

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688  
(510) 464-6000

**PLANNING COMMITTEE**

June 13, 2017

9:00 a.m.

COMMITTEE MEMBERS: Directors Raburn (Chairperson), Blalock (Vice Chairperson), Allen, and Josefowitz

Chairperson Raburn has called a meeting of the Planning Committee at 9:00 a.m. on Tuesday, June 13, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the committee 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 committee. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

**AGENDA**

1. Call to Order.
  - a. Roll Call.
  - b. Pledge of Allegiance.
2. Lake Merritt BART Transit Operations Facility & Plaza Redesign: Project Update and Title VI Siting Analysis.\* For information.
3. BART Policy for California Low Carbon Fuel Standard Program Funds.\* For information.
4. Public Comment.
5. New Business. (An opportunity for Committee Members to introduce potential matters for a future committee agenda.)

Patricia K. Williams  
Assistant District Secretary

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to this meeting, 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.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/30/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Seema Parameswaran Dept: Office of Civil Rights <i>[Signature]</i> Signature/Date: 6/6/17	General Counsel <i>[Signature]</i> 6/6/17 [ ]	Controller/Treasurer <i>[Signature]</i> 6/7/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 6.6.17 [ ]

### Transit Operations Facility Title VI Siting Analysis

#### **Purpose:**

To request Board approval of the Transit Operations Facility Title VI Siting Analysis.

#### **Background:**

The San Francisco Bay Area Rapid Transit District (BART or District), as a recipient of federal funds, is required by the Federal Transit Administration (FTA) to comply with Title VI of the Civil Rights Act of 1964 and its amendments (Act). Federal Transit Administration (FTA) Title VI Circular 4702.1B, dated October 1, 2012 (Title VI Circular) requires BART to complete a Title VI equity analysis to ensure that the siting or location of facilities is selected without regard to race, color, or national origin. This is the first siting analysis BART has conducted since the Title VI Circular update in 2012.

#### **Discussion:**

Much of BART's current transit system management facilities are located in the Lake Merritt Complex, beneath the Lake Merritt Plaza. The existing facilities require increased physical space and state of good repair improvements to achieve state-of-the art functionality, support improved BART operations, and accommodate operation of planned BART extension projects over the next 40 years, including the Silicon Valley Berryessa Extension (SVBX) Project. Therefore, BART is currently proposing to design and construct a new Transit Operations Facility (TOF) to modernize current operations control infrastructure and

technology to support system expansion.

In accordance with the Title VI Circular, during the planning stages, a siting analysis must be conducted to determine that a project location or site is selected without regard to race, color, or national origin. While the siting analysis section of the Title VI Circular does not specifically mention low-income populations, it does require that BART “engage in outreach to persons potentially impacted by the siting of facilities.” Following this language and the principles outlined in FTA Environmental Justice Circular 4703.1 (EJ Circular) and BART’s current practice and policies, this siting analysis includes an impact assessment on low-income populations.

The following location alternatives were selected for review against, and in addition to, the current Lake Merritt Complex location.

- Downtown Oakland
- Fruitvale
- Lake Merritt (Proximate to Station)
- Jack London Square Portal
- Dublin/Pleasanton

*Title VI Siting Analysis Findings:*

To evaluate impacts on minority and low-income populations, a demographic assessment was conducted. The assessment evaluates whether populations living within the project study area (defined as 1/2 mile radius around each potential TOF site location) who may be adversely affected by a TOF complex, are disproportionately minority or low-income. The demographic assessment compares the proportion of minority and low-income populations in each site location’s study area to the most relevant population data, in this case the Cities of Oakland, Pleasanton, and Dublin.

BART referred to its Disparate Impact/Disproportionate Burden (DI/DB) Policy to determine whether the difference between the affected service’s protected population (minority and low-income) share and overall protected population share (City of Oakland or City of Dublin/Pleasanton) exceeds a 10% threshold. For new site demographic assessment, a disparate impact to minority populations or a disproportionate burden on low-income populations may be found if the difference is 10% or more.

*Operational Functionality Assessment:*

BART staff also developed selection criteria related to the resiliency and operational functionality of each site alternative. The Lake Merritt Complex site received the highest score for operational functionality due to: colocation with related systems, such as communication and fiber optic hubs, found at the Lake Merritt Complex; central location in the BART system; and space and availability to construct the TOF.

*Findings:*

Based on the results of the demographic assessment, Lake Merritt Complex is the preferred alternative for BART's new TOF. This location received the highest score in the operational functionality assessment analysis. Furthermore, the Title VI analysis showed that this location was within the 10% threshold for disproportionate impacts on protected populations.

Applying BART's DI/DB Policy, showed that the Lake Merritt Complex impacted the lowest percent of minority populations compared to the other site alternatives studied.

*Public Participation:*

Staff conducted extensive and inclusive multilingual public participation for the Title VI Siting Analysis, including 2 presentations, each, to both BART's Title VI/Environmental Justice Advisory Committee and Limited English Proficiency (LEP) Advisory Committee between 2016-2017. Additionally, staff presented on the TOF project at the following gatherings:

- Community working group meetings with local stakeholders representing several neighborhood community-based organizations and nearby institutions.
- Stakeholder meetings.
- Community Open House: held on May 10 at the Metro Center from 4pm-7pm to gain feedback from neighborhood residents, businesses, and other community stakeholders.

Finally, a survey was distributed online in English, Chinese, and Vietnamese, as well as at the Community Open House. In total, staff received 138 survey responses. Feedback received did not show any disagreement with the preferred TOF site location at the Lake Merritt Complex.

**Fiscal Impact:**

Failure to comply with FTA regulations may affect BART's future FTA funds.

**Alternatives:**

Do not approve the Transit Operations Facility Title VI Siting Analysis. If the Board does not approve the Siting Analysis, staff must revise and resubmit the report for approval, so the Project may remain in compliance.

**Recommendation:**

Approval of the following motion.

**Motion:**

The Board of Directors approves BART's Transit Operations Facility Title VI Siting Analysis.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i> 9 June 2017		GENERAL MANAGER ACTION REQ'D: No		
DATE: 6/1/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Holly Gordon Dept: Sustainability	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 6/9/17	<i>[Signature]</i> 6/9/17	<i>Chris Egan</i> 6/9/17 [ ]	[ ]	<i>[Signature]</i> 6.9.17 [ ]
Status: <b>Approved</b>		Date Created: 6/1/2017		

### Low Carbon Fuel Standard Policy

#### PURPOSE:

To request that the Board of Directors adopt the Low Carbon Fuel Standard Policy (LCFS).

#### DISCUSSION:

The Board is being asked to adopt this LCFS Policy to guide how BART allocates the revenues generated from the LCFS. The California LCFS requires fuel producers to reduce the carbon content of fuels by 10 percent below 2010 levels by 2020 to help the state meet its greenhouse gas (GHG) emission-reductions goals. The LCFS allows low and zero carbon fuel producers and transportation providers to generate credits and requires high carbon-intensity fuel providers (primarily oil refineries) to purchase credits while they work to reduce their carbon content (the more progress they make on cleaning their fuels, the fewer credits they are required to purchase). As of January 1, 2016, the LCFS was amended to allow "Fixed Guideway Charging," systems, which includes electrically-powered rail systems, such as BART, to generate credits. Transit service providers such as BART reduce regional GHG emissions and support the goals of the LCFS program by taking automobiles off the road, particularly during peak traffic times. With the revenue generated from selling the LCFS credits, BART has the opportunity to both support general operations and further reduce its carbon footprint by advancing sustainability projects.

Consistent with the recently adopted BART Strategic Plan as well as the intent of the LCFS program, the revenues from sales of the LCFS credits will be used to further the following

goals:

1. Support BART sustainability objectives a) as outlined in the BART Sustainability Policy and b) by supporting BART operations and fiscal health; and
2. Prioritize investments with environmental and financial returns for BART.

**FISCAL IMPACT:**

To achieve the above goals, LCFS credits shall be sold at times and through means that maximize the value to BART, and the resulting revenues shall be allocated as follows:

- All revenue from LCFS credits sold prior to June 30, 2017 shall be allocated to help balance the FY17 budget.
- All revenue from LCFS credits sold after July 1, 2017 shall be allocated as follows:
  - On a one time basis, the first \$1 million of LCFS credit revenues shall be used for development and design of sustainability projects.
  - All of the remaining LCFS credit revenues that accumulate during the lifetime of the LCFS program shall be allocated as follows on a dollar basis at the time of the credit sales:
    - 50% to be programmed by the BART Sustainability Group to develop and deliver projects in support of the above policy goals.
    - 50% to the BART general operating fund for use in the fiscal year of the sales.

**ALTERNATIVES:**

Do not adopt this LCFS Policy as currently presented. In that event, BART would not have an adopted policy for allocating the revenues generated by the LCFS.

**RECOMMENDATION:** It is recommended that the Board adopt this LCFS policy.

**MOTION:** The BART Board of Directors hereby adopts this LCFS Policy.