

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

BOARD MEETING AGENDA

October 25, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 25, 2018, in the BART Board Room, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

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

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

Jacqueline R. Edwards
Acting Assistant District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of October 9, 2018 (Special) and of October 11, 2018 (Regular).* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program.* Board requested to adopt.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Sole Source Procurement of Cubic Ticket Vending Machine Software Upgrade for EMV (Chip) Payment Cards.* Board requested to authorize.
- B. Sole Source Procurement of Ingenico PIN Pads and Readers for EMV TVM (Two-Thirds Vote Required).* Board requested to authorize.
- C. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group - California, LP, for New Truck Turntables (C.O. No. 288).* Board requested to authorize.
- D. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group - California, LP, for Milestone No. 3 Time Extension (C.O. No. 312).* Board requested to authorize.
- E. Agreements for Transbay Tube Earthquake Safety Service Plan.* Board requested to authorize.

- F. Mobility As A Service (MAAS).* For Information.
- G. Surveillance Technology Approvals.*
 - a. BART Mobile Applications and Related Modifications to Bart.gov
 - b. BART Closed Circuit Television (CCTV)
 - c. BART CCTV Public Video Monitors
 - d. BART Public Emergency Phone TowersBoard requested to authorize.
- H. Procurement of Additional Transit Vehicles.* For information.

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

Director Blalock, Chairperson

No Items.

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Appointment of BART Police Citizen Review Board At-Large Member.*
Board requested to appoint.
- 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: Order Instituting Investigation before the California
Public Utilities Commission and BART

Case No.: Investigation 16-06-010

Government Code Section: 54956.9(a)

B. CONFERENCE WITH LABOR NEGOTIATORS:

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

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

Government Code Section: 54957.6

11. OPEN SESSION

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

Board of Directors
Minutes of the 1,821st Meeting
October 9, 2018

A special meeting of the Board of Directors was held October 9, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Jacqueline R. Edwards, Acting Assistant District Secretary.

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

Absent: Directors Keller and Simon. Director Allen entered the Meeting later.

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

President Raburn announced that the Board would enter into closed session under Item 3-A (Conference with Negotiators - Public Employee Performance Evaluation) and Item 3-B (Public Employee Appointment – Inspector General) of the special Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 9:01 a.m.

The Board Meeting reconvened in closed session at 9:03 a.m.

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

Absent: Directors Keller and Simon. Director Allen entered the Meeting later.

Director Allen entered the Meeting.

Director Josefowitz exited the Meeting.

The Board Meeting recessed at 2:58 p.m.

The Board Meeting reconvened in open session at 2:59 p.m.

Directors present: Directors Allen, Blalock, Dufty, McPartland, Saltzman, and Raburn.

Absent: Directors Josefowitz, Keller, and Simon.

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

The Meeting was adjourned at 3:00 p.m.

Jacqueline R. Edwards
Acting Assistant 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 1,822nd Meeting
October 11, 2018

A regular meeting of the Board of Directors was held October 11, 2018, convening at 9:00 a.m. in in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Jacqueline R. Edwards, Acting Assistant District Secretary.

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

Absent: Director Simon. Director Josefowitz entered the meeting later.

President Raburn called for Introduction of Special Guests. Director Dufty took a moment to give support to National Coming Out Day on October 11, 2018.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 27, 2018.
2. District Base Pay Schedule.
3. Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Bridge Toll Funds for the BART-Muni Access on Market Street Corridor Project.

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

1. That the Minutes of the Meetings of September 27, 2018, be approved.
2. That the Base Pay Schedule in effect July 1, 2018, be approved.
3. Adoption of Resolution No. 5379 for Project Compliance and Initial Project Report for Regional Measure 2 Bridge Toll Funds for the BART-Muni Access on Market Street Corridor Project.

President Raburn called for Public Comment.

The following individuals addressed the Board.

Randall Glock
Amy Bienart
Afiyah Chambers
Nancy Scott

Director Josefowitz entered the meeting.

Lonnie Monroe
Jimmy Walton

Director Allen, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2018 Year-End Budget Revision before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Ms. Kate Jordan-Steiner, Acting Department Manager of Operating Budgets, presented the item. The item was discussed.

Director Blalock moved Adoption of Resolution No. 5380 In the Matter of Amending Resolution No. 5373 regarding Fiscal Year 2018 Annual Budget. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director Allen brought the matter of the Revised Draft Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program before the Board. Ms. Herhold, and Mr. Michael Eiseman, Acting Department Manager of Financial Planning, presented the item. The item was discussed.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award for Contract No. 15AA-110, M-Line Tunnel Lighting Upgrade before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Mr. Javed Khan, Project Manager, Maintenance and Engineering Department, presented the item. The item was discussed.

Director Dufty moved that the General Manager be authorized to award Contract No. 15AA-110 M-Line Tunnel Lighting Upgrade to ABM Electrical and Lighting Solutions, Inc. for the Total Bid Price of \$11,620,568.07, pursuant to notification by the General Manager, and subject to compliance with the District's Protest Procedures. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director McPartland brought the matter of Award of Request for Proposal No. 6M3405, Plaza Walkway Cleaning Services before the Board. Ms. Allen, Mr. John Mazza, Acting Assistant Chief Maintenance and Engineering Officer; and Ms. Fannie Pettis, Program Manager, Maintenance and Engineering Department, presented the item. The item was discussed.

Director Dufty moved that the General Manager be authorized to award Agreement No. 6M3405, Walkways and Plaza Cleaning Services, AREA 2 Mission West Bay in the amount not to exceed \$982,800.00, to Puma Power Washing, pursuant to notification by the General Manager and subject to the compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the option Year 4, in the amount not to exceed \$364,000.00 and the option Year 5, in the amount not to exceed \$364,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director McPartland brought the matter of Change Orders to Agreements No. 6M3230 and Agreements No. 6M3231 for Plaza Cleaning Services before the Board. Ms. Allen; Mr. Mazza; and Ms. Pettis, presented the item. The item was discussed.

Director Saltzman moved that the General Manager be authorized to execute Change Orders to Agreement No. 6M3230 with Webco Sweeping LLC for the amount not to exceed \$412,178.00 and Agreement No. 6M3231 with Impec Group, Inc. for the amount not to exceed \$172,640.00 extending both Agreements up to 1 year. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director McPartland brought the matter to Reject the Single Bid for Contract No. 15QH-230A, Site Improvements at Various Stations - Phase V before the Board. Ms. Allen; and Ms. Tracy Johnson, Group Manager, Maintenance and Engineering Department, presented the item. The item was discussed.

Director Blalock moved that the General Manager be authorized to reject the Single Bid for Contract No. 15QH-230A, Site Improvements at Various Stations- Phase V. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Saltzman. Noes – 0. Absent – 1: Director Simon.

Director McPartland brought the matter of the Transbay Tube Earthquake Safety Service Plan Update before the Board. Ms. Allen; Mr. John McCormick, Department Manager, Operations Planning Department; and Ms. Rachel Russell, Senior Planner, presented the item.

The following individuals addressed the Board:

Susan Donahue

The item was discussed.

Stephen Easley
Marvin Hernandez
Chhavi Sahni
Charlotta Wallace

Discussion Continued.

President Raburn announced that the order of agenda items would be changed, and that the Board would enter into closed session under Item 11-A (Conference with Labor Negotiators), and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 11:50 a.m.

The Board Meeting reconvened in closed session at 12:06 p.m.

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

Absent: Director Simon.

The Board Meeting recessed at 1:19 p.m.

The Board Meeting reconvened in open session at 1:20 p.m.

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

Absent: Director Simon.

President Raburn announced that the Board had concluded its discussion of Item 11-A of the Regular Meeting Agenda and that there was nothing to report.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee brought the matter of the Federal and State Legislative Update before the Board. Mr. Carl Holmes, Assistant General Manager, Planning, Development, and Construction; and Mr. Roddrick Lee, Department Manager Government & Communications Relations; and Ms. Amanda Cruz, Program Manager, presented the item. The item was discussed.

President Raburn called for the General Manager's Report.

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

President Raburn called for the Controller/Treasurer's Report.

Ms. Rose Poblete, Controller/Treasurer; and Mr. Christopher Gan, Assistant Controller, presented the Quarterly Report of the Controller/Treasurer for the period ending June 30, 2018. The report was discussed.

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

Director McPartland reported his attendance at the BART DRILL at Balboa Station, Valley Rail Link meeting, Tri-Valley Transportation Solutions meeting, Asian American Architects and Engineers award dinner (Mr. Wayne Wong was an awardee posthumously), Earthquake Early Warning Shake Alert event at the Berkeley Station, and at Tri-Valley – San Joaquin Regional Rail Authority meeting.

Director Josefowitz commented on how important it is to communicate with BART passengers with a consistent message on all channels, from the BART website, signage at the stations, and station agents reporting a delay.

Director Saltzman noted that the San Diego Metropolitan Transportation System adopted a Transit Oriented Development Policy for their parking lots.

Director Blalock reported attending Amtrak's San Joaquin Joint Powers Authority meeting, Asian American Architects and Engineers award dinner, and attended the Norman Mineta documentary "The American Story" with the Mineta Transportation Institute at a theatre in San Jose.

President Raburn reported attending the Asian American Architects and Engineers award dinner, Earthquake Early Warning Shake Alert event at the Berkeley Station, Shared Use Mobility Workshop, and the Alameda County Mayor's Conference.

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

The Meeting was adjourned at 1:54 p.m.

Jacqueline R. Edwards
Acting Assistant District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>18 Oct 2018</i> <i>Rbat M. Penum</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/16/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Eiseman Dept: Financial Planning	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>MWE</i> <i>10/18/2018</i>	<i>[Signature]</i> <i>10/18/18</i> []	<i>[Signature]</i> <i>10/18/18</i> []	[]	<i>[Signature]</i> <i>10/17/18</i> []

FY19 Short Range Transit Plan/Capital Improvement Program

PURPOSE:

Adoption of the District's FY19 Short Range Transit Plan/Capital Improvement Program.

DISCUSSION:

The Short Range Transit Plan/Capital Improvement Program (SRTP/CIP) provides an overview of BART's long-term operating and capital financial outlook. The Metropolitan Transportation Commission (MTC) requires each transit operator receiving federal funding through MTC to adopt and submit an SRTP/CIP. The FY19 SRTP/CIP covers the period FY19 through FY28 for the SRTP and FY19 through FY33 for the CIP.

The Draft FY19 SRTP/CIP was initially provided to the Board in advance of the September 13, 2018 Board meeting and was made publicly available via BART's website. Feedback was solicited from the Board and the public throughout the next month and incorporated into the Revised Draft. At the Board's meeting on October 11, 2018, the Revised Draft FY19 SRTP/CIP was presented as an informational item. Board feedback included support for projected future off-peak service increases. The Revised Draft FY19 SRTP/CIP document was posted on BART's website. Staff also discussed the SRTP/CIP with BART's Title VI/Environmental Justice Advisory Committee and Limited English Proficiency Advisory Committee on September 17, 2018. The Final FY19 SRTP/CIP incorporates the comments received at these meetings. Staff will also meet with the BART Accessibility Task Force on October 25, 2018.

BART's SRTP operating financial outlook presents an \$11 billion operating program over 10 years (FY19 - 28). It shows a cumulative shortfall of \$327 million, with annual deficits ranging from \$11 million to \$59 million. MTC guidelines require, however, that the operating forecast be sustainable and generally balanced over the period of the SRTP. To

address this requirement, a line titled “Cost Containment/Revenue Enhancement” was added to the final financial forecast in order to reduce the annual net deficit to zero each year. The SRTP/CIP reiterates BART’s commitment to balance each future year’s budget. Strategies to close the potential shortfalls include increasing sources of operating revenues, and could include further expense reductions and adjustments to the timing of operating to capital allocations to the actual funding needs of projects.

BART’s Capital Improvement Program (CIP) covers 15-years (FY19 - FY33) to align with the timing of the Measure RR System Renewal Plan and other major capital projects. Total capital needs identified in the CIP are \$22.4 billion. The plan identifies \$12.4 billion of secure and competitive funding that will be invested in BART’s highest priority projects across ten program areas, including rail cars; track and structures; traction power; train control and communications; stations; maintenance shops, yards, and other facilities; electrical and mechanical infrastructure; seismic programs; system expansion; and system support. The plan also identifies \$10 billion of unfunded needs, which represent approximately 45% of the total capital need. BART continues to seek additional revenue sources for capital needs.

FISCAL IMPACT:

The SRTP/CIP is a required supporting document for BART’s grant applications to MTC. As such, this document is a prerequisite to MTC’s authorization of grant funds to the District.

ALTERNATIVES:

Do not adopt the Final FY19 SRTP/CIP, which would jeopardize future grant approvals by MTC.

RECOMMENDATION:

Adopt the Final FY19 SRTP/CIP for transmittal to MTC and the Federal Transit Administration (FTA) as required.

MOTION:

That the District’s Final FY19 SRTP/CIP be adopted and transmitted to MTC and FTA as required.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 Oct 2018</i> <i>Robert M. Penner</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/20/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Viet Nguyen Dept: Maintenance and Engineering <i>Wen Yew for V. Nguyen</i> Signature/Date: <i>10/10/2018</i>	General Counsel <i>[Signature]</i> <i>10/10/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>10/10/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>10.17.2018</i> []
Status: Approved		Date Created: 9/20/2018		

Cubic Ticket Vending Machine Software Upgrade for EMV (Chip) Payment Cards

PURPOSE: To obtain Board authorization to enter into negotiations and execute a professional services agreement with Cubic Transportation Systems, Inc. (CTS), for the Procurement of Services to modify Ticket Vending and Add Fare Machine (TVM/AFM) Software to accept EMV cards and encrypt cardholder data, in an amount not to exceed \$1,850,000.

DISCUSSION: The payment card industry is moving towards the use of EMV (Europay, Mastercard and Visa protocol) cards with embedded computer chips to prevent fraudulent transactions due to counterfeit cards. BART needs to accept these cards to improve transaction data security and customer experience. Furthermore, since October 2015, payment networks have shifted liability to the merchants for the use of counterfeit cards created from the magnetic stripe on a chip card or lost and stolen card transactions.

Currently BART's TVMs accepts magnetic stripe payment cards and not EMV cards. Wells Fargo Bank (WFB) is the District's merchant acquirer, and First Data Merchant Services (FDMS) is the bank's payment processor. Completion of the EMV project enables acceptance of EMV cards and mobile devices at BART stations, as well as encryption of cardholders' data to protect BART's customers.

Implementation of the EMV project requires modifications to the hardware and software on the TVM/AFM. BART will purchase the hardware (Ingenico PIN pads and readers) separately from another supplier. The software can only be upgraded by CTS since the software was provided by, and proprietary to, CTS. Because of the proprietary nature of the

software, integration with a non-CTS supplier would unreasonably increase costs and protract the timeline for delivery.

Staff is now seeking to enter into direct negotiations with CTS in order to execute a professional services agreement to modify Ticket Vending and Add Fare Machine (TVM/AFM) Software to accept EMV cards and encrypt cardholder data, in an amount not to exceed \$1,850,000. The Office of the General Counsel will approve the Contract as to form. Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Sole Source Agreements. Therefore, no DBE goal was set for this Agreement.

FTA Circular 4220.1F, Chapter VI, Subparagraph 3.i(1)(b) stipulates provides that the recipient may make a sole source award under certain circumstances, including where not utilizing that sole source would result in either "Unacceptable Delay" or "Substantial Duplication Costs." The software modifications to be made by CTS to for EMV acceptance falls under both of these provisions justifying a sole source contract as described below.

The ticket vending machine software was provided by and proprietary to CTS. Development new software or modification of existing software compatible with vending equipment hardware provided by CTS will require proprietary information from CTS and will require a significant amount of time and may result in unacceptable delay.

Furthermore, new software from alternative suppliers would entail a significant expenditure of funds and would duplicate the costs previously incurred by BART for the design, development and testing of the vending equipment software now in use on all ticket vending machines systemwide.

FISCAL IMPACT:

Funding of \$1,850,000.00 is included in the total project budget for 47CC003, Europay MasterCard Visa. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

Fund Group	Amount
Various FTA Grant Sources	\$ 4,823,446
BART Operating Allocation to Capital	\$ 1,205,861
TOTAL	\$ 6,029,307

As of September 12, 2018, \$6,029,307 is the total budget for this project. BART has expended \$1,150,300, will be reserving \$750,000, and committed \$0 to date. This action will

commit \$1,850,000 leaving an available fund balance of \$2,279,007 balance for this project.

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

ALTERNATIVES: Based on the single source for upgrade of the District's existing TVM/AFM software, there is no feasible alternative. If the General Manager is not authorized to enter into the requested negotiations or execute a Contract with CTS, BART's TVM/AFMs will not be able to accept EMV cards, BART will continue to be liable for the use of counterfeit cards and customers will not be able to use chip cards nor mobile devices for payment.

RECOMMENDATION: Adoption of the following motion.

MOTION: The Board of Directors authorizes the General Manager to enter into direct negotiations and to execute a professional services agreement with Cubic Transportation Systems, Inc. to modify Ticket Vending and Add Fare Machine Software to accept EMV cards and encrypt cardholder data, in an amount not to exceed \$1,850,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Theresa P...</i> 17 Oct 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/20/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Viet Nguyen Dept: Maintenance and Engineering <i>Viet Nguyen for V. Nguyen</i> Signature/Date: 10/10/2018	General Counsel <i>[Signature]</i> 10/10/18 []	Controller/Treasurer <i>[Signature]</i> 10/10/18 []	District Secretary []	BARC <i>[Signature]</i> 10.17.2018 []
Status: Approved		Date Created: 9/20/2018		

Procurement of Ingenico PIN pads and Readers for EMV TVM

PURPOSE:

To request Board authorization to award a sole source to UCP Inc. (UCP) for the Procurement of Ingenico PIN pads and Readers (devices) to enable ticket vending and add fare machines (TVM/AFM) to accept EMV cards, in an amount not to exceed \$750,000 including all taxes.

DISCUSSION: Currently BART vending machines (TVM/AFMs) use UIC card readers and MGR PIN pads to accept magnetic stripe payment cards only. Those PIN pads do not support EMV and are no longer manufactured. To enable acceptance of EMV cards at BART TVM/AFMs, the District needs to replace the obsolete devices with Ingenico devices.

The devices can only be purchased from an Ingenico designated distributor and UCP, Inc. is the designated distributor of Ingenico devices in San Francisco Bay Area.

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

Staff is now seeking to enter into direct negotiations with UCP in order to execute a sole source contract for the procurement of upgraded components for TVM/AFMs at all BART

stations, at a cost not to exceed \$750,000. The Office of the General Counsel will approve the Contract as to form. Pursuant to the District’s Disadvantaged Business Enterprise (“DBE”) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Sole Source Agreements. Therefore, no DBE goal was set for this Agreement.

FTA Circular 4220.1F, Chapter VI, Subparagraph 3.i(1)(b) stipulates provides that the recipient may make a sole source award under certain circumstances, including where not utilizing that sole source would result in either “Unacceptable Delay” or “Substantial Duplication Costs.” The purchase of card readers and PINpads from UCP as the designated supplier of Ingenico devices falls under both of these provisions justifying a sole source contract as described below.

Ingenico devices are specified by Cubic Transportation System, supplier of BART vending machines, as compatible components. The use of alternative devices will require a significant amount of time and may result in unacceptable delays in the implementation of smartcard-based credit cards and support for debit card with PINs. Furthermore, procurement of acceptable alternatives would entail a significant expenditure of funds and duplicate costs previously incurred by BART for the design, development and testing of Ingenico devices.

FISCAL IMPACT:

Funding of \$750,000 is included in the total project budget for 47CC003, Europay MasterCard Visa. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

Fund Group	Amount
Various FTA Grant Sources	\$ 4,823,446
BART Operating Allocation to Capital	\$ 1,205,861
TOTAL	\$ 6,029,307

As of September 12, 2018, \$6,029,307 is the total budget for this project. BART has expended \$1,150,300, will be reserving \$1,850,000, and committed \$0 to date. This action will commit \$750,000 leaving an available fund balance of \$2,279,007 balance for this project.

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

ALTERNATIVES: Based on the single source for Ingenico device purchase, there is no alternative supplier other than UCP. If Ingenico devices are not purchased, broken MGR PIN pads cannot be replaced and affected TVM/AFM will be out of service. Furthermore,

BART's TVM/AFM will not be able to accept EMV cards, BART will continue to be liable for the use of counterfeit cards and customers will not be able to use chip cards nor mobile devices for payment.

RECOMMENDATION: Adoption of the following motion.

MOTION:

1. Pursuant to Public Contract Code section 20227, the Board finds that UCP is the single source for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs in use by the District.
2. The Board authorizes the General Manager to negotiate and award a contract to UCP for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs in an amount not to exceed \$750,000, plus applicable taxes.

Two-thirds vote required.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. P... 17 Oct 2018</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 9/5/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions <i>Kevin Sanderson</i> Signature/Date: 10/15/18	General Counsel <i>[Signature]</i> 10/15/18 []	Controller/Treasurer <i>[Signature]</i> 10/15/18 []	District Secretary []	BARG <i>[Signature]</i> 10.17.2018 []

Contract No. 01RQ-110, Hayward Maintenance Complex (HMC) Project Maintenance Facilities, Change Order No. 288, for New Truck Turntables

PURPOSE:

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

DISCUSSION:

On July 23, 2015, the Board of Directors authorized the award of Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities to Clark Construction in the amount of \$98,390,000. The Contract is for the construction of a new Component Repair Shop and the addition of vehicle lifts and associated utilities and trackwork at the existing Hayward Shop.

Following commencement of the Contract Work, it was determined that the furnishing and installation of turntable devices in the Hayward back shop area had not been included in the scope of work. Turntables are required to efficiently maneuver trucks to other areas of the shop as needed during revenue vehicle repair. Because these truck turntables had not been included in the base Contract scope of work, a change to the Contract is required to provide for additional compensation associated with this additional work. The estimated value of this Change Order is an amount not-to-exceed \$300,000. The final amount is contingent upon the District's review of the Contractor's submitted actual cost records.

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

FISCAL IMPACT:

Funding in the amount of \$300,000 for Contract No. 01RQ-110 Change Order No. 288 is included in the total project budget for FMS# 01RQ003 – HMC Shops Mod & Comp Rep.

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

Proposed Funding	
F/G 3007 - CA-95-X236 HMC	\$ 3,319,875
F/G 5602 - HSPTBF (Prop 1A) for HMC	\$ 60,614,000
F/G 656K - VTA Hayward Mtce Ctr Cost Sharing	\$ 49,710,000
F/G 8524 - FY12 Operating Alloc to Cap	\$ 430,125
F/G 8526 - FY14 Operating Alloc to Cap	\$ 2,477,367
F/G 8529 - FY15 Operating Alloc to Cap	\$ 7,446,920
F/G 8530 - FY16 Operating Alloc to Cap	\$ 1,106,418
TOTAL	\$ 125,104,705

As of September 13, 2018, \$125,104,705 is the total budget for this project. BART has expended \$106,310,093, committed \$13,292,739, and reserved \$5,029,241 to date. This action will encumber \$300,000, leaving an available fund balance of \$172,633 in this fund source for this project.

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

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

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If this Change Order is not issued the District staff will not be able to utilize the new car lifts to their full advantage, contributing to a loss in vehicle maintenance and repair efficiency. .

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

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



12 EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-110

CO No: 288

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group
Contract No./NTP: 01RQ-110 / October 21, 2015
Contract Description: Hayward Maintenance Complex Project – Maintenance Facilities

Percent Complete as of: 08/31/2018 – 86.07%

Dollars Percent Complete as of: 08/31/2018 – 90.55%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	5.60%	\$5,509,840.00	
Board Authorized Change Orders:	9.04%	\$8,894,456.00	
This Change Order No. 288:	.30%	\$ 300,000.00	
Subtotal of all Change Order	14.94%	\$14,704,296.00	

Revised Contract Amount: \$113,094,296.00

SCHEDULE

Original Contract Duration: 860 Days
Time Extension to Date: 222 Days
Time Extension Due to Approved COs: 222 Days
Time Extension Due to This Change Order No. 288: 0 Days
Revised Contract Duration: 1,082 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Macton Truck Turntables and Related Foundation Installation Work

This change order is primarily for the procurements and installation of two (2) Truck Turntables in the Back Shop. In the year 2011, two (2) Truck Turntables in the back shop were included in the 65% design submittal of the existing Hayward Shop 7 new vehicle lifts. However, the two turntables were removed from the 95% design submittal. It was clearly documented in design review progress meeting minutes that the two (2) turntables would be removed from the design, but the reasons why were not documented, and are unknown by the current project team. Subsequently, after NTP and another review of the base contract scope of work, earlier this year 2018, it has been determined by the end-user BART RS&S that the two (2) turntables are an essential element for the functionality and efficient usage of the new vehicle lifts to be installed in the back shop, and they should be added back into the scope of work. The designer-of-record has established the feasibility of adding in the two (2) truck turntables to the back shop.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Roman</i> 17 Oct 2018		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 9/13/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions <i>Kevin Sanderson</i> Signature: <i>Kevin Sanderson</i> Date: 10/15/18	General Counsel <i>[Signature]</i> 10/13/18 []	Controller/Treasurer <i>[Signature]</i> 10/15/18 []	District Secretary []	BARC <i>[Signature]</i> 10.12.2018 []

Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, Change Order No. 312, Milestone No. 3 Time Extension

PURPOSE:

To authorize the General Manager to execute Change Order No. 312 for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities with Clark Construction, for Milestone No. 3 Time Extension, for an amount not to exceed \$3,150,000 and a 150 calendar day extension of the Contract duration.

DISCUSSION:

On July 23, 2015, the Board of Directors authorized the award of Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities in the amount of \$98,390,000, to Clark Construction. The Contract is for the construction of a new Component Repair Shop and the addition of vehicle lifts and associated utilities and trackwork at the existing Hayward Shop.

Change Order No. 312 will address the time impacts caused by the re-sequencing of specific Work activities associated with Change Order No. 74, which was approved by the Board on January 25, 2018 and addressed the need to maintain run-around track capability to facilitate revenue vehicle maintenance activities at the Hayward Shop during construction. The activities being affected by Change Order No. 74 have to be executed consecutively rather than concurrently, increasing the time necessary to complete the Work, thereby lengthening the completion of base Contract Milestone No. 3. The net impact of the changes results in a 150 calendar day delay on the Contract critical path. Change Order No. 312 will provide the Contractor with an amount not to exceed \$3,150,000 and add 150 calendar days to the Contract duration to compensate for time impacts arising from Change Order No. 74. The \$3,150,000 is submitted as a not to exceed limit with the final amount contingent upon the results of the internal audit review of the Contractor's daily overhead rate.

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

CAPITAL FISCAL IMPACT:

Funding in the amount of \$3,150,000 for Contract No. 01RQ-110 Change Order No. 312 is included in the total project budget for FMS# 01RQ003 – HMC Shops Mod & Comp Rep.

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

Proposed Funding	
F/G 3007 - CA-95-X236 HMC	\$ 3,319,875
F/G 5602 - HSPTBF (Prop 1A) for HMC	\$ 60,614,000
F/G 656K - VTA Hayward Mtce Ctr Cost Sharing	\$ 49,710,000
F/G 8524 - FY12 Operating Alloc to Cap	\$ 430,125
F/G 8526 - FY14 Operating Alloc to Cap	\$ 2,477,367
F/G 8529 - FY15 Operating Alloc to Cap	\$ 7,446,920
F/G 8530 - FY16 Operating Alloc to Cap	\$ 1,106,418
F/G 8532 – FY18 Operating Alloc to Cap	\$ 5,500,000
TOTAL	\$ 130,604,705

As of October 2, 2018, \$130,604,705 is the total budget for this project. BART has expended \$106,388,726, committed \$13,383,645, and reserved \$5,292,812 to date. This action will encumber \$3,150,000 leaving an available fund balance of \$2,389,522 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation

costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 312, Milestone No. 3 Time Extension, in an amount not to exceed \$3,150,000, and extend the Contract completion date 150 calendar days for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.



12 EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-110

CO No: 312

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group
Contract No./NTP: 01RQ-110 / October 21, 2015
Contract Description: Hayward Maintenance Complex Project – Maintenance Facilities

Percent Complete as of: 08/31/2018 – 86.07%

Dollars Percent Complete as of: 08/31/2018 – 90.55%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	5.60%	\$5,509,840.00	
Board Authorized Change Orders:	9.04%	\$8,894,456.00	
This Change Order No. 312:	3.21%	\$3,157,957.00	
Subtotal of all Change Order	17.85%	\$17,562,253.00	
<u>Revised Contract Amount:</u>			\$115,952,253.00

SCHEDULE

Original Contract Duration: 860 Days
Time Extension to Date: 222 Days
Time Extension Due to Approved COs: 222 Days
Time Extension Due to This Change Order No. 312: 150 Days
Revised Contract Duration: 1,232 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Milestone 3 Time Extension and Extended Overhead Part 2

Change Order No. 312 is for 150 calendar days' time extension and associated extended overhead costs due to delays occurring as the result of District caused constrains and subsequent resequencing of work associated with following:

1. CN- 74.3 - South Yard Work cannot start until the completion of the Main Shop
2. The South Yard Phase 1, 2 and Back Shop completion prior to the construction of new Run Around Track (South Yard Phase 3 &4).



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rachel M. Power</i> 18 Oct 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/17/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Russell Dept: Systems Development <i>Rachel Russell</i> Signature/Date: 10-18-18	General Counsel <i>[Signature]</i> 10/18/18 []	Controller/Treasurer <i>[Signature]</i> 10/18/18 []	District Secretary []	BARC <i>[Signature]</i> 10/18/2018 []

BART Transbay Tube Earthquake Safety Service Plan: BART Early Bird Express

PURPOSE:

To obtain Board authorization for the General Manager to enter into agreements with bus operators to provide early morning bus services for an amount not to exceed \$3,000,000 per year for a period of up to three years, with up to three 1-year extensions.

DISCUSSION:

The District has developed a plan to commence operations one hour later at 5:00 AM. to extend its overnight maintenance work window by one hour for the upcoming Transbay Tube Seismic Retrofit project. The plan will begin in early 2019 and extend for approximately three and one-half years. During this period, BART's other infrastructure renovation projects will also benefit from this extended work window, saving the District time and money. Expediting the completion of Seismic Retrofit of the Transbay Tube significantly reduces risk to BART, while infrastructure work will improve system performance and reliability.

Staff seeks Board authority to enter into agreements with bus operators, including the Alameda-Contra Costa Transit District (AC Transit), San Francisco Municipal Railway (SFMTA), San Mateo County Transit District (SamTrans), Central Contra Costa Transit Authority (CCCTA), Western Contra Costa Transit Authority (WestCAT), Livermore Amador Valley Transit Authority (LAVTA), Eastern Contra Costa Transit Authority (Tri Delta Transit) and, if necessary, other public and/or private bus operators, to provide early morning bus services between approximately twenty BART stations that have been identified as key network nodes. These bus routes are intended to provide a service to passengers that currently ride BART between the hours of 4:00 AM and 5:00 AM. The routes will commence service on weekdays starting at 4:00 AM to approximately 5:00 AM, when the first weekday morning BART trains commence revenue service. Network nodes were

chosen based upon current ridership, availability of parking, bus network design such as freeways, and network planning for transfers and accessibility. Staff will regularly evaluate and adjust service levels as appropriate.

With Board authority, BART will enter into individual agreements with individual bus operators for specific portions of the overall early morning bus network. The District will reimburse each bus operator for its operating costs net of collected fare revenues from the early morning bus service. The bus operator agreement will be structured with a base term of between one and three years, with up to three 1-year extensions, with specific terms varying for each bus operator agreement.

The Office of the General Counsel will approve all agreements as to form prior to execution.

FISCAL IMPACT:

Funding for these agreements and payment of related expenses will come from the budget of the benefiting capital projects. Capital Budget and Funds Management will certify the eligibility of identified eligible Capital funding sources. The Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

Do not authorize the General Manager to enter into agreements to establish early morning bus services. Without this authorization, there will be no bus operators contracted to operate early morning bus services, which will force impacted BART patrons to seek alternate means of transportation during the 4:00 AM to 5:00 AM hour.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion.

MOTION:

The General Manager is authorized to enter into agreements with bus operators to provide early morning bus services for an amount not exceed \$3,000,000 per year, for a base period of up to three years, plus up to three one-year extensions.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

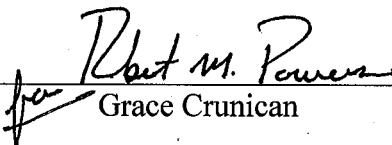
DATE: October 19, 2018

FROM: General Manager

SUBJECT: Mobility As A Service (MAAS)

At the Board meeting on October 25, 2018, staff will present the attached update on Mobility As A Service (MAAS).

If you have any questions, please contact Ravi Misra, Assistant General Manager of Technology/CIO, at 510-464-6857.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pearson</i> 18 Oct 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/16/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Angie West Dept: Office of the CIO <i>Ami</i> Signature/Date: 10/18/18	General Counsel <i>[Signature]</i> 10/18/18 []	Controller/Treasurer <i>[Signature]</i> 10/18/18 []	District Secretary []	BARC <i>[Signature]</i> 10.18.2018 []

Surveillance Ordinance Use Policies and Impact Report

PURPOSE:

To obtain Board authorization to implement the use of four specific surveillance technologies referenced in the attached Surveillance Use Policies and Surveillance Impact reports.

DISCUSSION:

The District's Surveillance Technology Ordinance defines a Surveillance Technology in part as, "...any electronic device or system with the capacity to monitor and collect, audio, visual, locational ... or similar information...". All four proposed items meet this definition.

Consistent with the District's Surveillance Technology Ordinance, staff has developed Surveillance Use Policies and Surveillance Impact Reports for each of the four technologies:

1. BART Mobile Applications and Related Modifications to BART.gov
2. BART Closed Circuit Television (CCTV)
3. BART CCTV Public Video Monitors
4. BART Public Emergency Phone Towers

Pursuant to the Ordinance, leading to the October 25, 2018, BART Board Meeting, the Board was notified 21 days in advance, and the Public was notified 15 days in advance via posting on BART.gov and advertisement in several Newspapers within the District.

The items above are further described below:

1. BART Mobile Applications and Related Modifications to BART.gov

The development of these apps were underway prior to the adoption of the District's Surveillance Technology Ordinance, but public release of this technology is being delayed pending Board approval due to the app's use of "locational" data, a qualifying Surveillance Technology. The BART Mobile Applications and Related Modifications to BART.gov are intended to provide patrons with consistent transit information, transit incentives and maps. Locational data is a critical function in developing transit routes and helping patrons complete their journeys. In addition, these tools will also be used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement. Many of the services provided by the BART Official App and the BART to Airport App will also be offered on BART.gov to help the District provide a consistent brand experience for BART patrons. As defined in this technology's Surveillance Use Policy, these solutions will utilize set standards for data protection such as ICO/IEC 27002, NIST and PCI-DSS and utilize encryption technology and Level 2 PCI-DSS as applicable. In addition, the District has set firm limits on data retention that are in line with the Metropolitan Transportation Commission Clipper Privacy Policies for transit rider account information. This combined mobile app and BART.gov technology was developed prior to the Ordinance and it was developed using a combination of Federal Grant funds and BART funds. This technology cost \$1.8M to develop and will cost \$244K annually to maintain. Further information is contained in the attached reports.

2. BART Closed Circuit Television (CCTV)

CCTV is in wide use around the District now. This technology is used to identify and prevent threats to persons and property, and assist in identifying, apprehending, and prosecuting offenders. As defined in the attached Surveillance Use Policy, the District has set firm limits on sharing CCTV data only in response to subpoenas, pursuant to court orders, for use in criminal investigations, and always within the requirements of the District's Safe Transit Policy. In developing plans to replace the aging analog CCTV system with modern digital cameras, and the recognition of current security grant funds for CCTV projects, staff is seeking Board approval for the ongoing use of CCTV cameras.

As defined in the Surveillance Impact Report, the District anticipates implementation of CCTV at and around all stations and parking facilities. The program implementation is anticipated to occur over four to five years at a total cost of approximately \$12.3M. Potential sources of funding include, FTA Security Grant Funds, Other Grant Services, Operating Funds, and Private Investment. Further information is contained in the attached reports.

3. BART CCTV Public Video Monitors

This item was recently prototyped at the Civic Center Station. Testing was discontinued after sixty days and the devices were disabled. Public Video Monitors are not currently in production. This technology is intended to provide greater public awareness of the existence of CCTV surveillance technology within BART stations. As customers enter a BART station, these monitors, mounted above the fare gates on the ceiling of the station, can be used to display live CCTV streams of areas under active surveillance.

As defined in the attached Surveillance Impact Report, the District anticipates implementation of this technology at all stations. If approved, approximately 95 monitors may be mounted in locations jointly determined by the BART Police Department and BART Operations as part of the District's Fare Evasion and Public Safety initiatives. These monitors will access and display live CCTV data. The monitors do not retain, store or otherwise share information with third parties. The program implementation is anticipated to occur over two to three years at a total cost \$285K. Further information is contained in the attached reports.

4. BART Public Emergency Phone Towers

This is a new technology that if approved, will install emergency phone towers on BART station platforms that will be strategically located in areas intended to provide greater access to 911 services for BART riders and employees. These highly visible, easily accessible blue light phones immediately connect callers to the BART Police 911 Dispatch Center. Police Dispatch will know the specific location of the caller and will have visual and audio connection to caller. As defined in the attached Surveillance Use Policy, the District has set firm limits on sharing CCTV data only in response to subpoenas, pursuant to court orders, for use in criminal investigations, and always within the requirements of the District's Safe Transit Policy.

Consistent with the attached Surveillance Impact Report, the District anticipates implementation of this technology in all stations. If approved three Public Emergency Phone Towers may be mounted on station platforms determined as priority locations by the BART Police Department and BART Operations as part of the District's Public Safety initiative. The program implementation is anticipated to occur over two to three years at a total cost of approximately \$5M. Further information is contained in the attached reports.

FISCAL IMPACT

This EDD is requesting approval for the use of Surveillance Technology, not the funds. Funding approval, if required, will be handled by separate action.

ALTERNATIVES:

Do not approve the implementation or use of one or more of the surveillance technology solutions. If this occurred, the unapproved surveillance technology would not be used by the District, and any similar pre-existing technology in use prior to the adoption of the Surveillance Technology Ordinance would be removed.

RECOMMENDATION:

Adoption of the following motions:

MOTIONS:

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

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

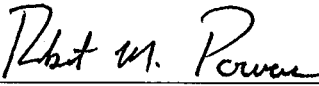
DATE: October 19, 2018

FROM: General Manager

SUBJECT: Procurement of Additional Transit Vehicles

At the Board meeting on October 25, 2018, staff will present the attached update on procurement of rail vehicles for Core Capacity and additional future needs.

If you have any questions, please contact Tamar Allen, Assistant General Manager of Operations, at 510-464-7513.



for Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** October 19, 2018
FROM: Acting Assistant District Secretary
SUBJECT: BART Police Citizen Review Board Public-at-Large Member Appointment

According to Chapter 2-07(K) of the Citizen Oversight Model (Model), the District Secretary's Office (DSO) will facilitate the application process for seats on the BART Police Citizen Review Board (BPCRB) and will coordinate the selection process with the Board of Directors (Board).

As was instructed by the Board at your June 28, 2018 meeting, the original application period was extended, and the Model was revised to expand the eligible applicant pool to include residents of San Mateo County. The revised Application for Appointment to the BPCRB was distributed widely throughout the District.

The application period closed on August 24, 2018 and the DSO is in receipt of 11 applications. Regarding the process for selection, it is expected that the appointment for the Public at Large seat may be ratified by the Board at its October 25, 2018 meeting for a term to begin immediately and to expire on June 30, 2020.

The process for the Public at Large appointment for October 25, 2018, will be as follows:

- All applicants were informed that the Board would select an appointee at the October 25, 2018 Board meeting.
- Each applicant in attendance will be offered an opportunity to address the Board.
- The Board members will complete the weighted voting form indicating their top 3 choices.
- The District Secretary tallies the votes while the Board moves on to other business on the agenda.
- The District Secretary provides the results of the vote to the Board President and those votes are announced.
- A motion is made to appoint one person to the seat, and the Board votes whether to approve that motion.

All applications are attached hereto with an accompanying chart for your reference and convenience. If you have any questions, please contact me at (510) 464-6086.



Jacqueline Edwards

Cc: Board Appointed Officers