 3 years of LCTOP funds (estimated at \$14,000,000 subject to Cap and Trade auction proceeds) be banked until FY19 when full production of the new cars has commenced. The total amount banked is anticipated to offset, in part, the FY16, FY17, and FY18 allocations to capital from the Operating Budget for the new car program.

**Fiscal Impact:**

If the proposed project is approved by Caltrans, the funds will be applied to the acquisition of the new cars. BART will bank the LCTOP funds for 3 years and then utilize/draw down these funds in the FY19 budget year for the New Car program.

By adopting this Resolution Authorizing the Execution of a Project Application for the FY16 Low Carbon Transit Operations Program, BART may receive \$4,476,845 on June 1, 2016.

This action will have no fiscal impact on un-programmed District Reserves.

**Alternative:**

Do not approve the Resolution Authorizing the Execution of a Project Application for the Train Car Repair and Maintenance Project for the Low Carbon Transit Operations Program (LCTOP). BART could choose another project.

**Recommendation:**

Adoption of the following motion.

**Motion:**

The BART Board approves adoption of the attached Resolution "In the Matter of Authorizing the Execution of a Project Application for the FY 2015-16 Low Carbon Transit Operations Program: Additional Rail Cars Project".

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

In the Matter of Authorizing the Execution of  
A Project Application for the FY 2015-16  
Low Carbon Transit Operations Program  
Additional Rail Cars Project

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

**WHEREAS**, the San Francisco Bay Area Rapid Transit District may receive state funding for transit projects from the Low Carbon Transit Operations Program (LCTOP) now or sometime in the future; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by applicable regulations; and

**WHEREAS**, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

**WHEREAS**, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

**WHEREAS**, BART wishes to implement the LCTOP Additional Rail Car project,

**NOW, THEREFORE, BE IT RESOLVED** by the BART Board of Directors that it agrees to comply with all conditions and requirements set forth in the applicable statutes, regulations and guidelines for all LCTOP funded transit projects; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby authorizes the submittal of the Additional Rail Cars Project nomination(s) and allocation request of \$4,476,845 to Caltrans for FY 2015-16 LCTOP funds:

**AGENCY BOARD DESIGNEE:**

**BY:** \_\_\_\_\_





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marco DeVerghe</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carl Orman Dept:	General Counsel	Controller/Treasurer	District Secretary	SARF
<i>Carl Orman 2/1/16</i> Signature/Date:	<i>[Signature] 2/1/16</i> [ ]	<i>[Signature] 2/1/16</i> [ ]	[ ]	<i>[Signature] 2/1/16</i>

TITLE:

### Award of Contract No. 15NU-110, Station Access, Parking, Path and Wayfinding Improvements, North Concord and Pittsburg/Bay Point

NARRATIVE:

**PURPOSE:** To obtain the Board's authorization for the General Manager to award Contract No. 15NU-110 Station Access, Parking, Path and Wayfinding Improvements, North Concord and Pittsburg/Bay Point to Sposeto Engineering, Inc. ("Sposeto"), of Livermore California for the Bid price of \$1,331,500.00.

**DISCUSSION:** This Contract is designated as a Micro Small Business Entity ("MSBE") Set Aside Contract under the District's Disadvantaged Business Enterprise Program Small Business Elements ("SBE Elements"). Bidders were informed that Bids may only be submitted by firms certified as a MSBE, under the District's SBE Elements, prior to the Bid opening date. The scope of this Contract includes, among other things, the furnishing all labor, equipment, materials and services required for the North Concord and Pittsburg/Bay Point Stations accessible parking, sidewalk, and wayfinding improvements. The Work includes, two (2) bus shelters and concrete pavement at a bus loading area, asphalt and concrete pavement at the accessible parking areas, accessible drop offs, installation of signage, pavement markings and striping, exterior lighting improvements and miscellaneous work. This scope of work addresses the findings of non-compliance outlined in the Federal Transit Administration (FTA) Americans with Disability Act (ADA) Rail Station Compliance Assessment report issued in September 2011 which requires the correction of accessibility deficiencies.

The District provided advanced notice to 107 prospective Bidders on November 5, 2015 and Contract Documents were sent to 22 plan rooms. The Contract was advertised on November 10, 2015 in local publications. A total of seven (7) firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on December 1, 2015 and three (3) prospective Bidders attended the meeting. Three (3) Bids were received and Bids publicly opened on January 12, 2016. A tabulation of the Bids, including the Engineer's Estimate is as follows:

<b>Bidder</b>	<b>Location</b>	<b>Total Base Bid Price</b>
Ghilotti Brothers, Inc.	San Rafael, CA	\$1,286,300.00
Sposeto Engineering, Inc.	Livermore, CA	\$1,331,500.00
Bay Construction Co.	Oakland, CA	\$1,346,000.00
<b>Engineer's Estimate</b>		<b>\$1,244,999.00</b>

After review by District Staff, the bid by Ghilotti Brothers, Inc. ("Ghilotti") was determined to be non responsive to the solicitation. Bids could only be submitted by firms certified as a MSBE prior to the Bid opening date and Ghilotti is not currently certified as a MSBE by the District. The District's review of the second apparent low bid by Sposeto was determined to be responsive to the solicitation. Examination of Sposeto's license, business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the bid price of \$1,331,500.00, is fair and reasonable.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of minor alterations of existing facilities involving no expansion of use.

The project will receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, FTA, has concurred that implementation of the project will not have a significant impact on the environment and qualified for a categorical exclusion as defined under 23 CFR 771.117 (c) (15) for alterations to facilities to make them more accessible for elderly and handicapped persons. The categorical exclusion list has since been updated by FTA but the project would still qualify as a categorical exclusion.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements this Contract was advertised as a Micro Small Business Entity (MSBE ) Set-Aside. All prospective Bidders who are interested in submitting a Bid on MSBE Set-Aside Contracts must be certified first by BART's Office of Civil Rights as an MSBE. The lowest responsive bidder, Sposeto Engineering, Inc., is a BART certified MSBE.

**FISCAL IMPACT:**

Funding of \$1,331,500 for the award of Contract No. 15NU-110 is included in the total project budget for FMS #15NU001 – ADA Path – DP/NC/PB/SB Stations. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. As of January 15, 2016, \$5,874,610 is available for this project from the following sources:

Fund Number	Fund Description	Source	Funded Amount
3002	FY11 Capital Projects 5307 UAF	Federal	3,141,033
3011	FY15 - PM & Access Improvements	Federal	320,000
352U	FY02 Capital Assistance Program	Federal	2,220
352V	FY03 Capital Assistance Program	Federal	110,299
352X	FY05 Capital Assistance Program	Federal	364,530
352Z	FY07 Capital Assistance Program	Federal	722,367
354G	FY08 Capital Assistance Program	Federal	160,000
354R	FY10 Capital Project	Federal	67,647
6213	Regional Measure 2 Allocation # 08382301	MTC	4,182
6301	FY10-11 Project Match MTC Res#4013	MTC	412,833
801B	Basic System Completion	BART	27,575
8202	Sales Tax Revenue Bond	BART	3,649
850W	FY00-06 Capital Allocation	BART	84,130
851W	FY07-11 Capital Allocation	BART	1,721
8523	Capital Surcharge-Station to Station	BART	372,425
8526	FY2014 Operating to Capital Allocation	BART	80,000
<b>Total</b>			<b>6,874,610</b>

BART has expended \$2,286,665, committed \$521,417 and reserved \$0 to-date for other actions. This action will commit \$1,331,500 leaving an available fund balance of \$1,735,029 in this project. There is no fiscal impact on available unprogrammed District Reserves.

#### **ALTERNATIVES:**

The Board may elect to reject all Bids and authorize the Staff to re-advertise the Contract. Under this alternative, Staff would have to reissue the Bid package and obtain new Bids. The reissuance process will delay construction six (6) more months into the 2016 rainy season and may result in Bid prices that are higher than the current bids. The Board could also decline to authorize award of the Contract, which will result in deferral of correction of accessibility deficiencies discovered during an FTA audit at the North Concord and Pittsburg/Bay Point Stations. Additionally, Staff costs incurred to date may be required to be reimbursed to the FTA.

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

**MOTION:** The General Manager is authorized to award Contract No. 15NU-110, Station Access, Parking, Path and Wayfinding Improvements, North Concord and Pittsburg/Bay Point to Sposeto Engineering, Inc. for the Bid price of \$1,331,500.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 2/5/16		BOARD INITIATED ITEM: No			
Originator/Prepared by: Luis Leon Dep: <i>[Signature]</i> Signature/Date: <i>[Signature]</i> 2/4/16	General Counsel <i>[Signature]</i> 2/4/16 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2/4/16 [ ]	
Status: Approved		Date Created: 01/29/2016			

TITLE:

Award of IFB No. 8974, Truck, Track Crew

NARRATIVE:

**PURPOSE:**

To request Board Authorization to Award Invitation For Bid (IFB) No. 8974 to Golden Gate Truck Center, Oakland, CA, in the amount of \$1,267,682.90, including all applicable sales tax, for the purchase of four (4) Track Crew Trucks.

**DISCUSSION:**

Track Crew Trucks are used by the Right of Way, Track, and Structures Departments to move crew and materials to various work sites throughout the District. They deliver tools, equipment, cranes and power generation systems essential for performing right of way maintenance projects, to job sites. These multi-purpose rubber tire and rail wheel (hi-rail) vehicles are critical to completing track and infrastructure replacement and rebuilds which contribute to maintaining track BART network structures in a state of good repair.

The truck consists of a crew cab with front and rear seats providing room for a driver and up to four additional crew members, a heavy duty frame structure with truck bed, a four-thousand pound capacity crane with twenty foot boom extension, and a diesel power-take-off system (PTO) for running an onboard generator and air compressor. The PTO system supplies power to a hydraulic tool circuit for to running track tools, such as rail saws, drills, spike guns and pullers. The air compressor powers small pneumatic tools like impact guns, track wrenches and concrete coring drills used during track and tie replacement activity. To reduce incidence of injury to crew, mounted to the rear truck bed is a four-thousand (4,000) pound capacity crane that can assist with loading and unloading heavy tools, and materials like kegs of rail spikes and bolts, and grease buckets. All required safety lighting and bumper level scene lighting is included and the vehicle is propelled by a tier four (4) final diesel engine, equipped with, air pollution and exhaust emission control apparatus that meets all Federal and State of California requirements. The only alternative fuel options currently available for class seven (7) original equipment manufacturer (OEM) vehicles are: compressed natural gas (CNG), liquified natural gas (LNG) and renewable natural gas (RNG). The use of any of these alternative fuels within BART's underground tunnels would violate standing tunnel safety orders issued by the Division of Industrial Safety which prohibits the use of fuel-burning or internal combustion engines for mobile equipment underground except for diesel engines, and then only under conditions specified in accordance with Federal regulations. (See 8 California Code of Regulations Section

8470.)

The District currently owns fourteen (14) Track Crew Trucks ranging from twenty-five (25) to fifteen (15) years old. They have reached the end of their operating life cycle, are no longer feasible to maintain, and are experiencing excessive down time.

A notice requesting bids was published on November 20, 2015 and bid requests were mailed to five (5) prospective bidders. Bids were opened on December 8, 2015 and one (1) bid was received. Other potential bidders who declined to bid responded they were unable to meet BART wide gauge and on track clearance requirements for a small quantity order for this vehicle.

<u>Bidder</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Golden Gate Truck Center	\$316,920.72	4	\$1,267,682.90

The independent cost estimate by BART staff was: \$ 1,160,700.00, including 9.5% sales tax.

Staff has determined that the apparent low bidder, Golden Gate Truck Center, Oakland CA, submitted a responsive bid. Staff has also determined the price to be fair and reasonable based upon a market survey of qualified suppliers and the independent cost estimate by BART staff.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding for 50% of the contract price (\$633,841.45) (PR 10394) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. 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 since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
<b>Grand Total</b>	<b>49,066,480.70</b>

As of January 27, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,405,351.43, has committed \$5,753,866.95 and has reserved \$28,461,769.07 to date for other actions. This action will commit \$633,841.45, thus leaving an available balance of \$811,651.80 remaining in fund resources for this project.

Funding of the remaining \$633,841.45 for executing this contract (PR 10901) will come from project budget 79BJ001 Non-Revenue Vehicles Part II. 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 since 11/07/2014, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Group	Total Awarded
BART Operating allocation to Capital	5,275,315.39
<b>Grand Total</b>	<b>5,275,315.39</b>

As of January 27, 2016 \$ 5,275,315.39 is the total for this project. BART has expended \$831,756.79 and committed \$904,251.70 and has reserved \$144,603.78 to date for other actions. This action will commit an additional \$633,841.45 leaving an uncommitted balance of \$2,760,861.67 for this project.

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

**ALTERNATIVE:**

Reject the Bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having to rely on antiquated equipment, generating high maintenance cost, production inefficiencies and unacceptable down time.

**RECOMMENDATION:**

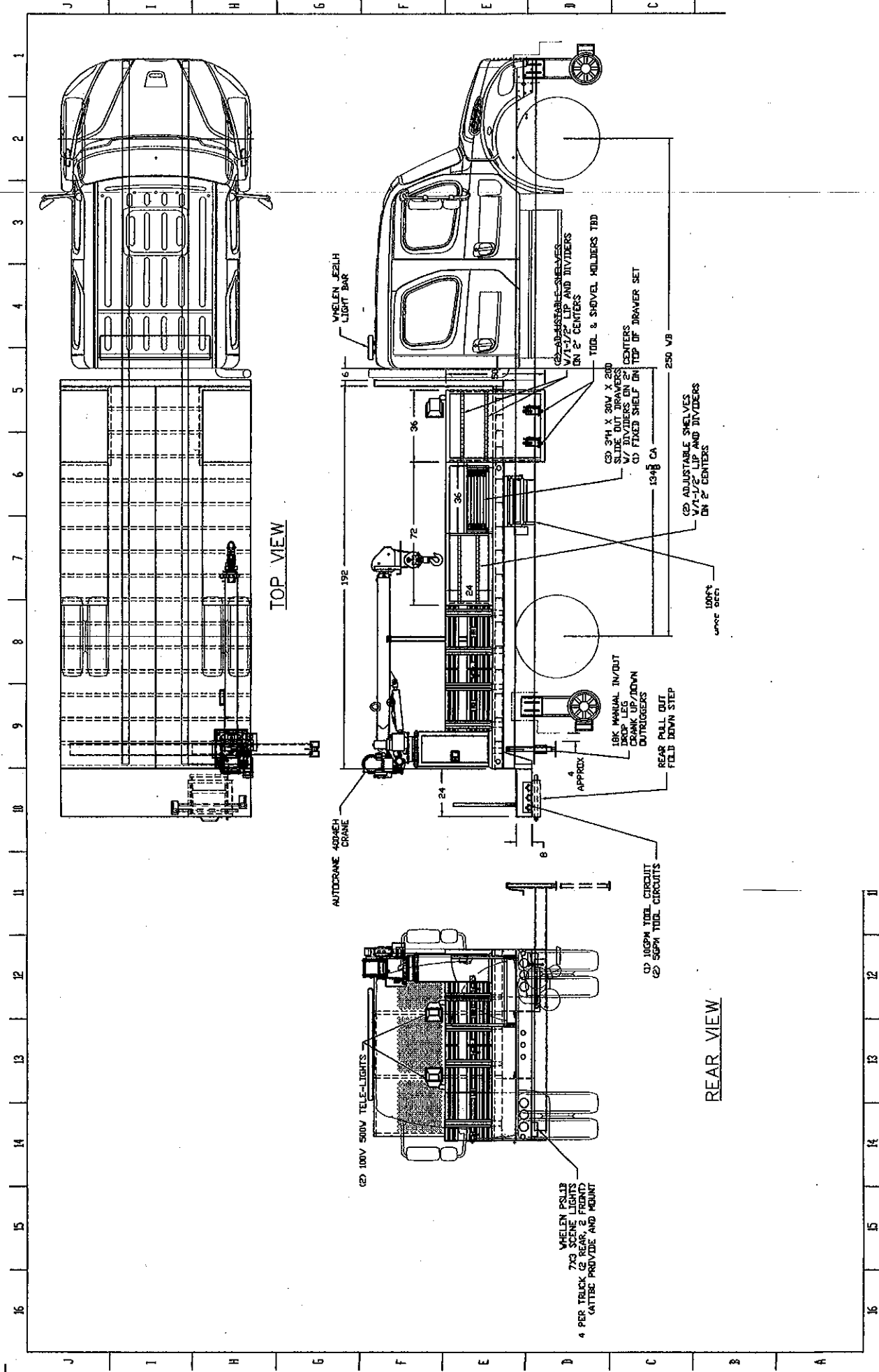
On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Invitation For Bid No. 8974 for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, CA in the amount of \$1,267,682.90, including all applicable sales tax, pursuant to notification to be issued by the

General Manager.





**TOP VIEW**

**REAR VIEW**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

1 2 3 4 5 6

WHELEN JAZZLH LIGHT BAR

ADJUSTABLE SHELVES  
1/4-1/2" LIP AND DIVIDERS  
ON 2" CENTERS

TOOL & SHOVEL HOLDERS TBD

ADJUSTABLE SHELVES  
1/4-1/2" LIP AND DIVIDERS  
ON 2" CENTERS

ADJUSTABLE SHELVES  
1/4-1/2" LIP AND DIVIDERS  
ON 2" CENTERS

3/4" X 2 3/8" X 2 3/8"  
SLIDE OUT BRAKES  
1/2" DIVIDERS ON 2"  
CENTERS

FIXED SHELF ON TOP OF DRAWER SET

19 1/2" CA

1000V  
SPACE SAVED

18K MANUAL IN/OUT  
DROP LEG  
CRANK UP/DOWN  
OUTRIGGERS

REAR PULL OUT  
FIELD DOWN STEP

AUTOCRANE 4004EH  
CRANE

100PM TOOL CIRCUIT  
500PM TOOL CIRCUITS

100V 500V TELE-LIGHTS

WHELEN POLIP  
7X3 SCENE LIGHTS  
4 PER TRUCK (2 REAR, 2 FRONT)  
GATTBIE PROVIDE AND MOUNT

192

36

36

24

72

250 VB

13 1/2" CA

1000V  
SPACE SAVED

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## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeWilde</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 2/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Randy Labeske Dept: RLZ Signature/Date: <i>RLZ</i> 2/3/16	General Counsel <i>W. J. [unclear]</i> Signature/Date: <i>[unclear]</i> 2/3/16	Controller/Treasurer <i>[unclear]</i> Signature/Date: <i>[unclear]</i> 2/3/16	District Secretary [ ]	BARC <i>[unclear]</i> Signature/Date: <i>[unclear]</i> 2/3/16
Status: Approved		Date Created: 02/01/2016		

TITLE:

### Invitation for Bid No. 8978 - Procurement of Lining, Brake, Bonded Assembly

NARRATIVE:

**PURPOSE:** To request Board Authorization to Award Invitation for Bid (IFB) No. #8978 to Carlisle Brake & Friction (Carlisle) of Sulon, OH in the amount of \$882,667.50 (includes all taxes) for the purchase of Lining, Brake, Bonded Assembly.

**DISCUSSION:** The District's fleet of revenue vehicles has a friction braking system which consists of a brake caliper, pad and disc system on each railcar's four (4) axles in order to provide braking as needed to ensure safe operation. The brake pads are consumable items and are condemned when they are no longer useful. This procurement is for the routine replenishment of stock for these brake parts.

This is a three (3) year estimated quantity Contract. Pursuant to the terms of the District's standard estimated quantity Contract provisions, the District is required to purchase a minimum amount of 50 percent of the Contract Bid price from the supplier during the term of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to availability of funding.

A notice requesting Bids was published on November 4, 2015 and Bid requests were mailed to twelve (12) prospective Bidders. Three (3) Bids were received and publicly opened on December 2, 2015. Staff determined the lowest Bid to be non-responsive due to exceptions taken in the Bid documents.

<u>Bidder</u>	<u>Unit Price</u> <u>19,500 each</u>	<u>Grand Total including</u> <u>10% Sales Tax</u>
Scan Pac Manufacturing	\$30.76	\$659,802.00 *
Carlisle Brake & Friction	\$41.50	\$882,667.20
Railroad Friction Products	\$53.25	\$1,142,212.50

Independent Cost Estimate: \$1,120,860.00  
(including 10% sales tax)

\*Bid determined by staff to be non-responsive.

After a review, staff has determined that the second apparent low Bid submitted by Carlisle is responsive to the solicitation and fair and reasonable based upon the Independent Cost Estimate. Furthermore, staff's review of Carlisle's license, business experience and financial capabilities has resulted in a determination that Carlisle is a responsive Bidder.

The District's Non Discrimination for Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts and Contracts under \$50,000 or to any IFB. As such, the Office of Civil Rights did not set availability percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses available for bidding this Contract. Therefore, no Small Business prime preference was set for this Contract.

Pursuant to the IFB provisions, Carlisle shall submit First Articles of the Lining, Brake, Bonded Assemblies within four (4) weeks following a Notice of Award of this Contract. Upon approval of the First Articles, the initial delivery of the assemblies to BART shall take place within sixty (60) days, with a minimum of four hundred (400) to be delivered per month.

#### **FISCAL IMPACT**

Funding for this Contract in the amount of \$882,667.20, including sales tax, will be funded initially by the General Fund, Materials & Supply Inventory build-up account (#140-010). Once the assemblies are issued to Operations, subsequent funding for this Contract will be provided under the Rolling Stock and Shops (RS&S) Maintenance, Repair and Other account (#680-230). Funding for the out year portions of the Contract will be requested in future RS&S operating budgets and proposed expenditures, which will be subject to future board approval.

**ALTERNATIVE:** The alternative to awarding this contract would be to reject the bids received and re-advertise the Contract. Staff does not believe that this would result in a better price or increased competition.

**RECOMMENDATION:** Adopt the following motion.

**MOTION:** The General Manager is authorized to award IFB 8978, an estimated quantity contract for Lining, Brake, Bonded Assembly, to Carisle Brake & Friction for the bid price of \$882,667.20 including sales tax, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 2/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Randy Labeske Dept: <i>[Signature]</i> Signature/Date: 2/3/16	General Counsel <i>[Signature]</i> 2/3/16	Controller/Treasurer <i>[Signature]</i> 2/3/16	District Secretary [ ]	BART <i>[Signature]</i> 2/3/16
Status: Approved		Date Created: 02/01/2016		

TITLE:  
**Award of Invitation for Bid No. 8982 - Procurement of Motor, Condenser Fan A2/B2 Car**

NARRATIVE:  
**PURPOSE:** To request Board authorization to award Invitation for Bid (IFB) No. 8982 to Dahl-Beck Electric (Dahl), of Richmond, CA in the amount of \$542,850.00 (includes all applicable sales tax) for the purchase of Motor, Condenser Fan A2/B2.

**DISCUSSION:** The District's fleet of revenue vehicles each have a heating, ventilation and air conditioning (HVAC) system that keeps the train car interior temperatures within a comfortable range. Within each HVAC unit, there is an electric motor that operates a fan that moves air past the condenser coil. These motors must be replaced periodically due to the finite life of the bearings. The District has 439 A2/B2 train cars, each with six HVAC units that contain a condenser motor. This procurement will allow the shops to replace the condenser fan motors to keep the systems operational.

This is a thirty month (30) estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of fifty percent (50%) of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to one hundred and fifty percent (150%) of the contract bid price, subject to availability of funding.

A notice requesting bids was published on November 4, 2015 and bid requests were mailed to four (4) prospective bidders. Bids were opened on December 2, 2015 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price</u> <u>1500 each</u>	<u>Base Price</u> <u>Including 10% Sales Tax</u>
Dahl-Beck Electric	\$329.00	\$542,850.00
Westcode, Inc	\$404.74	\$667,821.00
Magnatech Ind. Services	\$440.00	\$726,000.00

Independent cost estimate by BART staff: \$726,000.00 (including 10% sales tax)

Staff has determined that the apparent low bidder, Dahl-Beck Electric, submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on the independent cost estimate. Furthermore, examination of Dahl's business experience and financial capabilities shows a satisfactory condition.

The District's Non-Discrimination Program for subcontracting is not applicable to IFB's. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise or Women Business Enterprise Availability Percentages for this Contract.

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

The first Article shall be submitted within six (6) weeks after award of the Contract.

Delivery of one hundred and fifty (150) units each shall be delivered within six (6) weeks after the Districts approval of the first article. The second delivery of one hundred and fifty units each shall be delivered one (1) month later. All additional deliveries will be seventy-five (75) units each per month, until completion of the contract.

#### **FISCAL IMPACT**

Funding for this contract in the amount of \$542,850.00 will initially be funded by the General Fund, Materials & Supply Inventory build-up account (140-010). Subsequent funding for this contract when the materials are issued to operations will be provided by the Rolling Stock and Shops (RS&S) Maintenance, Repair and Other account (680-230). Funding for the out year portions of the contract will be requested in future RS&S operating budgets and expenditures will be subject to future board approval.

**ALTERNATIVE:** Reject the bids and re-advertise the Contract. This, however, is not likely to lead to increased competition or lower prices and could result in severe operational delays within the District.

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

**MOTION:** The General Manager is authorized to award IFB No. 8982, for the procurement of Motor, Condenser Fan A2/B2, to Dahl-Beck Electric for the bid price of \$542,850.00 including all applicable sales tax, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 2/5/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Luis Leon Dept: [ ]	General Counsel <i>[Signature]</i> 2/4/16 [ ]	Controller/Treasurer <i>[Signature]</i> 2/5/16	District Secretary BART <i>[Signature]</i> 2/4/16 [ ]
Signature/Date: <i>[Signature]</i> 2/4/16		Signature/Date: <i>[Signature]</i> 2/4/16	
Status: Approved		Date Created: 01/29/2016	

TITLE:

### Award of IFB No. 8986, Truck, Weld, Heavy Duty (Weld Trucks)

NARRATIVE:

#### PURPOSE:

To request Board authorization to Award Invitation For Bid (IFB) No. 8986 to Golden Gate Truck Center, of Oakland, CA, in the amount of \$1,436,720.24, including all applicable sales tax, for the purchase of four (4) Heavy Duty Weld Trucks.

#### DISCUSSION:

Right of Way, Track and Structures Weld Trucks are utilized to move crew with welding materials and equipment to work sites around the District where special track work, or welding of track, switch components, frogs and switch point, is required. The trucks are multi-purpose, rubber tire and rail wheel (hi-rail) vehicles equipped with special tools, and power generation and fire suppression systems needed to perform track and structure maintenance projects. The Weld Truck includes a four-thousand pound capacity crane with twenty foot boom extension to reduce injury to crew, and an underdeck diesel power-take-off (PTO) system for running an onboard generator and air compressor. The truck engine meets all Federal and State of California clean air requirements and the welder is powered by a tier four (4) final Deutz engine that delivers a ninety percent (90%) reduction in particulate and nitrous oxide emissions. Rail maintenance and infrastructure replacement and rebuild welding contributes significantly to maintaining track and other BART network structures in a state of good repair. The only alternative fuel options currently available for class seven (7) original equipment manufacturer (OEM) vehicles are: compressed natural gas (CNG), liquified natural gas (LNG) and renewable natural gas (RNG). The use of any of these alternative fuels within BART's underground tunnels would violate standing tunnel safety orders issued by the Division of Industrial Safety which prohibits the use of fuel-burning or internal combustion engines for mobile equipment underground except for diesel engines, and then only under conditions specified in accordance with Federal regulations. (See 8 California Code of Regulations Section 8470.)

The District currently owns two (2) small and two large (2) weld trucks, two (2) aged at twenty-one (21) years, and two (2) aged at sixteen (16) and thirteen (13) years. All have reached the end of their operating life cycle and are experiencing unacceptable down time and maintenance cost. Welding technology has advanced since the trucks were purchased and demand for welding capacity in the District has grown with rail maintenance prioritization.

A notice requesting bids for IFB No. 8986 was published on December 22, 2015 and bid requests were mailed to four (4) prospective bidders. Bids were opened on January 12, 2016 and only one (1) bid was received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Golden Gate Truck Center Oakland, CA.	\$359,180.06	4	\$1,436,720.24

The independent cost estimate by BART staff was: \$1,314,000.00 including 9.5% sales tax.

BART Staff has determined that the sole bidder, Golden Gate Truck Center, Oakland CA, submitted a responsive bid. Staff has also determined the price to be fair and reasonable based upon a market survey of qualified suppliers and the independent cost estimate by BART staff. Furthermore, examination of Golden Gate Truck Centers business experience and financial capabilities demonstrates that the Bidder is also a responsible bidder.

Pursuant to the revised Disadvantaged Business (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for IFB contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding of \$1,436,720.24 for executing this contract (PR 11103) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. 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 since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
<b>Grand Total</b>	<b>49,066,480.70</b>

As of January 27, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,405,351.43, has committed \$5,753,866.95 and has reserved \$28,195,610.52 to date for other actions. This action will commit \$1,436,720.24, thus leaving an available balance of \$274,931.55 remaining in fund resources for this project.

**ALTERNATIVE:**

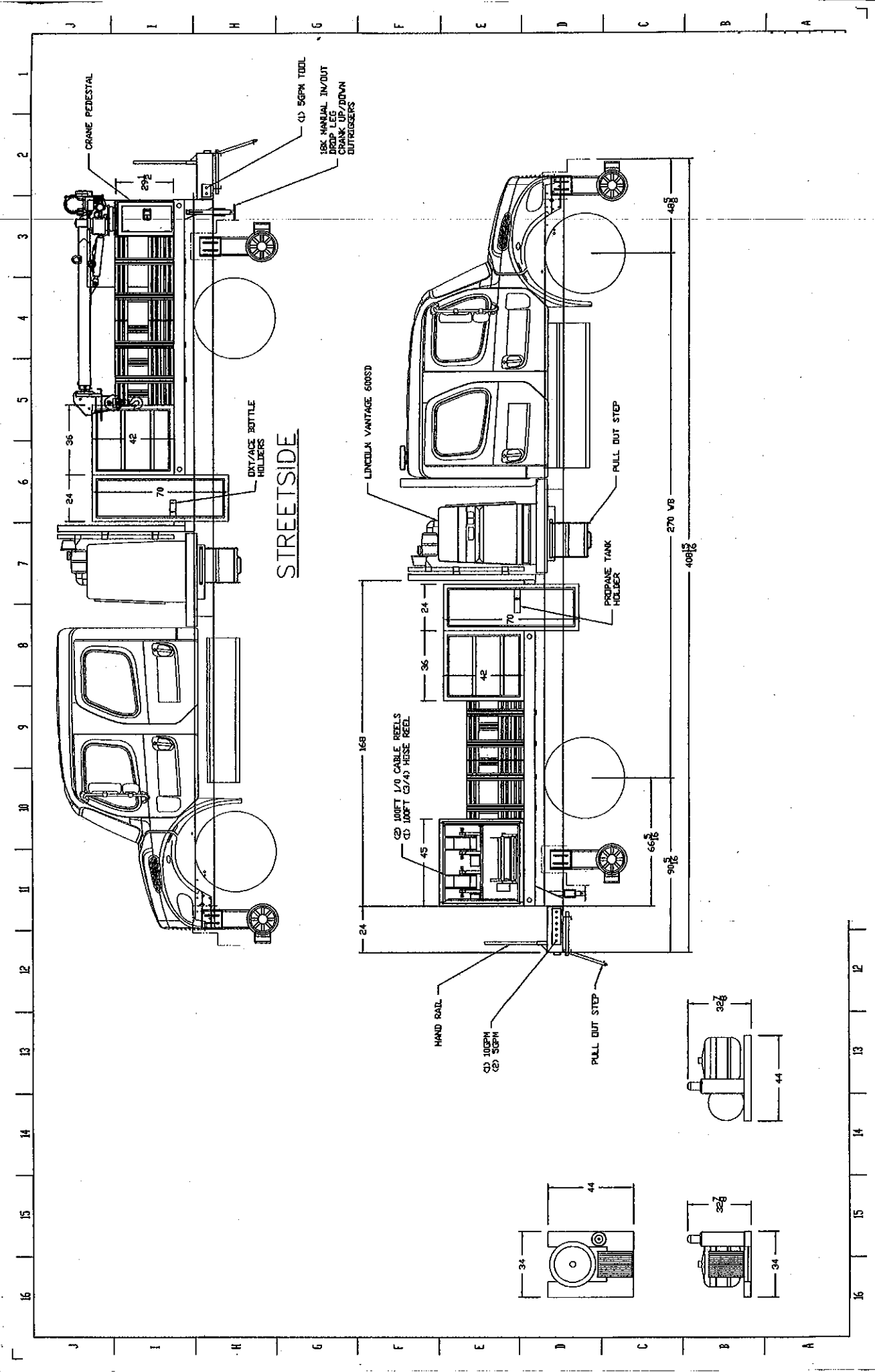
Reject the Bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having to rely on antiquated equipment, generating high maintenance cost, production inefficiencies and unacceptable down time.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award IFB No. 8986 for the procurement of Truck, Weld, Heavy Duty, to Golden Gate Truck Center, Oakland, CA in the amount of \$1,436,720.24, including applicable sales tax, pursuant to notification to be issued by the General Manager.







### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 2/3/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Luis Leon Dept: <i>[Signature]</i>	General Counsel: <i>[Signature]</i>	Controller/Treasurer: <i>[Signature]</i>	District Secretary: <i>[Signature]</i> BARC
Signature/Date: <i>[Signature]</i> 2/3/16	<i>[Signature]</i> 2/3/16 ( )	<i>[Signature]</i> 2/3/16 ( )	<i>[Signature]</i> 2/3/16 ( )

Status: Routed	Date Created: 01/29/2016
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TITLE: **Award of IFB No. 8987, Regulators, Ballast, 66" Wide Gauge**

NARRATIVE:

**PURPOSE:**

To request Board authorization to award Invitation For Bid (IFB) No. 8987 to Knox Kershaw Inc., Montgomery, Alabama in the amount of \$978,720.60, including all applicable sales tax, for the purchase of two (2) Regulators, Ballast 66" Wide Gauge.

**DISCUSSION:**

Approximately 77 miles of the District's 230 miles of main line track and ties are supported by ballast, consisting of gravel, crushed stone or slag placed between and under the rail and ties, to provide support, stability and drainage to the track structure. Ballast restrains the track structure from lateral and vertical movement imposed by train traffic, thermal expansion and contraction and precipitation. The Ballast Regulator, powered by a tier four (4) diesel engine, is an on rail track machine with a plow on the front end, a broom on the rear end and wing plows on both sides which operate to strategically distribute ballast in the trackway. Ballast Regulators work in conjunction with Tamping Machines (Tampers), to regulate ballast rock among the middle and sides of the track structure, filling in voids left behind by tamping impact, after the rail has been raised to its proper elevation during track surfacing projects. Recently the District has acquired two (2) new Tamping Machines for track restorations. Purchasing two (2) new companion Ballast Regulators will support the tampers, facilitate increased track surfacing productivity and provide improved maintenance technology to the Right of Way Group, Track, and Structures Departments.

The District currently owns one (1) twenty-seven (27) year old Ballast Regulator which is experiencing unacceptable down time due to outmoded technology and excessive maintenance costs.

A notice requesting bids was published on December 30, 2015 and bid requests were mailed to six (6) prospective bidders. Bids were opened on January 19, 2016 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total Including 10 % Sales Tax</u>
Knox Kershaw Inc. Montgomery, AL	\$ 489,360.30	\$ 978,720.60
Progress Rail Services Albertville, AL	\$ 494,223.40	\$ 988,446.80
Plasser American Corp. Chesapeake, VA	\$ 1,361,415.00	\$ 2,722,830.00

The independent cost estimate by BART staff was: \$ 1,044,720.00, including 10% sales tax.

Staff has determined that the apparent low bidder, Knox Kershaw Inc., of Montgomery, AL submitted a responsive bid, with a fair and reasonable price based upon a market survey of qualified suppliers and the independent cost estimate by BART staff.

Pursuant to the revised Disadvantaged Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding of the \$978,720.60 necessary for the purchase of these two Ballast Regulators (PR 11105) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. 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 since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
<b>Grand Total</b>	<b>49,066,480.70</b>

As of January 27, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,405,351.43, has committed \$5,753,866.95 and has reserved \$28,617,330.76 to date for other actions. This action will commit \$978,720.60, thus leaving an available balance of \$311,210.95 remaining in fund resources for this project.

**ALTERNATIVE:**

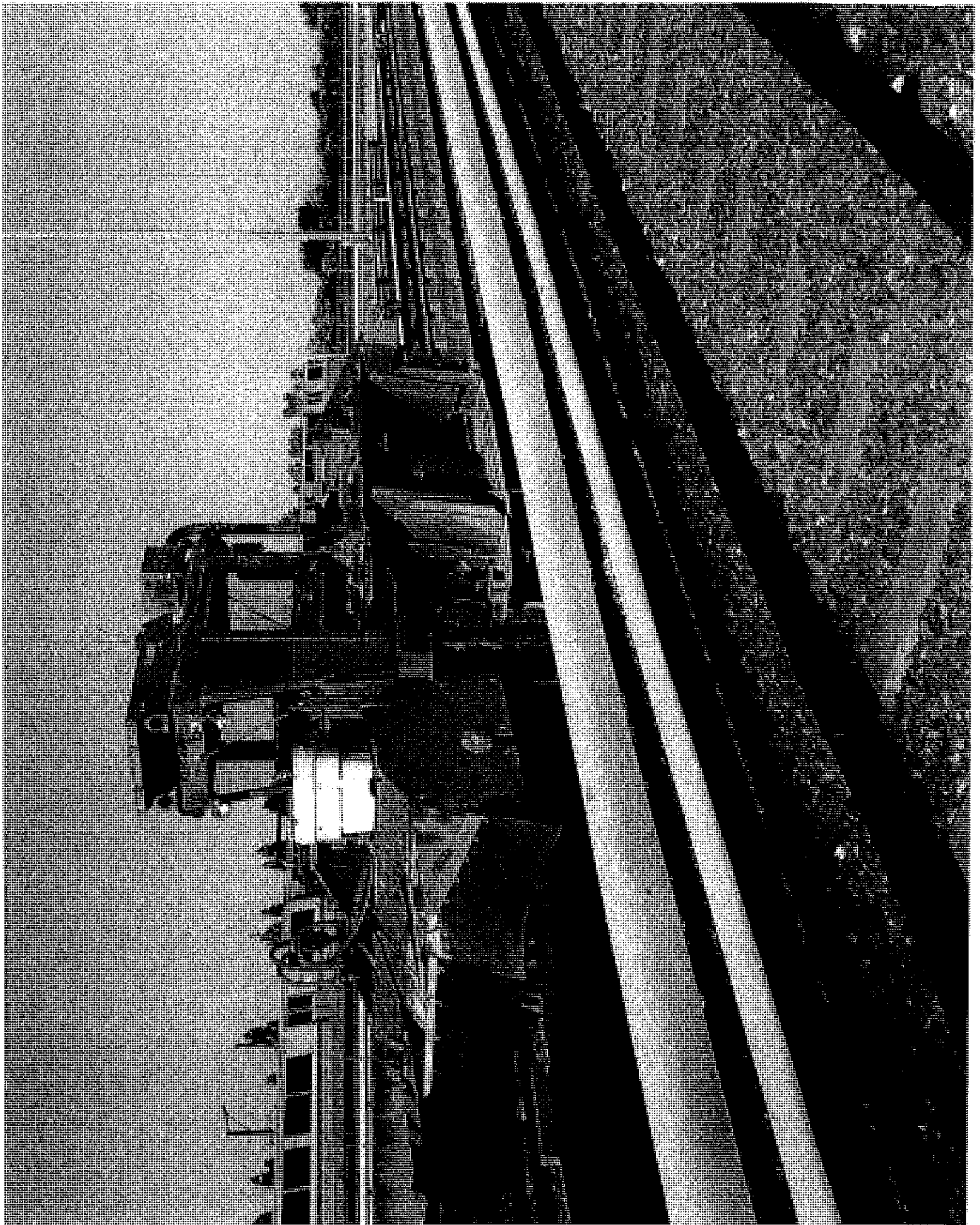
Reject all Bids and re-advertise the Contract. This is not likely to lead to increased competition and would delay the replacement of the existing antiquated equipment.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Invitation For Bid No. 8987 for the procurement of Regulators, Ballast 66" Wide Gauge, two (2) each, to Knox Kershaw Inc., Montgomery, AL in the amount of \$978,720.60, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and FTA requirements related to protests.







### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaufen</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the February 11, 2016 E&O Committee meeting.	
DATE: <i>2/3/16</i>		BOARD INITIATED ITEM: Yes	
Originator/Prepared by: Gregory Shivy Dept. Maintenance & Engineering <i>Gregory Shivy</i> 2/3/16	General Counsel <i>[Signature]</i> 2/3/16	Controller/Treasurer <i>[Signature]</i> 2/3/16	District Secretary <i>[Signature]</i> 2/3/16
Signature/Date:		Signature/Date:	
Status: Routed		Date Created: 01/29/2016	

TITLE:

### Award of Invitation for Bid No. 8988 Turnouts, Concrete, Tie, #10

NARRATIVE:

**PURPOSE:**

To request Board Authorization to award Invitation for Bid (IFB) No.8988 to Voestalpine Nortrak Inc. (Nortrak) of Cheyenne, WY, in the amount of \$873,508.87 including applicable sales taxes, for the purchase of five (5) Turnouts.

**DISCUSSION:**

This IFB is for the purchase of five (5) turnouts to be installed within the A15 interlocking, a set of track switches and crossover tracks located between Lake Merritt (A10) and Fruitvale (A20) stations. Turnouts consist of switches that allow for trains to be guided from one track to another. Due to the A15 interlocking's close proximity to the Oakland Wye (A05), which is used by all trains in revenue service, the Operations Control Center (OCC) frequently uses the A15 interlocking to reroute trains from one track to another when delays occur or when scheduling conflicts arise.

The A15 interlocking consists of two (2) at grade ballasted-type crossover tracks, one (1) left hand and one (1) right hand. Each crossover contains two (2) turnouts for a total of four (4) turnouts. The existing turnouts were installed in 1970 and are designed with wood ties that are reaching the end of their life expectancy. The new turnouts to be installed are designed with concrete ties with an estimated life span of fifty (50) years.

In addition to the A15 interlocking turnouts, the District plans to replace another mainline turnout serving the Oakland Shops (OKS) north of these crossover switches. The A15 interlocking consists of a spur track that will allow for maintenance equipment to move in and out of OKS as well as serve as a siding track for special event trains and disabled trains.

A notice requesting Bids was published on January 6, 2016 and mailed to five (5) prospective Bidders. Three (3) Bids were received and publicly opened on January 26, 2016. Staff determined two (2) of the Bids to be non-responsive due to exceptions taken in the Bid documents with regard to delivery and other General Provisions.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total(including 9.5% sales tax)</u>
*L.B. Foster Spokane, WA.	\$210,525.41	\$1,052,627.06
Voestalpine Nortrak Cheyenne, WY.	\$174,701.77	\$873,508.87

\*Progress Rail Services \$148,554.27  
Albertville, AL.

\$742,771.35

**Independent Cost Estimate by District Staff: \$900,000.00**

\*These two (2) Bids submitted were determined by staff to be non-responsive.

After a review, staff has determined that the second lowest Bid, submitted by Nortrak for \$873,508.87 is responsive to the solicitation and fair and reasonable based upon the Independent Cost Estimate. Furthermore, staff's review of Nortrak's license, business experience, and financial capabilities has resulted in a determination that Nortrak is a responsible Bidder.

Pursuant to the revised District Disadvantage Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for this IFB. Therefore, no DBE goal was set for this Contract.

**FISCAL IMPACT:**

Funding of \$873,508.87 for the purchase of five (5) Turnouts (PR 11586) is included in the total budget for Project 15CQ001, Rails, Ties, Fasteners 2.

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 since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed below:

<b>Fund Group</b>	<b>Total Awarded</b>
Various FTA Grants	18,322,945.15
Local Area Bridge tolls including RM2	1,887,810.88
BART Operating allocation to Capital	2,942,666.90
<b>Grand Total</b>	<b>23,153,422.93</b>

As of January 27, 2016, \$23,153,422.93 is the total budget for this project. BART has expended \$16,836,006.76, has committed \$780,588.52 and has reserved \$1,729,000.00 to date for other actions. This action will commit \$873,508.87, thus leaving an available balance of \$2,934,318.78 remaining in fund resources for this project.

**ALTERNATIVE:**

The Board may reject Bids and authorize staff to re-advertise the work of this Contract. There is no assurance, however, that re-advertising will lead to increased competition or lower Bid prices and would likely result in delay to the replacement of the existing A15 Interlocking turnouts, which are nearing the end of their useful lives.

**RECOMMENDATION:**

On the basis of analysis by staff and certification by the Controller-Treasurer that funding is available for this purpose, it is recommended that the board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Invitation for Bid No. 8988 for the procurement of 5 turnouts to Voestalpine Nortrak Inc. of Cheyenne, WY. in the amount of \$873,508.87 including sales tax, pursuant

to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements relating to protests.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Debra Delaney</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/4/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept: Bob Franklin	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: 2/3/2016	2/4/16 [ ]	2/4/16 [ ]	[ ]	2/3/16 [ ]
Status: Routed		Date Created: 01/29/2016		

TITLE:

**Parking Fees for the Warm Springs/South Fremont BART Station**

NARRATIVE:

**PURPOSE**

For the BART Board of Directors to set parking fees at the Warm Springs/South Fremont BART Station.

**DISCUSSION**

The new Warm Springs/South Fremont BART Station is scheduled to open later in 2016. The Warm Springs/South Fremont BART Station will provide 2,082 parking spaces in surface lots adjacent and to the east of the new extension station 5.4 miles to the south of the Fremont BART station. The District is proposing to charge parking fees at parking facilities at the Warm Springs/South Fremont BART Station which are consistent with those parking fees charged at adjacent BART stations and 27 of the 33 stations systemwide that have parking facilities.

The proposed Warm Springs/South Fremont BART Station parking fees are as follows:

- Daily Fee: \$3
- Monthly Reserved Permit: \$105
- Single Day Reserved Permit: \$6
- Airport/Long Term Reserved Permit: \$7

PERMIT and FEE areas will be designated within the parking area at the station. Consistent with other BART stations with parking fees, parking fees will be required from 4:00 am to 3:00 pm, Monday through Friday. Once the Warm Springs/South Fremont BART Station parking fees are approved, future changes to parking fees at the Warm Springs/South Fremont BART Station will be governed by the parking policies previously established by the Board for BART stations on February 28, 2013.

BART is obligated to ensure that its actions comply with federal and state law prohibiting discrimination in its programs and activities. BART's Office of Civil Rights conducted an analysis of the proposed Warm Springs/South Fremont BART Station parking fees and has determined as of the date of the printing of this document (February 5, 2016) that the proposed fees will not disproportionately and adversely affect minority and/or low-income populations at Warm Springs/South Fremont station.

At the Board meeting on January 28, 2016, a public hearing was held on these proposed parking fees. No public comments were provided at that meeting, nor have there been any written comments submitted or telephone calls been made to the Board as part of the public hearing process. Consistent with BART's Public Participation Plan to provide meaningful opportunities for under-represented populations to participate in transportation decisions, BART is also scheduled to present its proposed parking fees at the Title VI and Environmental Justice Advisory Committee on February 8, 2016. Any outcome from this advisory committee and any additional comments to the Board between the printing of this document (February 5, 2016) and the BART Board meeting when this issue is addressed will be distributed in writing to the Board prior to the February 11, 2016 BART Board meeting.

#### FISCAL IMPACT

After the initial ramp up period until parking is fully utilized, parking fee revenues from the Warm Springs/South Fremont BART Station are expected to generate about \$1.5 million annually. For purposes of the station access fund, the \$3 daily fee will be used as a baseline, above which additional future parking fee increases may be subject to contribution to the station access fund, which earmarks revenues to station access and station modernization and rehabilitation.

#### ALTERNATIVES

Do not implement parking fees or implement a different parking fee schedule.

#### RECOMMENDATION

Adopt the following motion:

#### MOTIONS

Approve the attached resolution "In the Matter of Adopting Parking Fees for the BART Warm Springs/South Fremont Station" (Two-thirds vote required.)

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

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In the Matter of Adopting  
Parking Fees for the  
BART Warm Springs/  
South Fremont Station

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

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges to be furnished by the District; and

WHEREAS, the Warm Springs Extension Project ("Project") adds 5.4-miles of new track from the existing Fremont Station south to the new Warm Springs/South Fremont BART Station, located in the Warm Springs district of the City of Fremont; and

WHEREAS, recommended daily and permit parking fees for the Warm Springs/South Fremont Station are consistent with fees charged at the adjacent Fremont and Union City Stations and the majority of BART stations in the rest of the system; and

WHEREAS, the recommended parking fees for the Warm Springs/South Fremont Station are set forth in the attached Exhibit A entitled "Parking Fees for the Warm Springs/South Fremont Station"; and

WHEREAS, to ensure compliance with federal Title VI requirements and state law prohibiting disparate impact in its programs and activities, District staff has conducted public participation and BART's Office of Civil Rights has performed an analysis to determine whether the proposed parking fees would have a disparate impact on minority riders or place a disproportionate burden on low-income riders; and

WHEREAS, a public hearing was held on January 28, 2016 at a regularly scheduled meeting of the Board to consider parking fees for the Warm Springs/South Fremont Station; and

WHEREAS, the District will use parking fee revenue to pay for operating expenses at the station and in the remainder of the BART system; and

NOW, THEREFORE, the Board hereby makes the following findings:

(1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the parking fees are reasonable; and that insofar as practicable, these parking fees are calculated to result in revenue which will:

(a) Pay for the operating expenses of the District;

- (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
  - (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
  - (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.
- (2) The parking fees set forth in Exhibit A are for the purposes of:
- (a) Meeting operating expenses such as employee wage rates and fringe benefits;
  - (b) Purchasing or leasing supplies, equipment or materials;
  - (c) Meeting financial reserve needs and requirements; and
  - (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.
- (3) The parking fees for the station are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080 (b)(8) and CEQA Guidelines, 14 Cal.CodeRegs. Section 15273 and that Notices of Exemption will be filed in the affected counties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The parking fees for the Warm Springs/South Fremont BART station set forth in Exhibit A are hereby adopted.
- (2) The General Manager is authorized to implement the parking fees for the new Warm Springs/South Fremont Station as set forth in Exhibit A.
- (3) Following implementation of the parking fees for the new Warm Springs/South Fremont Station as set forth in Exhibit A, the parking fees for said Station shall thereafter be subject to the parking fee program adopted pursuant to Board Resolution Number 5207.

# # # #

**EXHIBIT A—PARKING FEES FOR THE WARM SPRINGS/SOUTH FREMONT  
BART STATION**

The parking fees at the Warm Springs/South Fremont BART Station shall be effective upon commencement of operation of the Warm Springs/South Fremont Station and are as follows:

**Daily Fee Parking:** \$3 per day

**Permit Fee Parking:**

Monthly Reserved Permit: \$105 per month

Single Day Reserved Permit: \$6 per day

Airport/Long-Term Permit: \$7 per day



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaunay</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/4/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept: <i>Bob Franklin</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>2/3/2016</i>	<i>2/4/16</i> [ ]	<i>2/4/16</i> [ ]	[ ]	<i>2-3-16</i> [ ]
Status: Routed		Date Created: 01/29/2016		

TITLE:

**Parking Control Fees at Coliseum BART Station Parking Facilities**

NARRATIVE:

**Purpose**

For the BART Board of Directors to authorize the General Manager to establish Parking Control Fees ranging between \$7 and \$30 at the Coliseum BART Station parking facility during large events at the adjacent Alameda County Coliseum and Arena.

**Discussion**

The Coliseum parking lot is routinely used as free parking by non-BART patrons when they are attending events at the Oakland Coliseum and/or Arena. This use violates BART Board Resolution #2495-4 (adopted 1976), which defines a District (parking) patron as a person who parks a vehicle in a station parking facility and proceeds directly into the paid area of the station for the purpose of riding BART.

The Coliseum BART Station parking lot currently has 954 total spaces. There is a daily parking fee in effect from 4am to 3pm, Monday through Friday. Because many large events occur outside of these times, parking control fees are necessary in order to preserve parking spaces for use by BART patrons. BART Board Resolution 1580 (adopted 1970) provides for parking charges to control use at Lake Merritt and Coliseum Stations. The proposed policy allows individuals, even if they are not using BART, to park for a fee on District property. The parking control fees would be calculated in a manner designed to preserve parking spaces for passengers wishing to utilize the BART system.

**Proposed Policy**

Initiate Coliseum BART parking control fees when events at adjacent Arena and/or Coliseum will impact access to BART passenger parking lots. This would occur at all Raider and Warrior games, most A's games, and other large events as necessary. The attendance and parking capacities at the Oakland Arena and Coliseum are listed below:

- Raiders 64,200 people
- A's 35,067 people
- Warriors 19,596 people
- Parking Lot 10,000 spaces

There are also times when events occur at both the Arena and Coliseum.

For a parking control fee to be enacted, the following initiatives are needed:

- Authorization to retain an external vendor to staff events
- Initiation of patrols by BART Police and Community Service Officers
- Rental of portable restrooms
- Cleaning up and disposal of trash after event

The proposed parking control fees will vary between \$7 to \$30, as determined by the following factors:

- The ability to preserve parking for BART patrons
- The cost of collection of parking control fees
- An event's projected attendance
- The current trend of utilization of BART parking facility during events
- Seasonal consistency of pricing
- Day of week and time of day of events, and how that timing impacts BART passengers accessing the parking facility

At the Board meeting on January 28, 2016, a public hearing was held on these proposed parking control fees. No public comments were provided at that meeting, nor were written comments submitted to the Board as part of the public hearing process.

### **Fiscal Impact**

The primary purpose of this initiative is to ensure that BART passengers have access to the parking facilities at the Coliseum BART station. In order to set the parking control fee in an amount that will help ensure the availability of parking facilities to BART passengers however, there is a fiscal impact to the District that is directly determined by the number and successes of the sports franchises that operate at the Arena and Coliseum and the attendances of these events. If three sporting teams are having successful years, the net annual revenue generated would be approximately \$150,000.

### **Alternatives**

Prohibit non-BART patrons from using this lot or implement a different parking control fee schedule.

### **Recommendation**

Adopt the following motion:

### **Motion**

Approve the attached resolution "In the Matter of Adopting Parking Control Fees for the Coliseum BART Station."

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

In the Matter of Adopting  
Parking Control Fees for the  
Coliseum BART Station

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

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges to be furnished by the District; and

WHEREAS, the Coliseum BART station's 954 space parking facility is adjacent to the Alameda County Coliseum and Arena and subject to event patrons avoiding the parking fees at Coliseum and Arena and parking at the BART facility instead; and

WHEREAS the Coliseum and Arena events usually occur when BART does not implement parking fees, which is after 3pm on weekdays and on weekends; and

WHEREAS, for a parking control fee to be enacted, the following initiatives are needed:

- Authorization to retain external vendor to staff events
- Initiation of Patrols by BART Police and Community Service Officers
- Rental of Portable Restrooms
- Clean up and Disposal of Trash after Event

WHEREAS, BART's Office of Civil Rights determined that parking fees would not result in a disparate impact on minority riders or place a disproportionate burden on low-income riders; and

WHEREAS, a public hearing was held on January 28, 2016 at a regularly scheduled meeting of the Board to consider parking control fees for the Coliseum BART Station during events at the Coliseum and Arena; and

WHEREAS, the recommended parking control fees for the Coliseum BART Station during events at the adjacent Alameda County Coliseum and Arena are set forth in the attached Exhibit A entitled "Parking Control Fees for the Coliseum BART Station"; and

WHEREAS, the District will use parking control fee revenue to pay for operating expenses incurred by the District associated with events occurring at the Coliseum and Arena, for the implementation of the parking control fees themselves, and in the remainder of the BART system.

NOW, THEREFORE, the Board hereby makes the following findings:



(1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the parking control fees are reasonable; and that insofar as practicable, these parking fees are calculated to result in revenue which will:

- (a) Pay for the operating expenses of the District;
- (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
- (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
- (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.

(2) The parking fees set forth in Exhibit A are for the purposes of:

- (a) Meeting operating expenses such as employee wage rates and fringe benefits;
- (b) Purchasing or leasing supplies, equipment or materials;
- (c) Meeting financial reserve needs and requirements; and
- (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

(3) The parking fees for the station are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080 (b)(8) and CEQA Guidelines, 14 Cal. Code Regs. Section 15273 and that Notices of Exemption will be filed in the affected counties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

(1) The parking control fees for the Coliseum BART station during events at the adjacent Coliseum and Arena set forth in Exhibit A are hereby adopted.

(2) The General Manager is authorized to implement the parking control fees as set forth in Exhibit A for the Coliseum BART Station parking facility.

# # # #

## EXHIBIT A—PARKING CONTROL FEES FOR THE COLISEUM BART STATION

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The parking fees at the Coliseum BART Station shall be effective immediately as follows:

Parking control fees are proposed to vary between \$7 to \$30, and shall be determined on an event by event basis based on the following factors:

- The ability to preserve parking for BART patrons
- The cost of collection of parking control fees
- The parking fees at O.co Coliseum & Oracle Arena
- An event's projected attendance
- The current trend of utilization of BART parking facility during events
- Seasonal consistency of pricing
- Day of week and time of day of events, and how that timing impacts BART passengers accessing the parking facility



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara DeWang</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/4/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept: Bob Franklin Signature/Date: 2/3/2016	General Counsel <i>[Signature]</i> 2/4/16 [ ]	Controller/Treasurer <i>[Signature]</i> 2/4/16 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2/3/16 [ ]
Status: Routed		Date Created: 01/29/2016		

TITLE:

### Modifications to Parking Citation Fines at BART District Parking Facilities

NARRATIVE:

#### **PURPOSE:**

To obtain approval from the BART Board of Directors to modify parking citation fines at District parking facilities in order to ensure compliance with the District's parking program rules.

#### **DISCUSSION:**

BART currently has parking facilities at 33 of its 45 stations. California Vehicle Code Section 21113 provides BART the authority to establish and enforce parking regulations at its facilities. Enforcement and related parking fines are an important component of District's parking management program. The BART Board determines the amount of the parking citation fines.

The purpose of issuing parking citations is to encourage compliance with parking regulations and to deter inappropriate parking. The current fines, in place since 2008, are \$35 for a daily fee parking violation, \$40 for permit parking and posted sign violations and \$100 for parking for more than 24 consecutive hours in areas not designated for long term parking. Fines for parking in spaces reserved for disabled parking are assessed pursuant to a separate provision of the California Vehicle Code.

The current fines are ineffective in deterring violations of BART's parking rules. Most parking fees currently range from \$3 to \$6, and go as high as \$11 at West Oakland for a single day reserved permit. It is often less expensive for a parker to pay for a parking citation than it is to pay a bridge toll and downtown parking fees. The resulting abuse of the rules interferes with BART's ability to meet its obligations to reserved parking permit holders and other BART patrons, as well as BART's ability to collect parking revenue. Parking revenue is necessary to offset the cost of maintaining and operating parking facilities and is also used to fund access and station modernization and rehabilitation programs.

BART enforcement staff issued 61,410 parking citations in 2014 and 98,695 in 2015. Approximately 50% of these parking citations were written for permit related violations, 41% for failure to validate their parking in a daily fee space and 9% for all other parking

violations. Approximately 87% of issued parking citations are paid, with an approximate dismissal rate of 13%.

BART staff is proposing the five following modifications:

- Increase the fine for permit parking, posted signs, and red zone violations from \$40 to \$75.
- Increase the fine for daily fee parking violations from \$35 to \$55.
- For the above violations, increase parking fines to \$100 if a patron has had more than 5 parking citations for the same violation in a calendar year. For the above violations and for parking for more than 24 consecutive hours in areas not designated for long term parking, increase parking fines to \$150 if a patron has had more than 10 parking citations for the same violation in a calendar year.
- Establish a \$150 fine for displaying a fraudulent or falsified permit.

The proposed modifications would not affect citations relating to disabled parking violations, which are governed by the California Vehicle Code. The amounts of the proposed citation fines are consistent with BART's enforcement strategy and are comparable with what other local cities and agencies have established. The table below shows the fees that other agencies and cities charge for a citation.

	<b>Permit / Posted Sign Violation</b>	<b>Meter / Fee / Time Limit</b>
BART current	\$40	\$35
<b>BART Proposed</b>	<b>\$75</b>	<b>\$55</b>
Alameda County - Peralta	\$40	\$40
Berkeley	\$48/\$64	\$43
San Mateo/Caltrain	\$48	
Concord	\$40	\$40
Fremont	\$63	\$63
Hayward	\$75	\$35
Marin	\$50	\$45
Oakland	\$83	\$58
Richmond	\$50	\$50
San Francisco	\$110	\$66
San Leandro	\$45	\$31
San Jose	\$65	\$40
San Rafael	\$65	\$35
Santa Clara	\$45	\$45

**FISCAL IMPACT:**

The primary purpose of requesting an increase in the fine for parking citations is to ensure compliance to BART's parking rules. It is difficult to predict exactly what the change in compliance would be as a result of the higher parking citations. Assuming that compliance does not improve, the new fines could increase citation revenue by 60%.

**ALTERNATIVES:**

Continue with existing fines, or implement an alternative fine schedule.

**RECOMMENDATIONS:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The BART Board of Directors hereby adopts the attached resolution, "In the matter of amending Board Resolution No. 2495 to establish citation amounts applicable to vehicle parking in District parking facilities and to prohibit the display of a fraudulent or falsified parking permit".

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

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In the Matter of Amending  
Board Resolution No. 2495  
(as amended by subsequent  
Resolutions of the Board of  
Directors) to establish  
citation amounts applicable  
to vehicle parking in District  
parking facilities and to  
prohibit the display of a  
fraudulent or falsified  
parking permit

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

WHEREAS, the BART Board of Directors of the San Francisco Bay Area Rapid Transit District has adopted Conditions and Regulations Applicable to Vehicle Parking and Traffic in BART Parking Facilities (the "Regulations") as set forth in Resolution 2495 (as amended by subsequent Resolutions); and

WHEREAS, the Board of Directors desires to modify the Regulations to prohibit the use of fraudulent or falsified permits at BART Parking Facilities; and

WHEREAS, the Board of Directors further desires to establish the penalties for violations of various provisions of Resolution 2495 (as amended by subsequent Resolutions).

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby amends Resolution No. 2495 to add a new Paragraph 13 to read as follows:

"13) No person shall display or otherwise utilize a fraudulent or falsified permit in a vehicle parked in an area and at a time that a duly issued and valid permit is required."

BE IT FURTHER RESOLVED by the Board of Directors that the following penalties shall apply to violations of Board Resolution Number 2495 (as amended by subsequent Resolutions of the Board of Directors):

1. The penalty for parking in a daily fee area without paying said daily fee shall be \$55.

2. The penalty for parking in a permit area without a valid and duly issued permit at a time when such permit is required shall be \$75.
3. The penalty for utilizing a fraudulent or falsified permit in violation of Paragraph 13 of Resolution 2495 shall be \$150.

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4. The penalty for parking in any District parking facility not designated for the Long Term Parking Program for a period longer than twenty-four consecutive hours shall be \$100.
5. With the exception of violations relating to parking in spaces reserved for disabled parking, the fine for violating any limitation or restriction indicated by posted signs or other markings, including but not limited to curbs marked in red, shall be \$75 except where a different penalty amount has been separately established.
6. For violations having a penalty of \$100 or less, any vehicle cited more than 5 times in a calendar year shall be subject to a penalty of \$100 for the 6<sup>th</sup> through 10<sup>th</sup> such violations occurring within a calendar year, and shall be subject to a penalty of \$150 for the 11<sup>th</sup> and all subsequent such violations within a calendar year.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors **DATE:** February 5, 2016

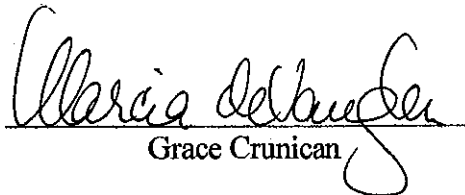
**FROM:** General Manager

**SUBJECT:** Administration Item #4.D: BART Major Projects Stabilization Agreement – For Information

At the Board of Directors meeting on February 11, 2016, staff will discuss a BART Major Projects Stabilization Agreement (BART-MPSA). The final terms of the BART-MPSA were tentatively agreed to by the District and the County Building and Construction Trades Councils of Alameda, San Francisco and Santa Clara on February 1, 2016. The final terms are still under consideration by the County Building and Construction Trades Councils of Contra Costa and San Mateo.

A summary of the significant features of the BART-MPSA is attached. Nine enumerated construction projects with full or partial funding and planned bid dates through 2018 would be covered, with an established process for adding projects by mutual agreement of the District and the signatory Building Trades Councils.

Staff plans to return to the Board at your next meeting to request approval of the BART-MPSA. Please feel free to contact me if you have questions.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# Major Projects Stabilization Agreement SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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The BART-MPSA applies to nine enumerated construction projects which are either fully or partially funded, and are scheduled for bid and award in 2016, 2017 and 2018. Additional projects may be added by mutual agreement. The terms are modeled on the Oakland Airport Connector PSA and the Hayward Maintenance Complex PSA. The following are the major features:

- **WORK STOPPAGES, STRIKES, SYMPATHY STRIKES AND LOCKOUTS**
  - No strikes, lockouts or work slowdowns
  - Arbitration procedure to settle disputes, including work jurisdiction
  
- **COMPLIANCE AND PREVAILING WAGE**
  - All contractors & subcontractors are required to sign the "Agreement to be Bound"
  - All contractors and subcontractors are required to attend pre-job conferences
  - Contractors are not required to sign any other union agreement
  - The District will monitor and report prevailing wage compliance to:
    - Joint Administrative Committee
    - State Department of Industrial Relations
  
- **WAGES AND BENEFITS:** All workers will have fringe benefit payments made in to their respective Local Union Benefit Trust Funds with access to healthcare, pensions and training
  
- **DISADVANTAGED BUSINESS ENTERPRISE (DBE) & SMALL BUSINESS (SB) PROGRAM**
  - DBEs and SBs will have the option to utilize their existing workforce ("core employees")
    - One core worker for one union-referred worker up to five core employees per trade
  
- **COMMUNITY HIRING PROGRAMS:** Parties will recruit, train, & employ residents
  - Federally Funded Goals: Disadvantaged, Extremely Disadvantaged & underrepresented workers
    - National Targeted Worker Program
    - Minority (25.6%) and female (6.9%) hiring goals (per Office of Federal Contract Compliance Programs)
  - Locally Funded Goals: 50% of all hours worked by Local Area Residents
    - 25% by residents of County in which the project is located
    - Only Local Area Residents shall be utilized as apprentices
    - 50% of all apprentices must come from the County where the project is located
  - Helmets to Hardhats: The parties to the BART-MPSA agree to employ returning veterans
  - Training Fund: \$.10/work hour contributed by contractors to support community-based hiring

(Continued on back page)

# Major Projects Stabilization Agreement (Cont.)

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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- **JOINT ADMINISTRATIVE COMMITTEE:**
  - Comprised of equal numbers of representatives designated by the District and by the signatory Unions, maximum of ten members
    - The District and the Unions will each appoint a member to serve as a Co-Chair
    - The JAC will meet quarterly or more frequently, as needed
  - The JAC has the authority to add projects to the Agreement
  - The JAC administers Training Fund
  
- **MODIFIED SCHEDULE A AGREEMENTS:** Contractors are not required to honor non-standard work rules contained within a particular construction industry collective bargaining agreement
  
- **UNION SECURITY:** Unions are the sole bargaining representatives of workers on the project and must follow standard dispatch procedures
  
- **TERM:** Five-year term
  - Either party can propose new terms within 90 days of agreement termination
  - An Option for an additional five-year rollover of the Agreement can be agreed to by the parties

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

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**TO:** Board of Directors

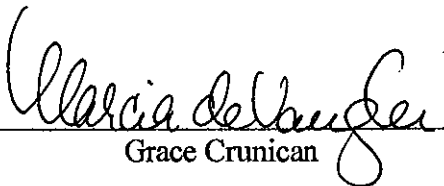
**DATE:** February 5, 2016

**FROM:** General Manager

**SUBJECT:** E&O Agenda Item #5.A: Escalator Status Report – For Information

In response to requests from Directors, staff will present the attached slides on escalator maintenance and cleanliness issues at the Board of Directors meeting on February 11, 2016.

If you need additional information, please contact Paul Oversier, AGM, Operations at (510) 464-6710.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

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**TO:** Board of Directors

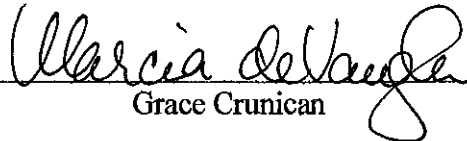
**DATE:** February 5, 2016

**FROM:** General Manager

**SUBJECT:** E&O Agenda Item #5.B: Station Maintenance Standards – For Information

At the Board of Directors meeting on February 11, 2016, staff will provide a response to Director Mallet's Roll Call for Introductions #14-752, which requests a "comprehensive overview of station maintenance performance standards and corresponding accountability standards for Board of Directors consideration on a future agenda."


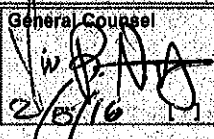
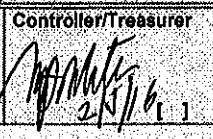
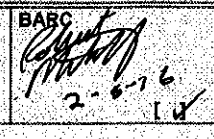
The presentation for this item will be emailed to the Board early next week. If you need additional information, please contact Paul Oversier, AGM, Operations at (510) 464-6710.

  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the BART Board		
DATE: 2/5/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: John H Rennels Dept: Real Estate and Property Development Department: Gen. Bldg	General Counsel  2/5/16	Controller/Treasurer  2/5/16	District Secretary [ ]	BART  2-5-16
Signature/Date: 02-05-16				
Status: Routed		Date Created: 02/01/2016		

TITLE:

### Warm Springs/South Fremont Station West Side Access Bridge and Plaza Project

NARRATIVE:

**Purpose:** To request Board approval for entering into an Agreement with the City of Fremont in connection with the Design, Funding, Construction, Ownership, Operation and Maintenance of the Warm Springs/South Fremont Station West Side Access Bridge and Plaza Project.

**Discussion:** On November 19, 2015, an informational item was brought to the Board regarding the collaboration between the District and the City of Fremont (City) to facilitate implementation of the Warm Springs/South Fremont BART West Side Access Bridge and Plaza to enhance pedestrian and bicycle access to and from the City's recently adopted Innovation District on the westerly side of the Warm Springs/South Fremont BART Station (the Station). The District has always contemplated such access, and therefore designed supports to be installed at the Station to accommodate a west side access connection. However, due to the lack of a land use program supporting the need for such a connection, and the cost to construct it over an active Union Pacific Railroad (UPRR) mainline, the District and the City did not initially pursue the access bridge.

After the closing of the New United Motor Manufacturing, Inc. (NUMMI) facility in 2010 and the subsequent purchase of over 160 acres of the site by UPRR to construct a rail yard, the City embarked upon an extensive public/private collaborative process to create a 21<sup>st</sup> century sustainable transit-based regional mixed-use employment and innovation district. This collaboration resulted in the award winning Warm Springs/South Fremont Community Plan and West Side Innovation District encompassing 809 acres.

The design for the future Innovation District is focused on the principals of smart growth, multi-modal access and connectivity to the existing and future employment centers. The proposed West Side Access Bridge (Bridge) and adjacent Plaza will provide pedestrian and bicycle access to the 5.4 million sq. ft. Tesla Factory and their 6,500 employees, Thermo Fisher Scientific Research and Innovation Center with its 850 employees, and the future 4,000 residential units (min. 50 du/ac w/in ¼ mile of transit), 9.6 million sq. ft. of office, and clean technology development to accommodate 20,000 jobs, plus a new

urban style elementary school and adjacent community park.

The area will also include a pedestrian/bicycle master plan, multimodal streets with Class I and II bicycle lanes and numerous linear parks. A Transit Demand Management (TDM) program for the entire area will be implemented by mid-2016.

The District and the City have collaborated on the Bridge design and negotiated a proposed Agreement that defines the responsibilities of each party. The City will be responsible for funding and implementing the ultimate design (as approved by BART), real estate acquisition, including related easements from UPRR, and construction of the Bridge and Plaza. The City has applied for and anticipates receiving approximately \$25 million in Measure BB funds for the Project by July 2016. Preliminary site work and UPRR spur track relocation has already been initiated by the City.

Under the proposed Agreement, the District will own, operate and maintain the Bridge facility. The bridge will be built to BART Facilities Standards, except BART has agreed to allow the use of a cable stayed design in a portion of the bridge to allow architectural features to better fit the plaza design. The City will be responsible for the maintenance costs and replacement of elements of the cable stayed portion of the bridge that are not typical District maintenance items governed by BART Facilities Standards. The District will also be responsible for the related access elements such as the elevator, covered escalators, stairway and roll-up security gates to all entrances. The operating hours of the Bridge will be limited to the revenue hours for the Station.

The City will own, maintain and provide security for the Plaza, which will accommodate community events, some future community and transit-focused retail, bicycle parking as well as curbside transit patron drop-off and pick-up.

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

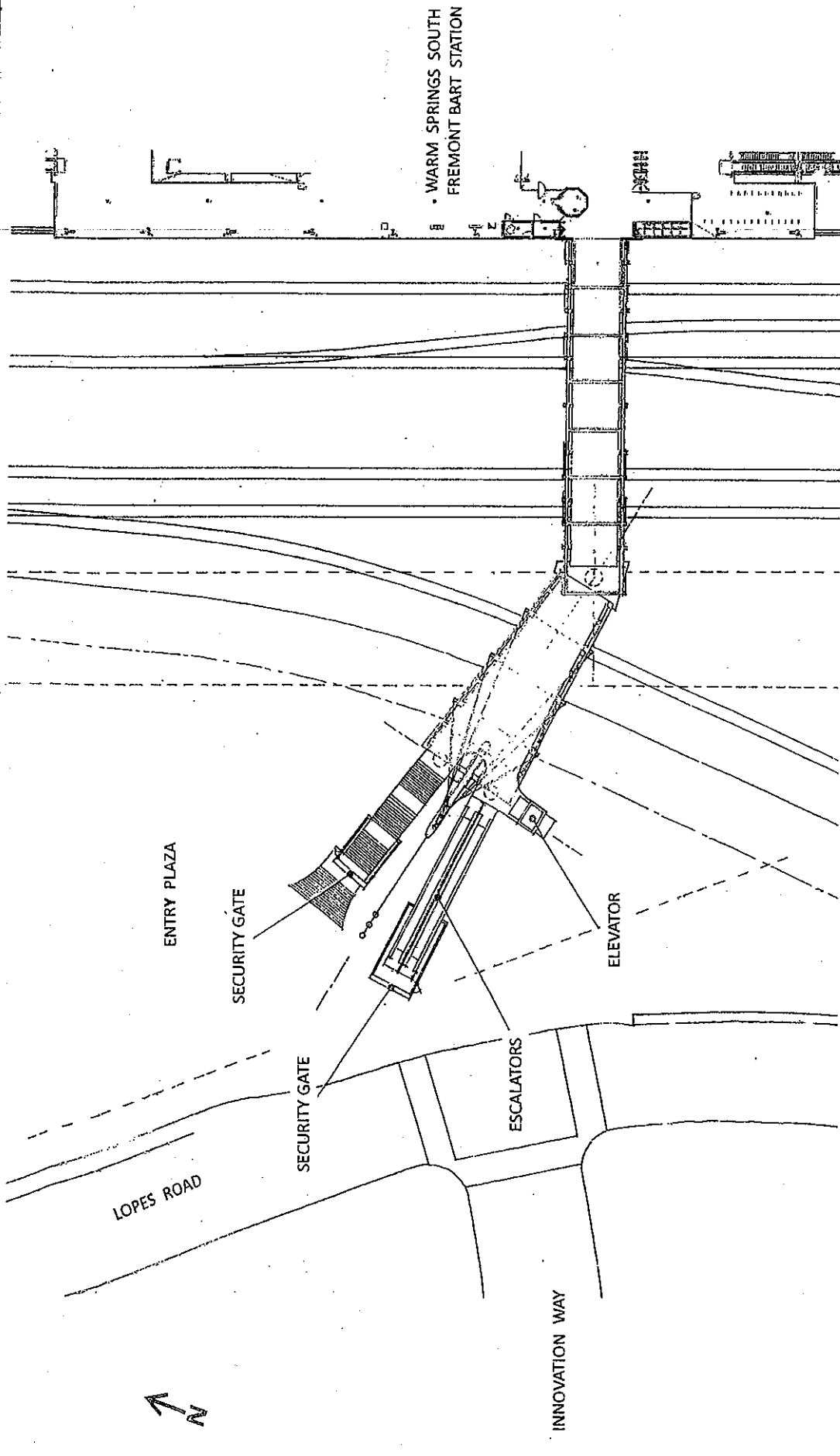
Fiscal Impact: Operating funds in the amount of \$100,000 have been allocated to the West Side Access Bridge and Plaza project to support BART costs to advance discussions on the Agreement and related design review. There will be ongoing costs to clean and maintain the bridge and associated equipment, such as escalators and an elevator, estimated at 1/2 of a full time position.

Alternatives: Do not authorize execution of the Agreement.

Recommendation: Adoption of the following motion:

Motion: The General Manager or her designee is authorized to execute an Agreement with the City of Fremont in connection with the Design, Funding, Construction, Ownership, Operation and Maintenance of the Warm Springs/South Fremont BART West Side Access Bridge and Plaza Project.

**EXHIBIT A - CONCEPTUAL PLAN**



**PLAN CHECK SET/NOT FOR CONSTRUCTION (12/16/11)**

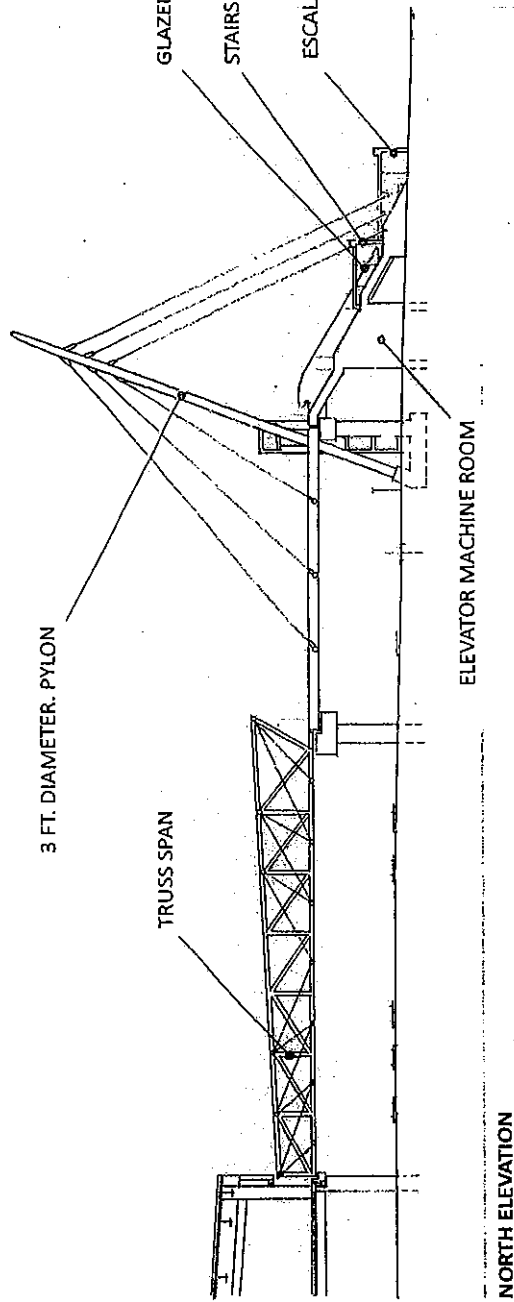
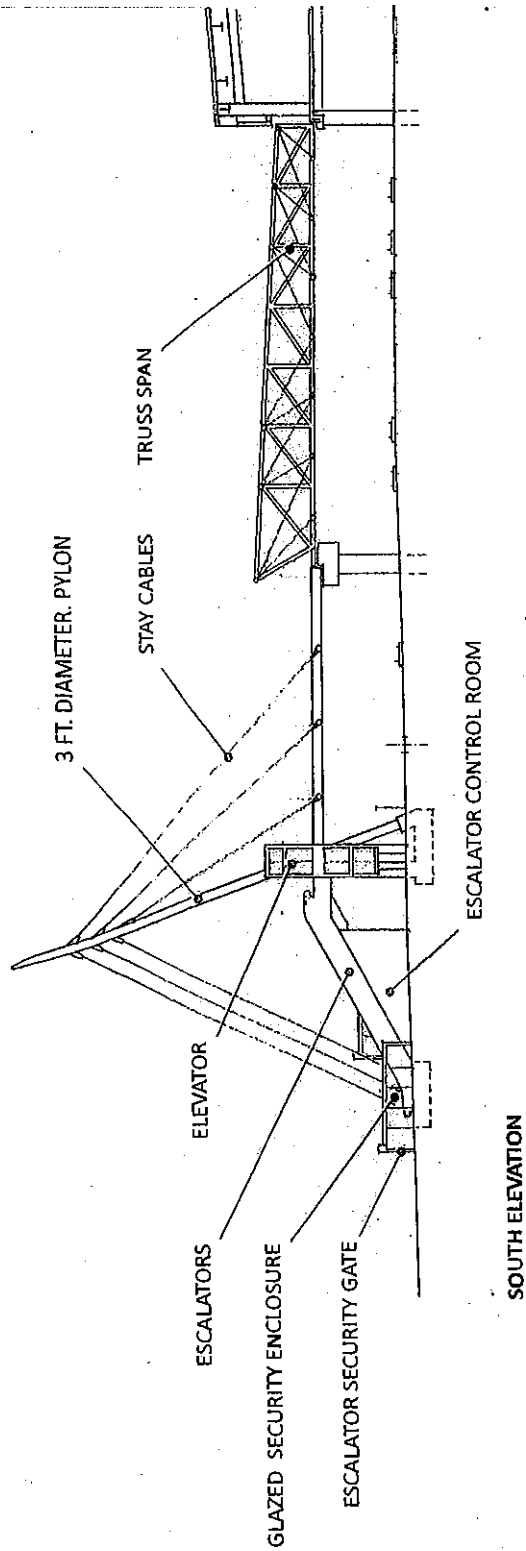
DATE	BY (APP)	REVISION	PROJECT	CITY PROJECT	SCALE	DATE	PROJECT	DATE	DATE
			WARM SPRINGS BART WEST ACCESS BRIDGE	4504	1:50	12/16/11	12/16/11		
			<b>PLAN WITH ESCALATOR CANOPY REMOVED</b>	GENERAL PROJECT	DATE	DATE	DATE	DATE	DATE
			<b>PUBLIC WORKS DEPARTMENT</b>	CREATED BY	DATE	DATE	DATE	DATE	DATE
				APPROVED - PROJECT MANAGER	DATE	DATE	DATE	DATE	DATE

**3CR**  
**HNTB**  
HNTB CONSULTANTS, INC. 300 EAST 15TH AVENUE, SUITE 1200, DENVER, CO 80202  
 PH: 303.733.1500 FAX: 303.733.1501  
 WWW.HNTB.COM

**CITY OF FIDELITY**  
FIDELITY ENGINEERS, P.C.  
 1000 WEST 15TH AVENUE, SUITE 1000, DENVER, CO 80202  
 PH: 303.733.1500 FAX: 303.733.1501  
 WWW.FIDELITYENGINEERS.COM

**WARM SPRINGS BART WEST ACCESS BRIDGE**  
 GENERAL PROJECT: WARM SPRINGS BART WEST ACCESS BRIDGE  
 CREATED BY: [Name]  
 DATE: 12/16/11

EXHIBIT A - CONCEPTUAL PLAN



PLAN CHECK SET/NOT FOR CONSTRUCTION (12/16/15)

NO.	DATE	REVISION	BY	APP'D	 	 CITY OF <b>Fremont</b> APPROVED - PRINCIPAL ENGINEER	WARM SPRINGS BART WEST ACCESS BRIDGE NORTH AND SOUTH ELEVATIONS PUBLIC WORKS DEPARTMENT	CITY PROJECT: B004 FEDERAL PROJECT: N/A DESIGNED BY: N/A CHECKED BY: N/A DATE: 12/16/15 DRAWN BY: N/A	SCALE: 1"=20' 0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10" 11" 12" 13" 14" 15" 16" 17" 18" 19" 20" 21" 22" 23" 24" 25" 26" 27" 28" 29" 30" 31" 32" 33" 34" 35" 36" 37" 38" 39" 40" 41" 42" 43" 44" 45" 46" 47" 48" 49" 50" 51" 52" 53" 54" 55" 56" 57" 58" 59" 60" 61" 62" 63" 64" 65" 66" 67" 68" 69" 70" 71" 72" 73" 74" 75" 76" 77" 78" 79" 80" 81" 82" 83" 84" 85" 86" 87" 88" 89" 90" 91" 92" 93" 94" 95" 96" 97" 98" 99" 100"	SHEET A-1 TOTAL SHEETS: 1
12/16/15		CONCEPT SUBMITTAL								





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm DeBevoise</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadell	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept:				
Signature/Date: <i>1/29/16</i>	<i>1/29/16</i>	<i>1/29/16</i>		<i>POWERS 1 FEB 2016</i>
Status: Routed		Date Created: 01/12/2016		

TITLE:

### 2016 State and Federal Legislative Goals

NARRATIVE:

**PURPOSE:** To review and seek approval of the District's 2016 State and Federal Legislative Advocacy Program.

**DISCUSSION:** In 2016, the State Legislature and Congress both have entered the second year of their respective sessions. In Sacramento, the Legislature now moves past a special session requested by the Governor to find financing for "transportation infrastructure." In Washington, late last year, Congress passed and the President signed the "Fixing America's Surface Transportation"(FAST) Act which established a five-year \$305 billion authorization program. In addition to addressing any specific BART concerns or problems that might arise in 2016, BART staff offers the following outline of proposed state and federal legislative goals and objectives for the year ahead.

#### A. Proposed 2016 State Advocacy Goals for BART:

##### (1) Protect Transportation Funding

- Protect existing public transit funding such as Cap & Trade, the State Transit Assistance (STA), Transit Development Act (TDA) and existing state general bond funding.
- Follow up on any progress or inaction resulting from the "Special Session on Transportation Infrastructure" to include transit funding in any package that seeks new revenues to repair the state's street and roads.
- Seek increases in existing state transit funding programs as outlined in the two BART supported bills: (1) **ABX1 7 (Nazarian) & SBX1 8 (Hill)**, which would double the available funding in the two Cap & Trade programs for public transit and (2) **ABX1 8 (Chiu and Bloom) & SBX1 7 (Allen)**, which would increase the state diesel tax and thus increase the amount of revenue going to the STA program for public transit.
- Monitor and respond, if necessary, to legislative efforts that could impact BART funding

– such as MTC governance, bridge toll fee increase authorization, regional rail consolidation or General Obligation Bond measure preparation.

## **(2) Work to Pass Possible BART Sponsored Legislation**

Based on requested input and suggestions from BART Directors, staff and advocates, the following are legislative concepts being developed for probable legislative introduction in the Capitol:

- Raising the \$10,000 level for public works projects at BART to \$100,000 before a competitive bid process is required.
- Pursuant to AB 32, the Global Warming Solutions Act of 2006, the California Air Resources Board (CARB) created a Cap & Trade program as one of the strategies to reduce greenhouse gas (GHG) emissions. Under the Cap & Trade program, an overall limit on GHG emissions was established for specific sectors. Facilities subject to the cap are allowed to trade “allowances” to emit GHGs. Allowances authorize the release of a specified amount of GHG emissions (the right to emit) and the total number of allowances is equivalent to the overall emissions cap.

The energy sector is one of the capped sectors and PG&E is subject to Cap & Trade provisions with allowances determined by energy load and distributed freely by the state and also traded via public auction. Allowances related to BART’s energy load were administratively allocated to PG&E while BART has been required to purchase emissions credits -- the cost of which BART staff believes should be covered by the allowances directly related to BART’s energy load.

In order to avoid significant costs associated with purchasing emissions credits, BART is seeking to remedy this situation through CARB or the California Public Utilities Commission (CPUC) administrative processes. BART will, through this process, seek to transfer the allocation of BART-related allowances from PG&E to BART. If administrative efforts fail, staff should also consider legislation to correct this currently unfair allocation of allowances.

## **(3) Support Regional Efforts that assist BART goals**

- MTC has set forth its legislative program for the new session and has asked regional transit agencies to possibly assist with efforts that could provide additional transit funding from the state’s oil severance tax, extend the Regional Commuter Benefit program, improve bike and pedestrian safety, and provide the MTC with authority to issue bonds backed by federal formula funds in order to expedite funding local transit projects.
- Support and assist efforts to increase funding for affordable housing in the state and

reduce barriers to construct new housing near transit through Cap & Trade programs and others.

**(4) Support GHG reduction efforts**

- Coordinate legislative and advocacy efforts to prioritize reduction of GHG emissions through public transit and BART Cap & Trade projects.
- The California Transit Association (CTA) has said it may prioritize a “BART Model” renewable energy bill to assist transit agencies to procure more direct sources of clean fuel. Such legislation could reduce air pollution in major metropolitan areas within the state.

**(5) Respond to BART Police Legislative Needs**

- Respond to legislative needs that may be suggested by the BART Police including exploring ways to address on-going problems of fare evasion.

**(6) Respond to Legislation that Directly Impacts BART**

- Ensure that the District’s needs and interests are represented in any legislative effort that could directly impact BART -- including bills involving pertinent labor issues, transit extensions, health insurance costs (PERS), CEQA, and safety.

**(7) Continue Efforts Supporting Two year bills Endorsed by BART Board**

- SB 321 (Beall) – STA Funding Formula
- ACA 4 (Frazier) – 55% Voter Threshold

**B. Proposed 2016 *Federal* Advocacy Goals for BART**

**(1) Monitor and Participate in MAP-21 and FAST Act Implementation**

- **Safety:** The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) authorized the Federal Transit Administration (FTA) to monitor the safety of the nation’s passenger rail systems and restrict federal funding as a means of enforcement. The safety regulations are still being formulated. The Fixing America’s Surface Transportation (FAST) Act requires a review of safety standards and protocols to evaluate the need to establish federal minimum safety standards in public transportation and requires the results to be made public. Specific federal regulations should be monitored and commented on as

made public. Specific federal regulations should be monitored and commented on as appropriate.

- **Transportation Enhancements/Livability:** BART should continue its support of the Obama Administration's efforts to maintain "livability" programs which assist transit access goals, and the enhancement of bicycle and pedestrian projects.

**(2) Seek Continued Support for BART Capacity Grant Application**

- **Core Capacity:** As part of the MAP-21 reforms, the New Starts Program was renamed the "Capital Investment Grant" program to include a "core capacity" grant program allowing for the renovation of an existing system with discretionary funding if the project increases a corridor's capacity by 10%. Encouraged by the FTA, BART worked closely with the MTC to submit a Core Capacity grant application in December 2014. The application was approved for the "development stage" in August 2015 and allowed to proceed toward possible grant approval that could help fund a variety of projects to alleviate growing capacity issues on the system. The project development phase is a two-year period.

**(3) Seek Appropriation Levels that Better Assist BART Goals**

- **Overall Funding:** The FAST Act increased overall transit funding for the next five years. However, BART should work with its congressional delegation and other passenger rail systems to support the needs identified by FTA for State of Good Repair (SOGR) needs. Additionally, BART should continue to work with the Metropolitan Rail Discussion Group (MRDG) to seek higher funding levels to address the SOGR needs of the nation's passenger rail systems as identified in its report "The Need for Greater Federal Investment in Metropolitan Rail."
- **Transit Security Needs:** Last year, BART was awarded the second of two transit security grants to help secure a critical structural asset involving the Transbay Tube. BART security needs, however, continue to warrant additional funding to guarantee a secure system for riders. This includes seeking specific funding for additional cameras to be placed on railcars. BART should continue to work with congressional allies to resist efforts to cut appropriations for transit security needs.

**(4) Educate BART Delegation on Big 3 Priorities and Funding Needs**

- As the new BART prototype rail cars begin to arrive for testing, BART should continue to educate the Bay Area congressional delegation on the status of BART's "Fleet of the Future" and other top priorities that increase capacity. In addition, staff should keep the congressional delegation updated on, and seek support for, the District's efforts to possibly place a local measure on the November ballot to seek local funding for BART's infrastructure needs.

**(5). Seek and Encourage additional Workforce Development Funding**

- BART recently received an FTA workforce development grant and has increased its internship programs. BART should support additional funds and grant opportunities for the Departments of Labor and Transportation to develop the next generation of transit workers.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

That the Board approves the following two motions.

**ALTERNATIVE:**

The Board could decline to support the 2016 state and federal legislative program.

**MOTIONS:**

The Board approves the 2016 state advocacy program, as presented by staff at this time.

The Board approves the 2016 federal advocacy program, as presented by staff at this time.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** February 5, 2016

**FROM:** General Manager

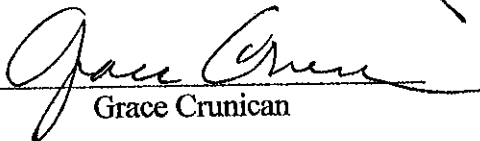
**SUBJECT:** PPAAL Agenda Item #6.C; Draft Bond Expenditure Program 2016 – For Information

As part of a larger discussion on a draft bond expenditure program, staff will present background information on the District's Asset Management Program and critical infrastructure investment needs at the Board meeting on February 11, 2016.

The Capital Reinvestment Committee has been meeting to review the process of developing a draft expenditure plan and to facilitate Board consideration of a potential G.O. Bond Measure for the November 2016 ballot. There appeared to be a consensus among the Committee on the attached *Revised Draft Summary of Investments* which will also be discussed at the Board meeting on February 11. This document is a revision of Page 7 in the *Draft BART System Renewal Program Plan 2016*, which was transmitted to the Board on January 12, 2016 (copy attached).

The Committee has also been working to draft a model for independent oversight of bond expenditures for the Board's consideration and have similarly expressed a consensus on the attached BART Bond Citizens' Oversight Committee Proposal.




Please feel free to contact me, if you need additional information.

  
Grace Crunican

Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

## Revised Draft Summary of Investments

	\$ Millions	% of Total Bond	Benefits		
			 Safety	 Reliability	 Crowding + Traffic Relief
<b>REPAIR AND REPLACE CRITICAL SAFETY INFRASTRUCTURE</b>	<b>\$3,165</b>	<b>90%</b>	✓	✓	✓
Renew track	\$625	18%	✓	✓	
Renew power infrastructure	\$1,225	35%	✓	✓	
Repair tunnels and structures	\$570	16%	✓	✓	
Renew mechanical infrastructure	\$135	4%	✓	✓	
Renew stations	\$210	6%	✓	✓	✓
Replace train control and other major system infrastructure to increase peak period capacity	\$400	12%	✓	✓	✓
<b>RELIEVE CROWDING, REDUCE TRAFFIC CONGESTION, AND EXPAND OPPORTUNITIES TO SAFELY ACCESS STATIONS</b>	<b>\$335</b>	<b>10%</b>	✓	✓	✓
Design and engineer future projects to relieve crowding, increase system redundancy, and reduce traffic congestion	\$200	6%		✓	✓
Expand opportunities to safely access stations	\$135	4%	✓	✓	✓
<b>TOTAL</b>	<b>\$3,500</b>	<b>100%</b>			

*Note on Governance:* Governance measures will include an independent oversight committee, spending restrictions, and annual audits. Funding cannot be taken away by the state.

*Note on Planned Expenditures:* Spending in the two major investment categories is fixed. As BART tailors investments to respond to system needs, actual spending within each of the two major categories may vary by up to 15% of the total. For example, if the tunnels and structures repair projects need less of this funding, up to 15% of the grand total for the Repair and Replace Critical Safety Infrastructure major category (15% of \$3.165B) can be shifted to another of the projects within that category such as renewing power infrastructure. However, BART cannot transfer that 15% savings to projects in the other major category of Future Crowding Relief and Expand Opportunities to Safely Access Stations.

2/4/16

## **BART Bond Citizens' Oversight Committee Proposal**

This memo proposes key elements of a charter for a BART bond citizen's oversight committee.

### **Purpose**

The BART Bond Citizens' Oversight Committee (the "Committee") shall provide diligent, independent and public oversight over the expenditure of funds from the sale of District general obligation bonds. The Committee shall report directly to the public.

The Committee shall focus its oversight on:

- assessing how bond proceeds are spent to ensure that all spending is authorized by the ballot measure;
- assessing whether projects funded by bond proceeds are completed in a timely, cost-effective and quality manner consistent with the best interests of BART riders and District residents;
- if the projects funded by bond proceeds are not being completed in a timely, cost-effective, sustainable and high quality manner, identify the reasons why and make recommendations for corrective actions that can be taken at the project or the District level.

The Committee is also charged with the responsibility of communicating its findings and recommendations to the District and the public.

### **Composition/Appointments**

The Committee shall consist of 7 members, who represent a diversity of expertise, geography, and demographic characteristics, appointed as follows:

The BART Board of Directors (the "Board") shall appoint:

1. one member nominated by the American Society of Civil Engineers, or its successor organization, who has expertise in civil engineering management and oversight;
2. one member nominated by the American Institute of Electrical Engineers, or its successor organization, who has expertise in electrical engineering management and oversight;
3. one member nominated by the American Institute of Certificate Public Accountants, or its successor organization, who has expertise in audit or financial oversight;
4. one member nominated by the Association for Budgeting & Financial Management section of the American Society for Public Administration, or its successor section or organization, who has expertise in municipal finance;
5. one member nominated by the Project Management Institute, or its successor organization, who has expertise in construction project management
6. two members nominated by the League of Women Voters, Bay Area, or its successor organization or chapter;



Before being appointed by the Board, the League of Women Voters, Bay Area, shall interview the nominees not nominated by the League of Women Voters, Bay Area and produce a report recommending or not recommending that individual's candidacy. The nominated members shall then present their candidacy, along with the report from the League of Women Voters, Bay Area, to the Board at a Board meeting.

### **Length of term**

Committee members shall be appointed for 2 year terms and be eligible to serve for up to 6 years in total.

### **Conflict of Interest**

Committee members:

- Shall not be a District employee or official, or be an owner, employee or consultant to a District contractor;
- Shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects;
- Shall be required to sign a conflict of interest statement and to disclose any potential conflicts that may arise in the course of their service.

Should a committee member, develop a conflict of interest following their appointment, their appointment to the Committee shall automatically end, effective on the date such conflict of interest developed.

### **Frequency of Meetings**

The Committee shall meet quarterly, or more frequently on occasions when the Committee determines that additional meetings are necessary. The meetings shall be held at the same location as the Board meetings are usually held, and shall be recorded. The recordings shall be posted for the public.

Members are expected to attend all meetings. If a member without good reason acceptable to the President or the Vice-President of the Committee fails to attend either (a) two or more consecutive meetings or (b) three or more meetings in a year, then the Member's appointment to the Committee shall automatically end.

### **Reporting**

The District acknowledges that effective oversight by the Committee is essential to the District's ability to accomplish the construction, repair and modernization the transit system. Therefore, the District commits to support the oversight process through cooperation with the Committee, by providing the Committee with access to information and with sufficient logistical support so that the Committee may effectively perform its oversight function. Further, the District will insure

that with regard to the Committee, all District personnel are committed to open communication, the timely sharing of information and teamwork.

### *General*

- If the projects funded by bond proceeds are not being completed in a timely, cost-effective, sustainable and high quality manner, the Committee shall identify the reasons why and make recommendations in writing to the Board and District Staff for corrective actions that can be taken at the project or the District level.

### *Annual Reporting*

- The Committee shall publish an annual report, which shall include the following:
  - A detailed account of the Committee's activities, including its expenditures
  - A detailed breakdown on the uses of bond funds in the previous year, and a confirmation that they were expended legally and in compliance with the voters' will. The breakdown shall include an estimate of the impact to the BART system and to BART riders of the projects, including any consequences of construction;
  - A detailed breakdown of the anticipated use of bond funds already received by the District to be used in the following years. The breakdown shall include an estimate of the impact to the BART system and to BART riders of the projects, including any consequences of construction;
  - A detailed progress report on the projects funded by bond expenditures. The progress report shall include whether the projects are progressing on time, on budget, and in accordance with the District's quality and sustainability standards. The report shall lay out the original and current estimates for cost and completion, and explicitly highlight any significant variances or risk or significant future variances compared to estimates of the budget, timeliness or scope;
  - A report on any recommendations made by the Committee in the previous year, and whether previous recommendations have been adopted;
  - A report on the results of any financial or performance audits, relevant to the Bond and the Committee's work, performed by the District during the previous year;
- The Committee shall determine how to compellingly disseminate the findings in its annual report, and the report itself, to the public. The Committee shall also determine whether to disseminate portions of its findings more frequently than on an annual basis, where possible as part of the District's existing Open Data reporting.
- All reports and public communications by the Committee shall be composed in easy to understand language and not in an overly technical format.
- The Committee shall also make an annual presentation to the Board summarizing the annual report.

### **Authority**

The Committee shall review all audits performed by the District, relevant to the Bond and the Committee's work.

The Committee shall meet annually with the Controller/Treasurer and the District's Auditor and make recommendations to the Controller/Treasurer and the Board as to what changes could be made to the scope of the audit in subsequent years to allow the Committee to fulfill its responsibilities most effectively.

The Committee, after reviewing materials provided by the District and meeting with the General Counsel, by at least 5 votes, may make a determination that the bond proceeds were spent on purposes not authorized by the ballot measure. This determination shall include the Committee's reasoning and shall be forwarded to the Board and released publicly.

The Committee shall not have authority to set policy, nor shall it participate or interfere in the selection process of any contractor hired to execute bond funded projects.

No member, except the Chairperson, shall speak in public on behalf of the Committee without authorization of the Committee.

### **Independence**

The Committee shall be staffed by the Controller/Treasurer's Office.

### **Compensation**

Committee members shall not receive monetary compensation except for reimbursement of travel expenses, in a manner consistent with other BART advisory groups.

### **Board Coordination**

Efforts shall be made to avoid an excessive burden on District staff resources by duplicating presentations for both the Board and the Committee, including implementing the following guidelines:

- The Board Secretary shall alert the Committee to any Board Meeting agenda items that are of particular relevance for bond oversight,
- The Committee, pursuant to an item agendized on the Committee's agenda, may request District staff briefings for any information beyond what was recently presented to the board that is relevant to the Bond and necessary for the Committee to perform its duties, and
- The Committee should have access to any District reports and memos that are available to the Board except in cases where there is good a clear reason for confidentiality.

### **Communication To The Public**

The District commits to providing sufficient resources to allow the Committee to communicate its reports to the public.

### **Review**

The District and the Committee agree that to insure oversight by the Committee continues to be as effective as possible, the efficacy of the Committee's Charter (ie this document) will be evaluated on a periodic basis and a formal review will be jointly conducted by District Staff, the Board, and the Committee every five (5) years following the initial constitution of this committee to determine if any amendments to this Charter should be made. The formal review shall include a benchmarking of the Committee's activities and charter with other best-in-class bond citizen oversight committees. Amendments to this Charter must be proposed by the Committee, and may be adopted or rejected by the Board.

If one of the nominating organizations noted above elects not to or is no longer capable of nominating a member, the Committee may recommend to the Board specific changes in the number of members and/or composition of the Committee, consistent with state law. Amendments to the number of members and/or composition of the Committee must be proposed by the Committee, and may be adopted or rejected by the Board

If the League of Women Voters is no longer capable of performing its recommending function, the Committee may recommend to the Board an alternative regional good government organization to perform that role. The Board may accept or reject the Committee's recommendation for a replacement regional good government organization.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors **DATE:** February 5, 2016  
**FROM:** Interim Controller/Treasurer  
**SUBJECT:** PPAAL Agenda Item #6.C: Draft Bond Expenditure Program 2016 – For Information

To provide background for the discussion on the subject agenda item at the Board of Directors meeting on February 11, 2016, attached please find information regarding a conceptual scenario of tax rates for a \$3.5 billion G.O. Bond. This information provides the average, minimum and maximum tax rates that would be assessed per \$100,000 of assessed valuation in Alameda, Contra Costa and San Francisco counties.

Please feel free to contact me at (510) 464-6070, if you need additional information.



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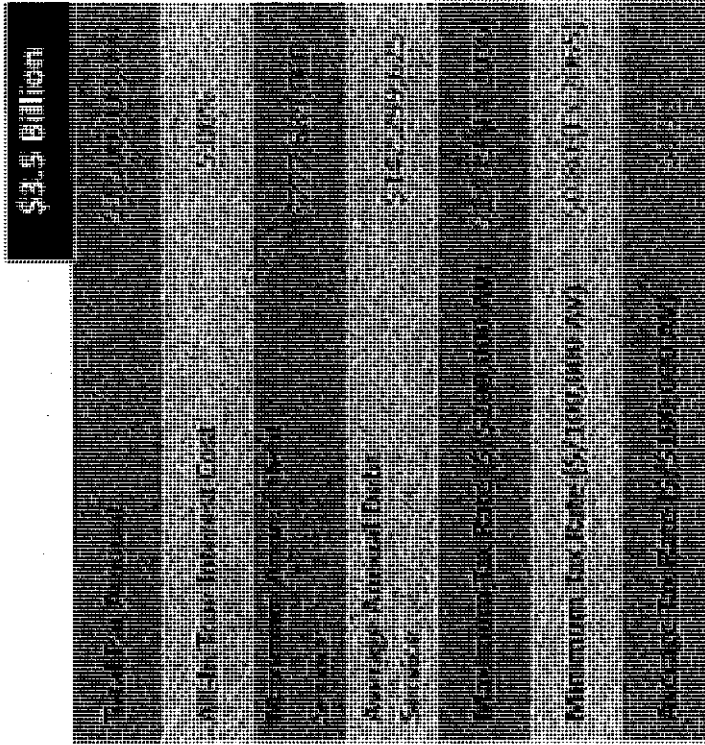
Rose Poblete

### Attachments

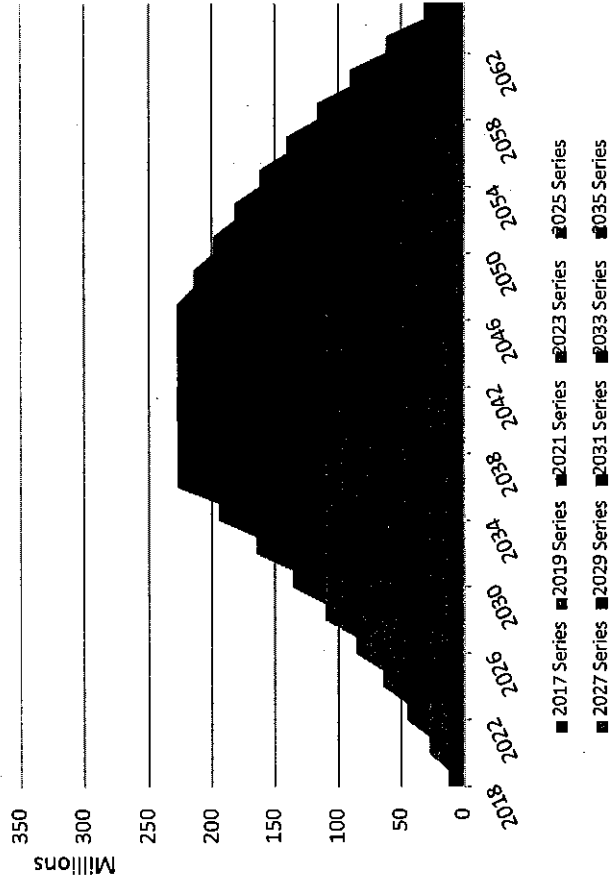
cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# \$3.5 Billion - Scenario C - 4% Annual AV Increase

DRAFT, CONFIDENTIAL



### \$3.5B Scenario C Debt Service



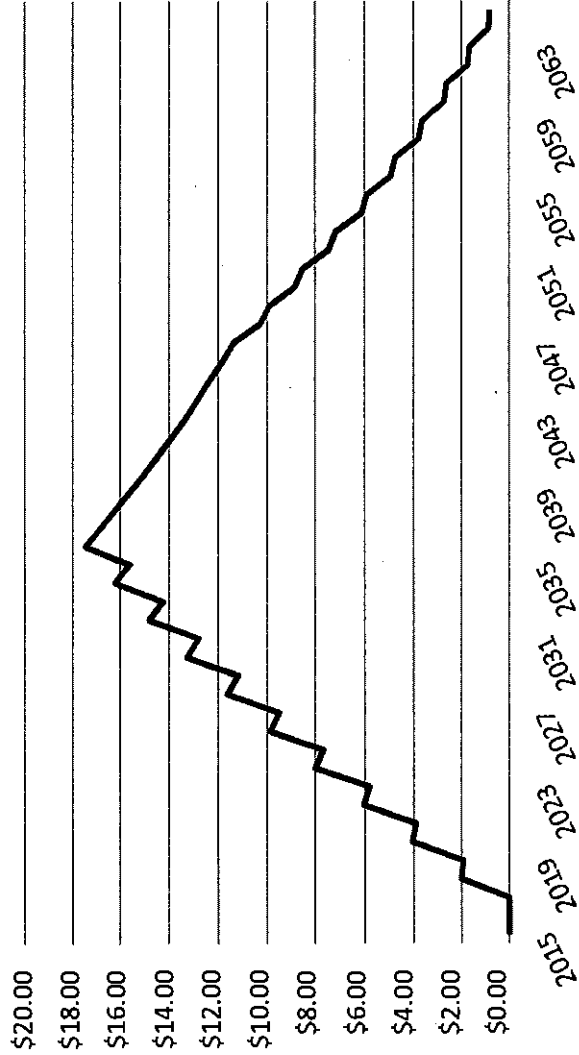
# \$3.5 Billion - Scenario C - 4% Annual AV Increase

DRAFT, CONFIDENTIAL

Alameda Contra Costa San Francisco

Year	Alameda	Contra Costa	San Francisco
2015	\$10.00	\$10.00	\$10.00
2016	\$10.40	\$10.40	\$10.40
2017	\$10.82	\$10.82	\$10.82
2018	\$11.25	\$11.25	\$11.25
2019	\$11.70	\$11.70	\$11.70
2020	\$12.16	\$12.16	\$12.16
2021	\$12.64	\$12.64	\$12.64
2022	\$13.13	\$13.13	\$13.13
2023	\$13.64	\$13.64	\$13.64
2024	\$14.16	\$14.16	\$14.16
2025	\$14.70	\$14.70	\$14.70
2026	\$15.26	\$15.26	\$15.26
2027	\$15.83	\$15.83	\$15.83
2028	\$16.42	\$16.42	\$16.42
2029	\$17.03	\$17.03	\$17.03
2030	\$17.65	\$17.65	\$17.65
2031	\$18.29	\$18.29	\$18.29
2032	\$18.95	\$18.95	\$18.95
2033	\$19.63	\$19.63	\$19.63
2034	\$20.33	\$20.33	\$20.33
2035	\$21.05	\$21.05	\$21.05
2036	\$21.79	\$21.79	\$21.79
2037	\$22.55	\$22.55	\$22.55
2038	\$23.33	\$23.33	\$23.33
2039	\$24.13	\$24.13	\$24.13
2040	\$24.95	\$24.95	\$24.95
2041	\$25.79	\$25.79	\$25.79
2042	\$26.65	\$26.65	\$26.65
2043	\$27.53	\$27.53	\$27.53
2044	\$28.43	\$28.43	\$28.43
2045	\$29.35	\$29.35	\$29.35
2046	\$30.29	\$30.29	\$30.29
2047	\$31.25	\$31.25	\$31.25
2048	\$32.23	\$32.23	\$32.23
2049	\$33.23	\$33.23	\$33.23
2050	\$34.25	\$34.25	\$34.25
2051	\$35.29	\$35.29	\$35.29
2052	\$36.35	\$36.35	\$36.35
2053	\$37.43	\$37.43	\$37.43
2054	\$38.53	\$38.53	\$38.53
2055	\$39.65	\$39.65	\$39.65
2056	\$40.79	\$40.79	\$40.79
2057	\$41.95	\$41.95	\$41.95
2058	\$43.13	\$43.13	\$43.13
2059	\$44.33	\$44.33	\$44.33
2060	\$45.55	\$45.55	\$45.55
2061	\$46.79	\$46.79	\$46.79
2062	\$48.05	\$48.05	\$48.05
2063	\$49.33	\$49.33	\$49.33

Tax Rate (\$/\$100,000)



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

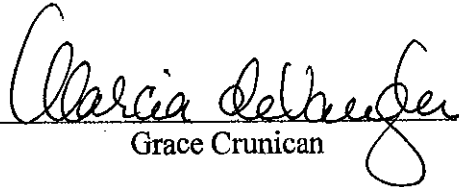
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**TO:** Board of Directors **DATE:** February 5, 2016  
**FROM:** General Manager  
**SUBJECT:** PPAAL Agenda Item #6.D: 2016 Regional and Local Funding Opportunities and Efforts – For Information

At the Board of Directors meeting on February 11, 2016, staff will present an update on regional and local funding opportunities that we plan to pursue for the District's Capital Program needs in 2016.

The attached document provides a description of funding sources and advocacy processes staff is participating in this year. It begins at the county level with the Congestion Management Agencies, describing funding programs and capital planning processes in each District county. It concludes with the Metropolitan Transportation Commission, which focuses on the District's regional capital programs and projects with larger, more complex funding plans. Staff efforts will range from long-term advocacy for the creation of new funding opportunities, to preparing grant applications for specific projects within each county.

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

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## 2016 Regional and Local Funding Opportunities

### ALAMEDA COUNTY

#### **Comprehensive Investment Plan (CIP):**

In June 2016, Alameda County Transportation Commission (ACTC) will initiate a call for projects for Alameda County's Comprehensive Investment Plan (CIP). The CIP will serve as the funding engine for the Alameda Countywide Transportation Plan (CTP), and will be used to determine allocations for all funding sources under ACTC's purview, including Measure BB, Vehicle Registration Fee (VRF), Transportation Fund for Clean Air Program (TFCA), the county portion of One Bay Area Grant (OBAG), and other sources. The CIP is a five-year funding plan with a two-year fund allocation. The CIP Allocation Plan will be adopted in May 2017.

#### **Measure BB:**

Alameda County voters approved Measure BB in November 2014. The County will collect a half-cent transportation sales tax for Measure BB until 2022, which will increase to a full-cent until the measure sunsets in April 2045. The CIP Allocation Plan will be adopted in May 2017, at which time funding for Measure BB will be available to awarded projects.

#### *Direct Local Distribution:*

BART receives annual direct distribution funds from Measure BB for Operations, Maintenance & Safety. BART will receive \$642,000 in FY15/16, which will be used to fill service revenue gaps in Alameda County. In FY16/17, BART will receive roughly \$650,000, which will partially fund custom, water-tight doors to replace the 40 year old cross-passage emergency doors on the Alameda County side of the Transbay Tube.

#### *Direct Funding for Named Capital Projects:*

Staff plans to submit CIP project applications in June for the following projects:

- BART Metro/Bay Fair Connection
- 19<sup>th</sup> Street/Station Modernization
- Gateway Station Modernization efforts for 2-3 Alameda County stations (under consideration are Lake Merritt, DT Berkeley, Coliseum, and West Oakland) and/or Systemic improvements at multiple Alameda County stations.
- Livermore (potential request)

BART will support the City of Fremont in their application for:

- Irvington BART Station (updated design)

*Discretionary Categories:*

BART staff will consider working jointly with cities to submit CIP applications for the following *Community Development Investment* projects or partnering opportunities (program total - \$300M):

- Coliseum
- Fruitvale
- Lake Merritt
- San Leandro
- West Oakland
- Warm Springs Pedestrian/Bike Bridge

BART staff will consider working jointly with cities to submit CIP applications for the discretionary *Bicycle and Pedestrian Infrastructure & Safety Program* (program total - \$651M):

- Fremont (secure bike lockers)
- Fruitvale (secure bike lockers)
- Lake Merritt (bike station)
- San Leandro (bike station)
- Dublin/Pleasanton (bike station)

BART staff may consider submitting CIP applications for the following discretionary *Technology, Innovation, and Development Program* (program total- \$77M):

- Electronic Vehicles (EV) for Non-Revenue Fleet
- EV Charging Stations (shops & stations)
- Fare Barrier

**Vehicle Registration Fee (VRF):**

Measure F, Alameda County's Vehicle Registration Fee (VRF) Program, was approved by the voters in November 2010. Approximately \$11 million will be generated annually from the \$10 per year vehicle registration fee. Grant submissions for VRF will occur as part of ACTC's CIP process in June. No match is required; however, matches will be considered favorably when scoring discretionary programs.

The goal of the VRF program is to sustain the County's transportation network and reduce traffic congestion and vehicle related pollution. The program includes four categories of projects, of which the following three would be eligible for BART projects to apply:

- *Transit for Congestion Relief:* The program goal is to decrease auto usage and thereby reduce congestion and air pollution. This program would make it easier for drivers to use public transportation, make existing transit systems more efficient and effective, and improve access to schools and jobs. Eligible projects include:
  - Transit service expansion and preservation
  - Development and implementation of transit priority treatments on local roadways

- Employer or school-sponsored transit passes
- Park & Ride facility improvements
- Increased usage of clean transit vehicles
- Passenger rail station access and capacity improvements
- *Local Transportation Technology*: This program would improve performance of road, transit, pedestrian, and bike technology applications, and could accommodate emerging vehicle technologies, such as electric and plug-in-hybrid vehicles and smart parking solutions.
- *Pedestrian and Bicyclist Access and Safety Program*: This program would seek to improve the safety of bicyclists and pedestrians by reducing the conflicts with motorists and reduce congestion. Eligible projects include:
  - Improved access and safety to schools, such as "Safe Routes to School" programs and other crosswalk, sidewalk, lighting and signal improvements for students, parents & teachers.
  - Improved access and safety to activity centers and transit hubs.
  - Improved bicyclist and pedestrian safety on arterials, other locally-maintained roads and multi-use trails parallel to congested highway corridors.

BART staff plans to submit applications for bike stations at Lake Merritt, San Leandro, and Dublin/Pleasanton.

**Transportation Fund for Clean Air Program (TFCA):**

BART staff submitted an application in January 2016 for the following bike projects, with determination expected in May or June 2016:

- Dublin/Pleasanton Station (eLockers)
- Union City Station (eLockers)
- Ashby Station (eLockers)

Minimum 10% match required from non-TFCA funds.

**One Bay Area Grant (OBAG):**

The next cycle of the OBAG program is currently under development and is anticipated to be adopted in Fall 2016. Alameda County will receive between \$68M and \$71M in CMAQ and Surface Transportation Block Grant Program (or STBGP, formerly STP) funds. BART projects submitted under Alameda County's CIP application process would be considered, including Station Modernization projects and other station projects supporting TOD or Community Investment Development. Seventy percent (70%) of funds must be spent in Priority Development Areas and projects will be competitively evaluated on their readiness-to-proceed status. A local match of 11.47% is required.

## CONTRA COSTA COUNTY

### **Existing Measure J:**

In 2016 staff will seek allocation of programmed Measure J BART Parking and Access funds for:

- Concord BART Plaza redesign project (\$4.5 million)
- El Cerrito del Norte Station Modernization Project (\$11.503 million)
- Walnut Creek TOD Public Access Improvements (\$3.85 million)
- Bicycle stations at Pleasant Hill and Concord BART stations
- Bicycle pavilion at the Walnut Creek BART Station

Approximately \$3.5 million is available for BART parking and access projects in the Lamorinda (Lafayette and Orinda BART stations). Plans are underway for a bicycle station and pedestrian improvements at Lafayette BART station. In the later years of the measure, 2020 and beyond, there may be additional funds in both the Central and West County sub-areas. To date, Measure J funds have been used to fund BART's wayfinding program at all ten Contra Costa BART stations, as a local match for projects at the three West County BART stations, including the Richmond BART Intermodal redesign project, and to expand the number of secure bicycle lockers at most Contra Costa BART stations.

### **Future Transportation Sales Tax Measure:**

The Contra Costa Transportation Authority (CCTA) is in the process of developing a Transportation Expenditure Plan (TEP) for an additional half-cent sales tax to be placed on the November 2016 ballot. A current estimate of the additional half-cent, over the 25-year life of the proposed tax, is approximately \$2.3 billion. BART staff and directors have been working with CCTA board members and staff as well as that of the four sub-regional transportation planning committees, cities and counties, transit operators and other stakeholders to promote BART's needs. Over the past year, BART directors and staff met with elected officials from each of the eight BART cities, the County and several other cities to educate them about BART's current condition and the plans for the future. BART directors have been very active making Better BART presentations in the county. Over the past six months, BART has refined its request to focus on providing funding to cover 75% of the cost of 102 new BART rail vehicles, beyond the 775 currently under contract. These negotiations are fluid and BART will continue to provide advocacy and education to our transportation partners in Contra Costa County to maximize the result.

### **One Bay Area Grant Program Round 2 (OBAG 2), Measure J Transportation for Livable Communities (TLC) Program and Measure J Pedestrian, Bicycle and Trail Facilities Program:**

CCTA is currently considering releasing a Call for Projects for a combined OBAG 2, Measure J TLC and Measure J PBT programs, for a combined total of over \$100 million. At issue is how the three programs overlap and complement each other. BART will submit competitive projects for this Call for Projects, estimated to be released in the Spring, based on the Stations Modernization Program (e.g., Concord and Richmond BART) as well as access and station projects that support the development of TOD (e.g., El Cerrito del Norte, Walnut Creek, Concord). BART will also work closely with our local jurisdictions on projects near our stations.

BART projects must be ready-to-go as the funding is time-limited and competitive. A local match of 11.47% is required for the OBAG funds but CCTA is anticipating that Measure J TLC and PBT funds could be used for that purpose.

**Local Impact Fees:**

BART is eligible for developer impact fees in both West and Eastern Contra Costa County. Due to the recent recession and the collapse of the housing market, revenues to these programs have been limited. In 2016, the West Contra Costa Transportation Advisory Committee (WCCTAC) will be reviewing its impact fee program, including the list of eligible projects. Because of the nexus to relieving traffic congestion, BART is in a good position to benefit from the program, assuming that revenues grow as the housing market rebounds. In eastern Contra Costa, BART has received approximately \$35 million in local developer impact fees for the eBART project.

**Proposition K:**

In 2016 staff will continue to seek allocation of programmed Prop K funds for Balboa Park Station Geneva Avenue, Glen Park, and Daly City Station improvements along with bicycle parking improvements at the two Mission Street stations. BART receives approximately \$1M per year starting in 2003 for 20 years for a variety of programs. The eligible categories are station access, facilities, vehicles, guideways, transportation and land use. Prop K funds have been used on projects such as platform edge tiles, 16th & Mission Station Plazas, Powell Station waterproofing, and the Balboa Eastside & Westside Walkways.

**Proposition AA:**

With the availability of additional Prop AA funds and in coordination with SFMTA, BART has submitted a 2016 application for \$550,000 to construct a bus layover area at the Daly City Station to accommodate service increases on the 14R Line as part of Muni Forward. Further and in coordination with BART's Station Modernization Program, staff will propose station area projects in the next round of Prop AA programming beginning late 2016. Vehicle License Registration Fee is programmed every 5 years starting in FY12/13 and generates approximately \$5M/year. BART has received \$1.5M to-date for 24<sup>th</sup> Street Plaza Renovation and the Civic Center Bike Station, both of which are now open for service.

**Transportation Sustainability Program (TSP):**

New fees for developers will be distributed based on an approved expenditure plan. BART, Caltrain, and TJPA have been relegated to 2% of the total. Given the relatively small amount of funds likely to be available to regional transit providers, the Mayor's Office may determine that each operator can bank funds over a rolling 5-year period in order to accumulate sufficient funds that can be timed to match project budgets and schedules. The SF Planning Department will produce an annual projection of TSF revenue and provide this information to the SFMTA and Mayor's Office for use in developing expenditure plans for the categories for which they are responsible as shown in the table below. The Mayor's Office will share the revenue projections for the Transit Service Expansion and Reliability Improvements - Regional Transit Providers category with the SFCTA and regional transit providers.

Expenditure Category	Responsible Agency for Project Proposals
Transit Capital Maintenance (Replaces TIDF)	SFMTA two-year budget guided by the Agency's maintenance needs
Transit Service Expansion and Reliability Improvements – San Francisco	SFMTA two-year budget guided by the Agency's 5 year Adopted Capital Plan
Transit Service Expansion and Reliability Improvements - Regional Transit Providers	Mayor's Office Annual Budget guided by the capital project requests submitted by regional transit providers

Complete Streets (Bicycle and Pedestrian) Improvements	SFMTA two-year budget guided by the Agency's 5 year Adopted Capital Plan
Program Administration	SFMTA two-year budget

**One Bay Area Grant Program Round 2 (OBAG 2):**

In 2016 BART will submit competitive projects for this program; the call for projects is currently anticipated for June 2016. Candidate projects will derive primarily from the Stations Modernization Program including capacity and Gateway station improvements at Embarcadero, Powell, Civic Center, and Balboa stations. SFCTA will have between \$43M to \$47M in CMAQ and STP funds for TLC, streets and roads maintenance, Safe Routes to Schools and CMA planning functions. Seventy percent (70%) of funds must be spent in Priority Development Areas. BART projects must be ready-to-go because the funding is time-limited and competitive.

**Future County Sales Tax Extension/Augmentation & Vehicle License Fee Increase:**

In 2016 BART will advocate for future funds from these sources to be applied towards the cost of new cars. The Mayor's Office anticipates that there will be a ballot measure which would increase the current sales tax rate by 0.5 percentage points producing an annual average of \$73 million or \$1.1 billion over 15 years. In addition, the Mayor's office will likely prepare a 2016 ballot initiative to pass a Vehicle License Fee increase of 1.35% to generate just over \$2.95 billion (\$2013) in new transportation revenues between 2015 and 2030. The Sales Tax proposal requires a 2/3 approval by the Board of Supervisors and then by 2/3 of San Francisco voters. This tax could be administered by either the City or by the Transportation Authority. Staff will continue to advocate via the BART/San Francisco Joint Strategy Working Group established by the BART & SFMTA General Managers for a fair share of any revenues.

**Advocacy:**

BART continues to work closely with MTC Commissioners, executives and staff in advocating for its funding priorities and in providing information on ongoing and long-term capital and operating needs. Over the past several years, the BART General Manager and staff have made numerous presentations to the Commission and staff committees on the rail car program, the transit capital inventory system and needs, BART's core capacity program, cap-and-trade implementation and other issues. In 2014, BART and MTC established an informal bimonthly staff meeting to discuss ongoing financial programming, cash flow and future grant opportunities; these meetings have proved valuable in resolving emerging issues and providing continuity and reliability of information. BART staff has and will continue to participate in a number of regional studies and initiatives, such as the Transbay Core Capacity Transit Study and the Regional Means-Based Fare study. In 2016, BART staff's focus will be on developing closer relationships with key Commissioners, identifying emerging issues and potential funding opportunities, and in proactive advocacy of the Big Three capital projects.

**Funding for Additional Rail Cars:**

BART is actively pursuing a strategy to secure funding for the additional 306 rail cars needed beyond the 775 currently on order. Because BART is unable to neither fund these rail cars through existing BART resources nor through a general obligation (GO) bond, BART is actively seeking all available fund sources including federal (Core Capacity) and state (cap-and-trade) funds; these fund sources, however, are highly competitive and not guaranteed. As additional rail cars are necessary to increase service and meet anticipated ridership demand throughout the district and across all BART counties, BART is looking to the three congestion management agencies (CMAs) and MTC to assist in this funding.

On January 28, 2016, the BART board adopted a resolution calling for funding commitments by the three congestion management agencies (CMAs) to each fund 75% of the cost of 102 additional rail cars. BART needs additional rail cars, in conjunction with a new train control system and additional maintenance facility, in order to meet future ridership demand. We are working with MTC to assist in funding the remaining 25% funding.

**Cap-and-Trade:**

The State's Cap-and-Trade legislation, passed in 2014, established several programs from which BART will receive funding or is eligible to apply for funding, including the Low Carbon Transit Operations Program (LCTOP), the Transit and Intercity Rail Capital Program (TIRCP) and the Affordable Housing Sustainable Communities (AHSC) program. Each of these programs is administered by a different state agency and has an evolving set of regulations and requirements. The funding of these programs, which is based on proceeds of the State's Cap-and-Trade auction of carbon credits, has varied considerably in the past two years and has been difficult to predict. Despite the fact that MTC's role in the allocation of the state's funds is limited, MTC has attempted to develop a consensus on regional priorities for these programs. MTC also provides advocacy and support at the state level, in concert with BART legislative staff



and advocates, in needed changes and clarifications of the statutes for these programs. BART staff has been actively involved at all levels of discussion – staff, executive, elected officials – to advocate for an adequate share of these programs. BART will continue to work with MTC on legislative issues as they arise.

#### *Low Carbon Transit Operations Program (LCTOP)*

LCTOP is a formula-based program with an annual allocation. Unfortunately, to date, the funding and timing of this program has been difficult to predict, making budgeting and project management challenging. FY 14-15 LCTOP funds were used to augment maintenance shifts at the Hayward Maintenance yard. Staff proposes to apply the nearly \$4.5 million available in FY 15-16 funds to the rail car program.

#### *Affordable Housing Sustainable Communities (AHSC)*

The AHSC program was established to support affordable housing and transportation investments near transit stations and throughout urbanized areas in an effort to reduce greenhouse gas emissions by encouraging walking, biking, and transit use. Unfortunately recent changes to this already highly complicated program eliminate the requirement for affordable housing applications to include a transportation component and replace the requirement with bonus points in the application. BART, along with MTC and other transit partners are vociferously advocating that transportation projects are a key element in meeting the program goals of reducing GHG emissions. In FY 15, BART partnered with several affordable housing developers on three successful projects and received over \$900,000 for pedestrian and bicycle improvements at projects in Hayward, Oakland and San Leandro. For FY 16, BART staff is working closely with affordable housing developers, city staff and AC Transit on several potential applications, the majority of which are in the City of Oakland. BART is also working with regional, city and non-profit partners to find ways to take a more a more proactive role in creating future AHSC opportunities. Concept applications for the current round are due at the end of March, 2016.

#### *Transit Intercity Rail Capital Program (TIRCP)*

TIRCP is a statewide competitive program, estimated to generate approximately \$6.25 billion over the next 25 years. MTC, although it does not have a formal role in approving TIRCP projects, (other than to certify that projects are compatible with the region's Sustainable Communities Strategy), has developed a \$2.0 billion regional "framework" which largely supports its Core Capacity Challenge Grant program. The framework includes \$250 million for BART's train control modernization project, the funding for which BART anticipates applying in 2018. Current legislative proposals as well as the Governor's proposed budget would significantly increase funding for this program, and BART is considering projects to compete in the current round. BART will continue to work with MTC and its allies to establish regional priorities and advance our most competitive projects.

**Future Transportation Tax Measures:**

In 2016 MTC will begin a regional "conversation" regarding the imposition of an additional toll on the state-operated bridges in the San Francisco Bay Area. MTC anticipates introducing a bill in the next legislative term to obtain the authority for this additional toll, with an eye to placing Regional Measure 3 (RM 3) on the ballot in November 2018. Influencing the expenditure plan of a regional bridge toll measure is a high priority for BART in 2016 and beyond. An additional \$1 toll on the state-owned bridges in the Bay Area could yield approximately \$124 million annually in new revenue.

In addition to a possible RM 3, MTC has considered other revenue-generating ballot measures in the past including a regional gas tax and a vehicle license fee. Polling on a ten-cent regional gas tax, conducted in 2012 (when gas prices were considerably higher), showed insufficient voter support. MTC will include funding questions as part of its polling on the current regional transportation plan, Plan Bay Area 2040, to be conducted later this year. In the interim, MTC is taking a wait-and-see position on the various state proposals to increase the gas tax and vehicle license fees before the State Legislature. BART will continue working with MTC, our transit partners and our legislative delegation on these issues.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

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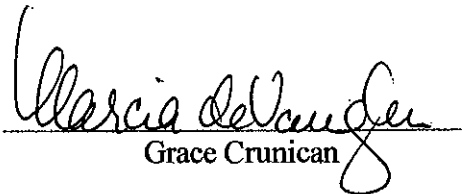
**TO:** Board of Directors **DATE:** February 5, 2016

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda Item #6.E: Development Opportunities at Balboa Park Station –  
For Information

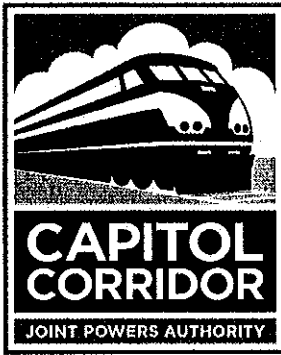
At the Board of Directors meeting on February 11, 2016, staff will provide an update on the proposed Balboa Park Upper Yard Transit-Oriented Development (TOD) project. This proposed affordable housing project is being jointly planned and coordinated with the City and County of San Francisco. The attached presentation provides context and background on the project.

Staff anticipates presenting a more detailed and refined TOD proposal for Board consideration in the next few months. If you need additional information, please contact Bob Powers, AGM, Planning, Development & Construction at (510) 874-7410.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



**CAPITOL CORRIDOR JOINT POWERS AUTHORITY  
MEETING OF THE BOARD OF DIRECTORS**

**Wednesday February 17, 2016**

**10:00 a.m.**

City Council Chambers  
Suisun City Hall  
701 Civic Center Blvd., Suisun City, CA  
(see attached map)

A simultaneous teleconference call will take place at:

San Jose City Hall – Tower Building  
200 E. Santa Clara Street, Room #T1853  
San Jose, CA

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Bay Area Rapid Transit District  
300 Lakeside Drive, Room 2301  
Oakland, CA

**DRAFT AGENDA**

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the November 18, 2015 Meeting *Action*
- V. Consent Calendar *Action*
  - 1. CalEOS FY 15-16 Safety/Security Project Program
- VI. Action and Discussion Items
  - 1. Business Plan Update (FY 2016/17 – FY 2017/18) *Action\**
  - 2. Legislative Matters/Governor’s Draft FY 16/17 Budget *Action*
  - 3. Capitol Corridor Project List: FY 15/16 Cap & Trade Transit/Intercity Capital Rail Program *Action*
  - 4. Auburn Station Facility Upgrades: Security Cameras and Wayside Layover Power Cabinet *Action*
  - 5. Security Camera Installation – Rocklin, Roseville, Suisun And Fremont Stations *Action*
  - 6. Managing Director’s Report *Info*
  - 7. Work Completed *Info*
    - a. Capitol Corridor Annual Performance Report (FY 2015)
    - b. CCJPA Annual Independent Audit (FY15)
    - c. Capitol Corridor Service to Super Bowl 50 (Pre-Game Events and Game)
    - d. Marketing Activities (November 2015 – January 2016)
  - 8. Work in Progress *Info*
    - a. Oakland – San Jose Phase 2 Project
    - b. Sacramento-Roseville 3<sup>rd</sup> Track Environmental Project
    - c. Proposed Changes to San Francisco–Emeryville Connecting Bus Service (eff. Spring 2016)
    - d. Positive Train Control Update
    - e. Station Signage and Platform Safety Upgrades
    - f. Richmond Station Platform Improvements
    - g. Capitol Corridor Station Bicycle eLocker Project
    - h. On-Board Information System Project
    - i. Vision Plan Implementation Program
    - j. Proposed Extension of Capitol Corridor Trains to Salinas
    - k. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., April 20, 2016, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

**Notes:**

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

\* Approval of the business plan requires an affirmative vote of at least two-thirds (11) of the appointed members.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors

**DATE:** January 20, 2016

**FROM:** Director, District 8

**SUBJECT:** Draft Divestment Policy

Coal combustion for energy generation is the single leading cause of the pollution that causes global climate change. Burning coal is a leading cause of smog, acid rain, and toxic air pollution. Some emissions can be significantly reduced with readily available pollution controls, but most U.S. coal plants have not installed these technologies.

In 2015, the California State Legislature joined a growing number of foundations and investment funds, and directed the state pension funds to divest from thermal coal companies. As a result SB185, a bill authored by Senate President ProTem Kevin DeLeon, CalSTRS and CalPERS are directed to divest from thermal coal companies, unless those companies are transitioning their business away from burning thermal coal, by July 01 2017. Yes votes for SB185 among Bay Area legislators include: Susan Bonilla, Rob Bonta, David Chiu, Jim Frazier, Bill Quirk, Tony Thurmond, Phil Ting, Steve Glazer, Loni Hancock, Mark Leno, Bob Wieckowski and Jim Beall.

Many reputable investment advisors and market data firms, like MSCI and FTSE, have produced research that shows the effects of fossil fuel divestment on a portfolio are de minimis. In fact, over the past five years, fossil free portfolios have outperformed the market while maintaining low risk metrics. In fact, the coal companies to be divested from have been a drag on the retirement system for the last decade. Since 2008 the market cap of coal companies has plummeted by over 65 percent.

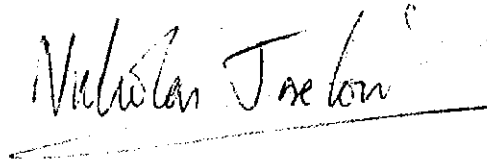
Since the passage of SB185, President Radulovich and I have been working with BART's General Counsel and Interim Controller/Treasurer to develop a draft BART policy that would mirror SB185's provisions, and direct the Trustee of BART's Retiree Health Benefits Trust to divest from thermal coal companies, unless those companies are transitioning their business away from burning thermal coal, by July 01 2017. Mirroring SB185's language, the draft BART policy would require the Trustee of BART's Retiree Health Benefits Trust (currently the Interim Controller/Treasurer) to report back to the Board on the progress towards divestment on a regular basis. As with SB185, the draft BART policy would not require the Trustee of BART's Retiree Health Benefits Trust to take any action that is not consistent with their fiduciary duties as Trustee.

This draft policy is only targeted at the BART Retiree Health Benefits Trust as other funds that BART controls (such as the Retiree Life Insurance Trust) are already precluded from investing in coal companies (as well as many other risky securities) by state law.

Divesting from coal companies would not impose a significant burden on the Interim Controller/Treasurer or on the BART Retiree Health Benefits Trust.

Divesting from coal is not only the right thing to do, it's the prudent and logical thing to do and is in line with BART's stated goals.

I have attached the draft policy and SB185 to this memo for your information. I will be putting forward this policy for the consideration of the Board at our next Board meeting, on January 28, and look forward to discussing it with you then. I am of course available to answer questions beforehand, subject to the limitations of the Brown Act.

A handwritten signature in cursive script that reads "Nicholas Josefowitz". The signature is written in dark ink and is positioned above a horizontal line that serves as a separator between the signature and the printed name below.

Nicholas Josefowitz

Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## Senate Bill No. 185

### CHAPTER 605

An act to amend Section 16642 of, and to add Section 7513.75 to, the Government Code, relating to public retirement systems.

[Approved by Governor October 8, 2015. Filed with  
Secretary of State October 8, 2015.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 185, De León. Public retirement systems: public divestiture of thermal coal companies.

The California Constitution provides that the Legislature may by statute prohibit retirement board investments if it is in the public interest to do so, and providing that the prohibition satisfies specified fiduciary standards.

Existing law prohibits the Public Employees' Retirement System and the State Teachers' Retirement System from investing public employee retirement funds in a company with active business operations in Sudan, as specified, and requires these retirement systems to liquidate any investments in a company with business operations in Sudan. Existing law also prohibits these retirement systems from investing in a company that has specified investments in the energy sector of Iran, as defined, including in a company that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

This bill would prohibit the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a thermal coal company, as defined. This bill would require the boards to liquidate investments in thermal coal companies on or before July 1, 2017, and would require the boards, in making a determination to liquidate investments, to constructively engage with thermal coal companies to establish whether the companies are transitioning their business models to adapt to clean energy generation. The bill would provide that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the constitution. The bill would make related legislative findings and declarations.

This bill would require, on or before January 1, 2018, these boards to file a report to the Legislature and the Governor, containing specified information, including a list of companies of which they have liquidated their investments. The bill would provide that board members and other officers and employees shall be held harmless and be eligible for indemnification in connection with actions taken pursuant to the bill's requirements, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7513.75 is added to the Government Code, to read:  
7513.75. (a) The Legislature finds and declares all of the following:

(1) The combustion of coal resources is the single largest contributor to global climate change in the United States.

(2) Climate change affects all parts of the California economy and environment, and the Legislature has adopted numerous laws to mitigate greenhouse gas emissions and to adapt to a changing climate.

(3) The purpose of this section is to require the Public Employees' Retirement System and the State Teachers' Retirement System, consistent with, and not in violation of, their fiduciary responsibilities, to divest their holding of thermal coal power as one part of the state's broader efforts to decarbonize the California economy and to transition to clean, pollution free energy resources.

(b) As used in this section, the following definitions apply:

(1) "Board" means the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board of the State Teachers' Retirement System, as applicable.

(2) "Company" means a sole proprietorship, organization, association, corporation, partnership, venture, or other entity, or its subsidiary or affiliate, that exists for profit-making purposes or to otherwise secure economic advantage.

(3) "Investment" means the purchase, ownership, or control of publicly issued stock, corporate bonds, or other debt instruments issued by a company.

(4) "Public employee retirement funds" means the Public Employees' Retirement Fund described in Section 20062 of this code, and the Teachers' Retirement Fund described in Section 22167 of the Education Code.

(5) "Thermal coal" means coal used to generate electricity, such as that which is burned to create steam to run turbines. Thermal coal does not mean metallurgical coal or coking coal used to produce steel.

(6) "Thermal coal company" means a publicly traded company that generates 50 percent or more of its revenue from the mining of thermal coal, as determined by the board.

(c) The board shall not make additional or new investments or renew existing investments of public employee retirement funds in a thermal coal company.

(d) The board shall liquidate investments in a thermal coal company on or before July 1, 2017. In making a determination to liquidate investments, the board shall constructively engage with a thermal coal company to establish whether the company is transitioning its business model to adapt to clean energy generation, such as through a decrease in its reliance on thermal coal as a revenue source.

(e) On or before January 1, 2018, the board shall file a report with the Legislature, in compliance with Section 9795, and the Governor, which shall include the following:



(1) A list of thermal coal companies of which the board has liquidated its investments pursuant to subdivision (d).

(2) A list of companies with which the board engaged pursuant to subdivision (d) that the board established were transitioning to clean energy generation, with supporting documentation to substantiate the board's determination.

(3) A list of thermal coal companies of which the board has not liquidated its investments as a result of a determination made pursuant to subdivision (f) that a sale or transfer of investments is inconsistent with the fiduciary responsibilities of the board as described in Section 17 of Article XVI of the California Constitution and the board's findings adopted in support of that determination.

(f) Nothing in this section shall require a board to take action as described in this section unless the board determines in good faith that the action described in this section is consistent with the fiduciary responsibilities of the board described in Section 17 of Article XVI of the California Constitution.

SEC. 2. Section 16642 of the Government Code is amended to read:

16642. Present, future, and former board members of the Public Employees' Retirement System or the State Teachers' Retirement System, jointly and individually, state officers and employees, research firms described in subdivision (d) of Section 7513.6, and investment managers under contract with the Public Employees' Retirement System or the State Teachers' Retirement System shall be indemnified from the General Fund and held harmless by the State of California from all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including court costs and attorney's fees, and against all liability, losses, and damages of any nature whatsoever that these present, future, or former board members, officers, employees, research firms as described in subdivision (d) of Section 7513.6, or contract investment managers shall or may at any time sustain by reason of any decision to restrict, reduce, or eliminate investments pursuant to Sections 7513.6, 7513.7, and 7513.75.

**[PROPOSED] District Investment Policy Regarding Coal**

1. The Board of Directors of the San Francisco Bay Area Rapid Transit District ("Board") finds and declares all of the following:
  - a. The combustion of coal resources is the single largest contributor to global climate change in the United States.
  - b. Climate change affects all parts of the BART District's economy and environment, and the District has taken numerous actions to mitigate greenhouse gas emissions and to adapt to a changing climate.
  - c. As codified in Section 7513.75 of the California Government Code, the State of California's Public Employees' Retirement System and the State Teachers' Retirement System have been required to, consistent with, and not in violation of, their fiduciary responsibilities, divest their holdings of thermal coal power as part of the State's broader efforts to decarbonize the California economy and to transition to clean, pollution-free energy resources.
  - d. The purpose of this Policy is to direct the trustee of the BART Retiree Health Benefit Trust ("Trustee"), in a manner consistent with, and not in violation of, his or her fiduciary responsibilities, to divest the holding of thermal coal power as one part of the District's broader efforts to decarbonize the California economy and to transition to clean, pollution free energy resources.
2. As used in this section, the following definitions apply:
  - a. "Company" means a sole proprietorship, organization, association, corporation, partnership, venture, or other entity, or its subsidiary or affiliate that exists for profit-making purposes or to otherwise secure economic advantage.
  - b. "Investment" means the purchase, ownership, or control of publicly or privately issued stock, corporate bonds, or other debt instruments issued by a Company.
  - c. "Fund or Funds" mean the BART Retiree Health Benefit Trust.
  - d. "Thermal coal" means coal used to generate electricity, such as that which is burned to create steam to run turbines. Thermal coal does not mean metallurgical coal or coking coal used to produce steel.
  - e. "Thermal coal company" means a company that generates 50 percent or more of its revenue from the mining of thermal coal, as determined by the Trustee. The Trustee may rely on the determination of the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board of the State Teachers' Retirement System.
3. The Trustee shall not make additional or new investments or renew existing investments of funds in a thermal coal company, either directly or indirectly through a fund.
4. The Trustee shall liquidate direct or indirect investments in a thermal coal company on or before July 1, 2017. In making a determination to liquidate investments, the Trustee shall constructively engage with a thermal coal company to establish whether the Company is transitioning its business model to adapt to clean energy generation, such as through a decrease in its reliance on thermal coal as a revenue source. Should the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement

Board of the State Teachers' Retirement System be constructively engaging with a thermal coal company pursuant to Section 7513.75 of the CA Government Code, the Trustee may rely on their constructive engagement in making such a determination.

5. On or before January 1, 2018, and once a year thereafter, the Trustee shall make a report to the Board, which shall include the following:
  - a. A list of thermal coal companies of which the Trustee has liquidated its investments, pursuant to subdivision (4).
  - b. A list of Companies with which the Trustee engaged directly or which the Trustee relied on the engaged of the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board of the State Teachers' Retirement System, pursuant to subdivision (4), that the Trustee established were transitioning to clean energy generation, with supporting documentation to substantiate the Trustee's determination.
  - c. A list of thermal coal companies of which the Trustee has not liquidated its investments as a result of a determination made pursuant to subdivision (6) that a sale or transfer of investments is inconsistent with the fiduciary responsibilities of the Trustee, and the Trustee's findings adopted in support of that determination.
6. Nothing in this Policy shall require the Trustee to take action as described in this Policy unless the Trustee determines in good faith that the action described in this Policy is consistent with the fiduciary responsibilities of the Trustee.