

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

Board of Directors  
Minutes of the 1,786th Meeting  
April 27, 2017

A regular meeting of the Board of Directors was held April 27, 2017, convening at 5:06 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Josefowitz, McPartland, Raburn, Simon, and Saltzman.

Absent: Director Blalock. Directors Allen, Dufty, and Keller entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 13, 2017.
2. Award of Invitation for Bid No. 9028, Brush, Traction Motor.
3. Employee Recruitment and Relocation for the Assistant General Manager, Planning, Development & Construction.

Director Simon made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous acclamation. Ayes – 5: Directors Josefowitz, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 4: Directors Allen, Blalock, Dufty, and Keller.

1. That the Minutes of the Meeting of April 13, 2017, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 9028, for Brush, Traction Motor, to Mersen Industries, Inc., for an amount of \$340,304.48, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(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.)

3. That the General Manager or her designee be authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates, both inside and outside of California, for the Assistant General Manager, Planning, Development and Construction position; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for the

position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.

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

President Saltzman called for Public Comment. Clarence Fischer addressed the Board.

Directors Allen and Keller entered the Meeting.

President Saltzman called for the General Manager's Report.

Acting Chief of Police Jeffrey Jennings gave a brief report on an incident that occurred on April 22, 2017, at the Coliseum Station.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a brief report on a power outage that had occurred at Montgomery Street Station on April 24, 2017.

Director Dufty entered the Meeting.

General Manager Grace Crunican reported on activities and meetings she had participated in and outstanding Roll Call for Introductions items.

The General Manager's Report was briefly discussed.

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, brought the matter of State and Federal Legislative Update before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, and Ms. Amanda Cruz, Acting Program Manager of Legislative Affairs, presented the item.

Robert Allen addressed the Board.

The item was discussed.

Director McPartland moved that the Board support Senate Bill (SB) 614 (Hertzberg – Public Transportation Agencies: Administrative Penalties) if amended to remove changes to fines. Director Keller seconded the motion.

President Saltzman moved that the Board support Assembly Bill (AB) 179 (Cervantes – California Transportation Commission), AB 1640 (Garcia – Priority Funding for Transportation in Low-Income Communities), SB 150 (Allen – Regional Transportation Plans), SB 166 (Skinner – Residential Density and Affordability), and House Resolution 1664 (DeFazio – Investing in America: A Penny for Progress Act). Director Raburn seconded the motion, which carried by voice vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock.

Director Raburn moved that the Board support AB 1089 (Mullin – Local Elective Offices: Contribution Limitations). Director Josefowitz seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

Director Josefowitz moved that the Board support Assembly Constitutional Amendment 4 (Aguiar-Curry – Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval). President Saltzman seconded the motion, which carried by voice vote. Ayes – 6: Directors Dufty, Josefowitz, Keller, McPartland, Simon, and Saltzman. Noes – 2: Directors Allen and Raburn. Absent – 1: Director Blalock.

Returning to SB 614, Director Dufty moved that the Board support SB 614 as written. Director Josefowitz seconded the motion. The Board returned to the original motion, to support SB 614 if amended. The original motion failed by electronic vote. Ayes – 4: Directors Allen, Keller, McPartland, and Raburn. Noes – 4: Directors Dufty, Josefowitz, Simon, and Saltzman. Absent - 1: Director Blalock. The motion to support SB 614 as written carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Keller, Simon, and Saltzman. Noes – 3: Directors Allen, McPartland, and Raburn. Absent – 1: Director Blalock.

Director Josefowitz moved that the Board support AB 1113 (Bloom – State Transit Assistance Program). President Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

President Saltzman moved that the Board oppose AB 1509 (Baker – BART, Redirecting Existing Funds). Director Josefowitz seconded the motion, which carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock.

Director Josefowitz moved that that Board oppose AB 758 (Eggman/Baker – Tri-Valley – San Joaquin Valley Regional Rail Authority). President Saltzman seconded the motion. The item was discussed. Director Josefowitz called the question. President Saltzman seconded the motion. The motion to close debate carried by electronic vote. Ayes – 6: Directors Dufty, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes – 2: Directors Allen and McPartland. Absent – 1: Director Blalock.

The motion to opposed AB 758 carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Raburn, Simon, and Saltzman. Noes – 3: Directors Allen, Keller, and McPartland. Absent – 1: Director Blalock.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Update on Fare Evasion Reduction Initiatives before the Board. Mr. Oversier, Chief Jennings, and Mr. John McCormick, Department Manager, Operations Planning & Support, presented the item.

The following individuals addressed the Board.

Amanda Kahn Fried

Ellen Teapot

Connie Rainey

Jerry Grace

Eric Brooks

Sharma Tueis

The item was discussed.

Director Raburn, Chairperson of the Planning Committee, brought the matter of Wholesale Electricity Portfolio Policy before the Board. Ms. Holly Gordon, Sustainability Group Manager, presented the item.

The following individuals addressed the Board.

Rand Wrobel

Eric Brooks

The item was discussed. Director Josefowitz requested an additional bullet, "to achieve an average greenhouse gas emissions factor no greater than 100 pounds of carbon dioxide equivalent per megawatt hour through 2024," be added to the policy, and moved adoption of the amended policy. President Saltzman seconded the motion. Director Allen proposed a substitute motion, that the policy be adopted without the additional bullet. Director McPartland seconded the substitute motion, which failed by electronic vote. Ayes – 3: Directors Allen, McPartland, and Raburn. Noes – 5: Directors Dufty, Josefowitz, Keller, Simon, and Saltzman. Absent – 1: Director Blalock. The original motion carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock. (The BART Wholesale Electricity Portfolio Policy is attached and hereby made a part of these Minutes.)

Director Raburn brought the matter of Sustainability Policy before the Board. Ms. Gordon presented the item. President Saltzman moved that the Board adopt the attached Sustainability Policy, which shall supersede the BART Sustainability Policy adopted in 2003. Director Dufty seconded the motion, which carried by electronic vote. Ayes – 7: Directors Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Blalock. (The Sustainability Policy is attached and hereby made a part of these Minutes.)

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Fiscal Year 2018 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. President Saltzman moved that the Board direct staff to publish a Budget Pamphlet for Fiscal Year 2018 to be available for distribution no later than May 1, 2017; and that a public hearing on the Fiscal Year 2018 Preliminary Budget be set for Thursday, May 25, 2017, in the Board Room. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 0. Absent – 1: Director Blalock.

Director Josefowitz brought the matter of Fiscal Year 2018 Preliminary Budget before the Board. Mr. Mau presented the item. The item was discussed.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Sole Source Procurement with Bombardier Transportation for Procurement of Program Stop/Identification Antenna Assemblies before the Board. Mr. Oversier presented the item. Director Dufty moved that the Board find, pursuant to Public Contract Code Section 20227, that Bombardier Transportation is the sole source for the procurement of Program Stop/Identification (PS/ID) Antenna and related hardware for the BART system; and that the General Manager be

authorized to enter into direct negotiations with Bombardier Transportation for the procurement of PS/ID Antenna and related hardware for an amount not to exceed \$1,003,650.00. Director Simon seconded the motion.

Sharma Tueis addressed the Board.

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

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

Director Keller requested the meeting be adjourned in memory of Ms. Jackalyne Pfannenstiel, wife of former Director Dan Richard.

Director Raburn reported he had testified at the Senate Transportation Committee in support of AB 680, and spoken at a meeting of the Silicon Valley Leadership Group.

Director McPartland reported he had met with Director Josefowitz and Assemblymember Catharine Baker at Dublin/Pleasanton Station, and had attended a Transportation Committee meeting in Sacramento.

Director McPartland requested the meeting be adjourned in memory of Mr. Don DeMarcus, husband of former Director Erlene DeMarcus.

Director Josefowitz reported he had met with Director McPartland and Assemblymember Catharine Baker at Dublin/Pleasanton Station.

Director Josefowitz requested a report on how BART checks and audits its emergency procedures and equipment, and recommendations on how these checks and audits can be improved. Director Keller seconded the request.

President Saltzman reported she had stayed across the street from the SEPTA headquarters in Philadelphia.

Director Simon thanked President Saltzman and the attendees for the evening meeting.

President Saltzman called for Public Comment. The following individuals addressed the Board.  
Eric Brooks  
Jerry Grace

The Meeting was adjourned at 9:35 p.m. in memory of Jackalyne Pfannenstiel and Don DeMarcus.

Kenneth A. Duron  
District Secretary

## BART Sustainability Policy

### Vision:

The San Francisco Bay Area Rapid Transit District (BART) is committed to advancing regional sustainability by providing safe, affordable, equitable, and environmentally-friendly transit to move people to jobs, recreation and services. BART incorporates cost-effective sustainability through fulfillment of the following goals:

### Goals:

1. Advance smart land use, livable neighborhoods and sustainable access to transit by implementing:
  - the District's Station Access policy.
  - the District's Transit-Oriented Development policy.
2. Choose sustainable materials, construction methods, and operations practices by:
  - Adopting standards, designing projects, and purchasing products and services to minimize ongoing maintenance and reduce waste.
  - Considering net embodied energy; incorporating efficient construction, deconstruction, and recycling practices; and including local businesses.
3. Use energy, water, and other resources efficiently by:
  - Achieving 100% renewable electricity supply through on- and off-site sources.
  - Reducing energy use, water use, and consumption of other resources at all BART facilities and in non-revenue vehicles, through resource-efficient equipment, systems, and practices.
  - Designing new facilities to be resource efficient.
4. Reduce harmful emissions and waste generation by:
  - Powering non-electric facilities and vehicles with sources generating the lowest feasible greenhouse gas emissions and criteria air pollutants.
  - Reducing, reusing, and recycling materials, including hazardous and non-hazardous materials.
  - Managing wastewater and stormwater comprehensively, including strategies to re-use water safely.
5. Respond to risks from extreme weather, earthquakes, and other potential disruptions by:

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- Assessing and addressing resilience in projects and operations to ensure BART is prepared for disturbances most likely to happen in the future, including impacts from climate change.
  - Implementing hazard mitigation strategies that contribute to community safety.
6. Improve patron and employee health and experience by:
- Choosing the safest possible materials and design strategies for trains, facilities, and systems.
  - Controlling noise to improve rider experience and reduce impacts on nearby residents and businesses.
  - Providing clean and comfortable stations and trains that are easy to navigate, while functioning smoothly.
  - Implementing programs for BART employees to decrease their environmental impact.
7. Serve as a leader in sustainability for transit agencies and the communities that BART serves by reducing BART's environmental footprint and encouraging other organizations and institutions to act similarly.

#### Strategies:

Commitment: Participate in the American Public Transportation Association (APTA) Sustainability Commitment or equivalent programs, and strive to achieve the highest level of recognition.

Action and Updates: Develop a Sustainability Action Plan to implement this policy, including specific actions, implementation strategies, decision making, and metrics. Review both the Plan and Policy at least every five years.

Standards: Identify the best available sustainable practices and standards and incorporate them into the BART Facilities Standards (BFS).

Partnerships: Develop partnerships with federal, state, regional and local agencies, community organizations and others to implement this Policy.

Engagement: Engage staff and riders in achieving the goals set out in this Policy. Listen to ideas and share information about progress with District staff and the public. Partner with community organizations and consider input from community members when identifying sustainability actions.

Environmental and Sustainability Management System (ESMS): BART is committed to continual improvement of an ESMS to enhance environmental performance, protect the environment, and fulfill applicable legal and other requirements.

Innovation: Take advantage of emerging technologies that support sustainable practices.