

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

The Board Meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612 with an option for public participation via teleconference.

Thursday, July 11, 2024

9:00 AM

BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612.

Zoom Link: <https://us06web.zoom.us/j/86882999926>

Board of Directors

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

July 11, 2024

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, July 11, 2024, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612 with an option for public participation via teleconference.

You may watch the Board Meeting live or archived at <https://bart.gov/boardtv>

Presentation and agenda materials will be available via Legistar at <https://bart.legistar.com>

You may attend the Board Meeting in person or join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 868 8299 9926; logging in to Zoom.com and entering access code 868 8299 9926; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/86882999926>

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

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using “public comment” as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on July 10, 2024, in order to be included in the record.
- 2) Complete a “Request to Address the Board of Directors” form (available at the entrance to the Board Room) and give it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 868 8299 9926, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code 868 8299 9926, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/86882999926>) and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

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 services/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 (<https://www.bart.gov/about/bod>).

Meeting notices and agendas are available at bart.legistar.com; via email (<https://cloud.info.bart.gov/signup>); or via regular mail upon request submitted to the District Secretary.

Complete agenda packets (in PDF format) are generally available for review at 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 2150 Webster Street, 10th Floor, Oakland, California 94612; or telephone at 510-464-6083.

April B. A. Quintanilla
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.

i. Angela Averiett, Chief of Police, City of San Leandro - Presented by Director Lateefah Simon.

ii. Vinit Shrawagi, Chair of the Bond Oversight Committee - Measure RR Annual Report Subcommittee.

2. REPORT OF THE BOARD PRESIDENT

3. BOARD COMMITTEE REPORTS

(An opportunity for Committee Chairpersons to report out on the activities of Board Committees that have met since the last Board Meeting.)

4. BOND UPDATE

A. Update on Safety, Reliability, and Traffic Relief Program (Measure RR). [24-281](#)
For information.

B. Bond Oversight Committee Annual Report. [24-282](#)
For information.

5. CONSENT CALENDAR

A. Approval of Minutes of the Meeting of June 13, 2024. [24-292](#)
Board requested to authorize.

B. Increase in Allocation of Funding for BART Police Citizen Review Board Members' Attendance at the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference, Participation in Training, and Engagement in Community Outreach. [24-293](#)
Board requested to authorize. (President Dufty's Request.)

- C. Amended Joint Exercise of Powers Agreement for the West Contra Costa Transportation Advisory Committee (WCCTAC). [24-284](#)
Board requested to authorize.
- D. Single Source Procurement with Dailey-Wells Communications, Inc. for Materials, Equipment, Software, and Technical Services for the L3Harris P25 Trunked Radio System. [24-215](#)
Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)
- E. Amendments to BART Accessibility Task Force (BATF) By-Laws. [24-287](#)
Board requested to authorize.

6. GENERAL MANAGER'S REPORT

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

7. 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. Public comment is limited to three (3) minutes per person.)

8. ADMINISTRATION ITEMS

Janice Li, Chairperson

NO ITEMS.

9. ENGINEERING AND OPERATIONS ITEMS

Lateefah Simon, Chairperson

- A. Next Generation Fare Gates Update. [24-283](#)
For information.

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

Robert Raburn, Chairperson

- A. State Legislation - Senate Bill 827 (Glazer). [24-285](#)
Board requested to authorize.
- B. BART 2023 Annual Report: Sustainability. [24-286](#)
For information.

11. BOARD MATTERS

- A. Proposed Revisions to Rules of the Board of Directors. [24-296](#)
For information and possible action. (Director Saltzman'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 the 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.)

12. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 2001 Franklin Street, Oakland, CA 94612. APN: 8-650-16-4.

District Negotiators: Val Menotti, Chief Planning and Development Officer; Joe Basuino, Director of Real Estate and Property Management; Tom Maloney, Jones Lang LaSalle Brokerage, Inc.; and Francisco Torres, Jones Lang LaSalle Brokerage, Inc.

Negotiating Parties: San Francisco Bay Area Rapid Transit District/Jones Lang LaSalle, Inc. and California Bank and Trust/CBRE

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: Robert Powers, General Manager; Michael Jones, Deputy General Manager; and David Coleman, Director of Labor Relations

Employee Organizations: Amalgamated Transit Union, Local 1555; American Federation of State, County and Municipal Employees, Local 3993; Service Employees International Union, Local 1021, BART Chapter; Service Employees International Union, Local 1021, BART Professional Chapter; and Unrepresented Employees (Positions: All)

Government Code Section: 54957.6

13. OPEN SESSION

A. Announcements from Closed Session, if any.

14. ADJOURNMENT

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** July 5, 2024
FROM: General Manager
SUBJECT: Update on Safety, Reliability, and Traffic Relief Program (Measure RR)

Attached is the “**Update on Safety, Reliability, and Traffic Relief Program (Measure RR)**” presentation that will be presented at the July 11, 2024, meeting as an information item.

If you have any questions about the document, please contact Sylvia Lamb, Assistant General Manager, Infrastructure Delivery at (510) 464-6081.

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Update on Safety, Reliability, and Traffic Relief Program (Measure RR)

July 11, 2024 | BART Board of Directors Meeting

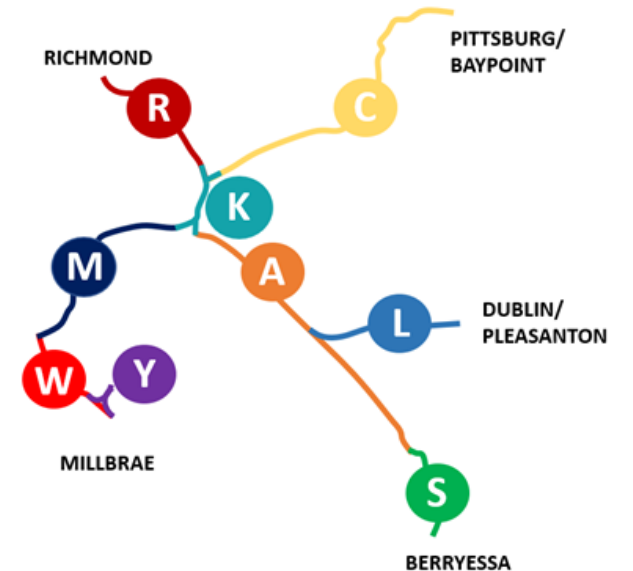


Bond Oversight Committee Framework

SEPTEMBER Deep Dive	JANUARY The Annual View	APRIL Closing the Loop Meeting	JUNE Annual Year End Review
<p>In-depth view of 8 Programs:</p> <ul style="list-style-type: none"> Financial Outlook, Budget and Schedule Update Program Update <ul style="list-style-type: none"> Office of Civil Rights Human Resources/Staffing Project Status and Milestones 	<p>The Annual-view of:</p> <ul style="list-style-type: none"> Funding, bond, forecasting, context, mixed-funding, etc. Procurement Human Resources/Staffing Small Business Outreach Public Outreach Update Staff Organization Chart 	<ul style="list-style-type: none"> Review of Measure RR Audits in the past year Project Controls Framework Bond Funded Program Watchlist Items Review 	<ul style="list-style-type: none"> <i>Annual Report Approval</i> <i>Measure RR Project Successes for this Year</i> <i>Preview of Next Year's Projects by Program</i> <i>Subcommittee summaries, discussion, member election</i>

Executive Summary

- Through March 2024, \$1.81B of the Measure RR funds have been invested to complete 58% of the work
- Successes for January – March 2024:
 - Completion of Construction for the following:
 - R-Line 34.5kV Cable Replacement (between El Cerrito Plaza and Richmond Yard Substations)
 - Platform Escalator at Montgomery St. Station
 - Canopy at Embarcadero Station
 - Contract Award for Material Procurement for K-Line Interlocking Replacement and Traction Power Materials



# Projects in Planning	# Projects in Design	# Projects in Bid/Award	# Projects in Construction	# Projects Completed	TOTAL # Projects
5	28 (-1)	14 (-1)	49 (+2)	61	157

+ (Projects added in the phase)
 - (Projects no longer in the phase)

Project Progress – Accomplishments (Actual)

Period: April 1, 2023 – March 31, 2024

Renew Track



- ✓ Completion of Construction of Oakland Yard Tracks



Repair Tunnels and Structures

- ✓ Completion of Design for Street Grate and Vent Shafts (East Bay)
- ✓ Completion of Design for Systemwide Slope Stabilization Project
- ✓ Completion of Aerial Fall Protection (A-Line) Fruitvale to Bay Fair Station

Replace Train Control/ Increase Capacity



- ✓ Completion of CBTC Wayside Installation Final Design Review (FDR) Gate 2



Station Access

- ✓ Commenced Construction for Accessibility Improvement Project (Phase 1 & 2)
- ✓ Completion of Construction for 12th St. and MacArthur Station Bike Racks

- ✓ Completion of Construction for M-Line and R-Line 34.5kV Cable Replacement (El Cerrito Plaza to Richmond Yard Substations)
- ✓ Completion of Construction for Station Emergency Lighting (11 Locations)



Renew Mechanical

- ✓ Completion of Construction of Back Flow Preventers (7 Locations)



Renew Stations

- ✓ Completion of seven canopies at Embarcadero, Montgomery St., Powell St., and Civic Center for Market St. Entry Canopies Project
- ✓ Completion of five escalators at Powell St., Montgomery St., Embarcadero and Civic Center Station for Market St. Escalators Project



Relieve Crowding

- ✓ Completion of Concrete Retaining Wall for Hayward Maintenance Complex Phase 2: Civil Grading
- ✓ Completion of Construction for Civic Center Platform Stairs



Renew Power

- ✓ Completion of the Concord Willow Pass Road (CWS) High Voltage Transformer Replacement



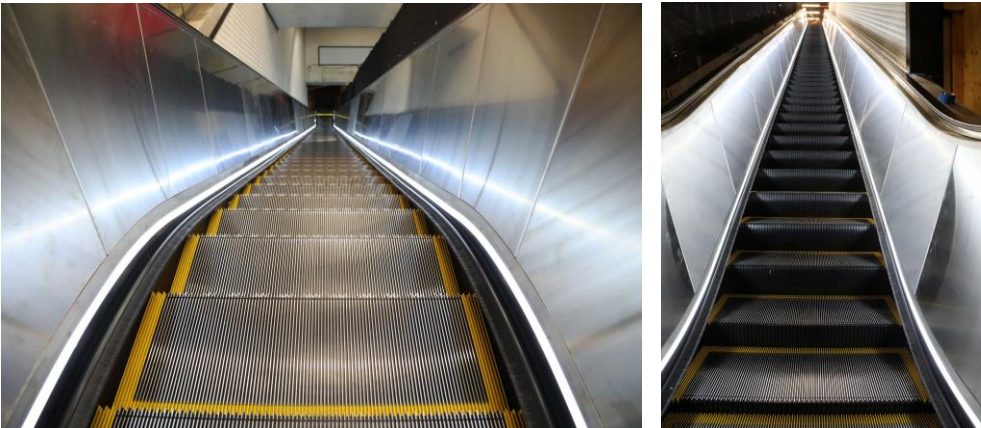
FUNDS AT WC 12

Market Street – Entry Canopies & Escalators

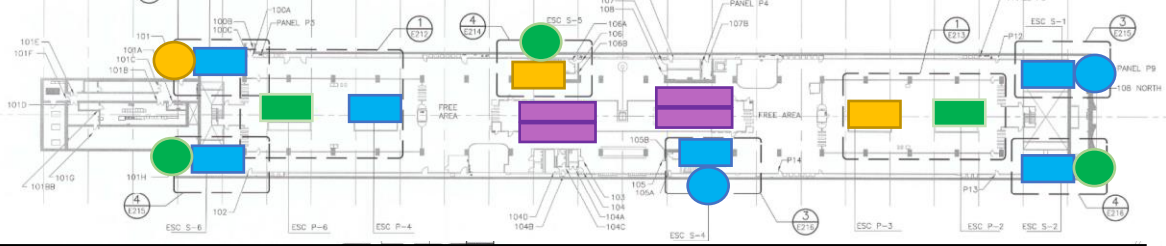
Entry Canopies Project



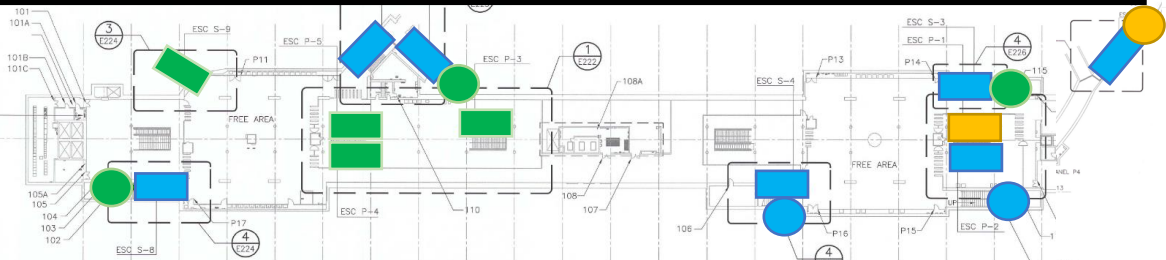
Escalators Project



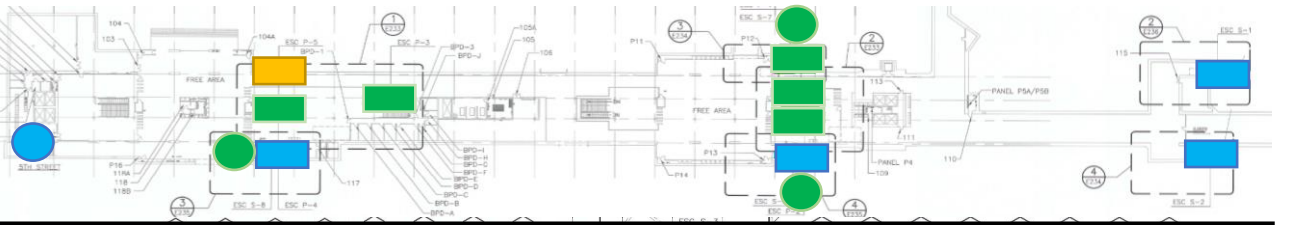
Embarcadero



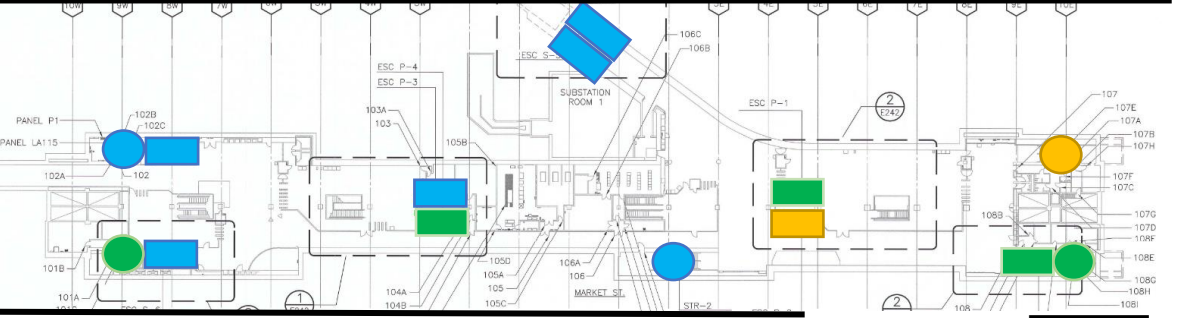
Montgomery



Powell



Civic Center



- Canopies
- ◻ Escalators
- ▶ Complete
- ▶ Under Construction
- ▶ Future Construction
- ▶ MUNI



FUNDS AT WC 13

Market Street – Entry Canopies & Escalators

Entry Canopies Project

Scope	Construct 21 canopies (2 pilot)
Schedule	12 Years
Budget	\$114M

Escalators Project

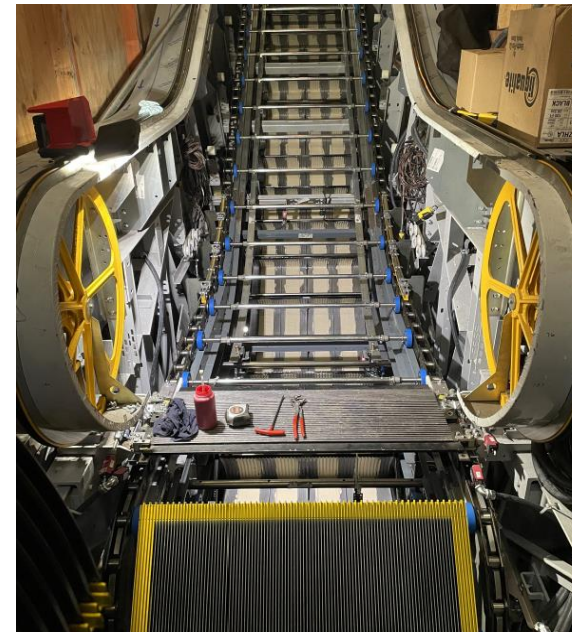
Scope	Procure and install 41 escalators
Schedule	12 years
Budget	\$154M



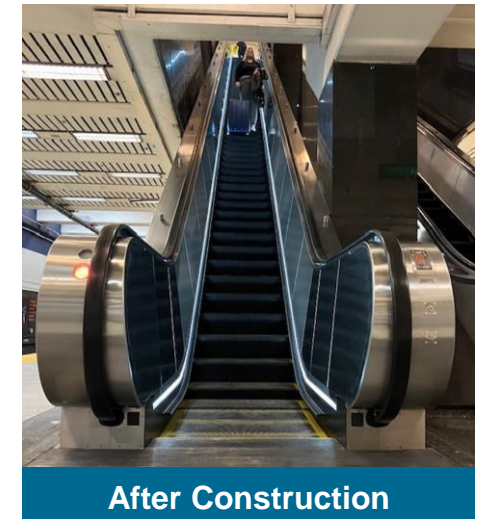
Metal Deck Installation



Canopy Artwork



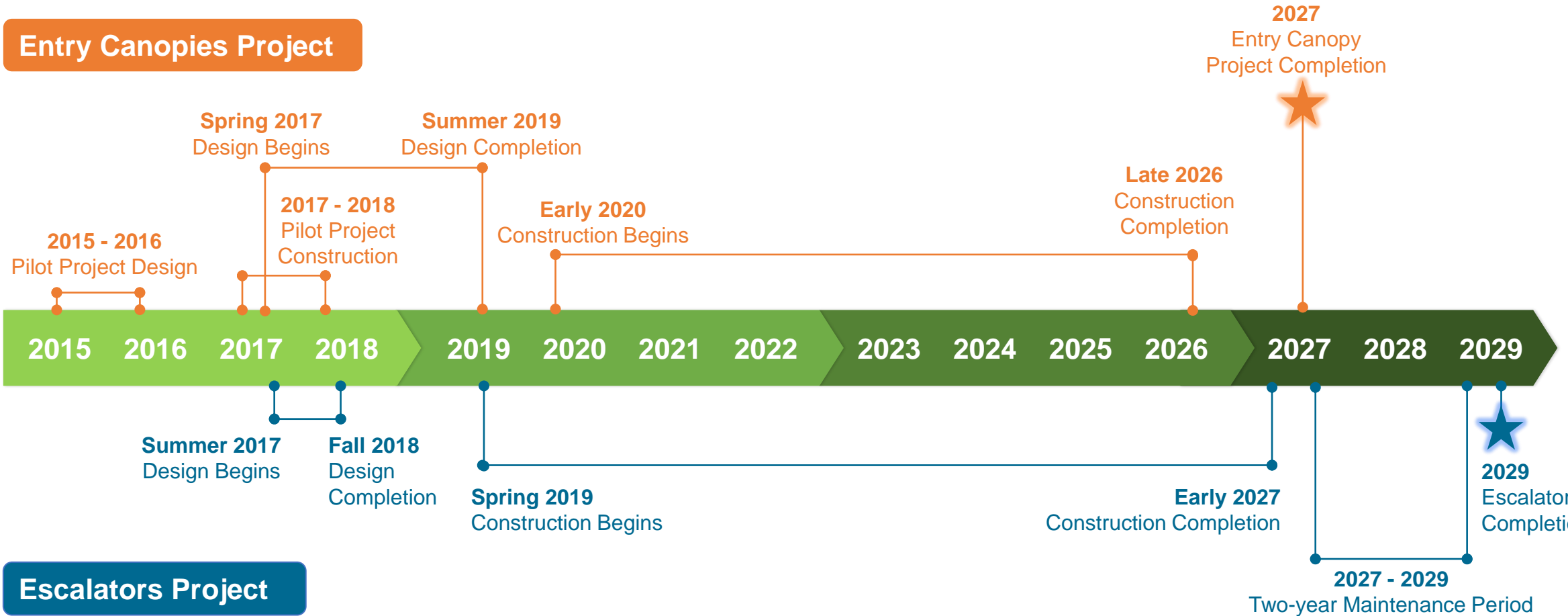
During Construction



After Construction

Project Timelines – Entry Canopies & Escalators

Entry Canopies Project



Escalators Project



Project Accomplishments & Forecast – Entry Canopies & Escalators

Entry Canopies Project

Accomplishment Period: April 1, 2023 – March 31, 2024

7 Entry Canopies Installed
Total of 11 Installed To-Date

Embarcadero



Powell St.

Civic Center



Forecast Period: April 1, 2024 – March 31, 2025

5 Additional Entry Canopies To Be Installed

Escalators Project

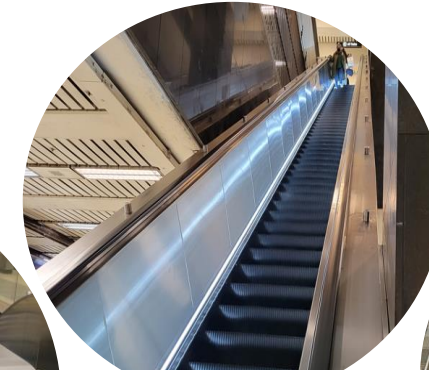
Accomplishment Period: April 1, 2023 – March 31, 2024

5 Escalators Installed
Total of 13 Installed To-Date

Montgomery St.



Civic Center



Embarcadero



Forecast Period: April 1, 2024 – March 31, 2025

8 Additional Escalators To Be Installed



Challenges – Entry Canopies & Escalators



Project Schedule & Sequencing
Escalator Construction after Canopy Completion



Differing Site Conditions
Existing Escalator Truss Supports and Utilities



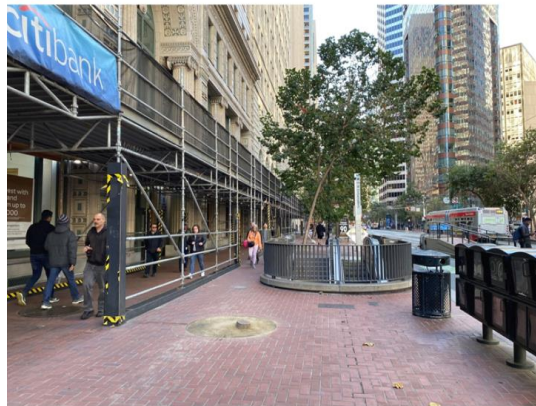
Coordination with BART Projects
Substation Project Coordination at Montgomery St. Station



Holiday Moratoriums
Limited Work Hours
(end of November through January from 7am – 10pm)



Tree Removal
Tree Conflict with Entry Canopy



Coordination with Stakeholders
Scaffolding Conflict with Entry Canopy



Vandalism, Property Theft & Bio-hazards
Street Entrance of Civic Center Station

Operational Benefits – Entry Canopies & Escalators

Entry Canopies Project



Provides Weather Protection



Enhanced Security



Provides Real-Time Display Information



Environmentally Friendly



Meets Code Requirements

Escalators Project



Tougher But Lighter - Design



More Energy Efficient



Increased Reliability with Shorter Downtime



Environmentally Friendly



Brighter/Newer Lighting System

Project Progress – Forecasted Milestones

Period: April 1, 2024 – March 31, 2025



Renew Track

- ✓ Completion of 7 out of 21 weekend shutdowns for K-Line Interlocking Replacement



Repair Tunnels and Structures

- ✓ Issue for Bid Tunnel Waterproofing at M-Line
- ✓ Completion of Design-Water Intrusion at Train Control Rooms (Package 2, 4 Locations) and (Package 3, 6 Locations)



Replace Train Control/ Increase Capacity

- ✓ Completion of Installation of CBTC equipment in the existing Hayward Test Track (HTT) Train Control House



Station Access

- ✓ Completion of Design for the 19th St. Access Improvement Project



Renew Power

- ✓ Completion of Construction for Oakland Transition Structure (KTE) Traction Power Substation Replacement
- ✓ Completion of Construction for the Civic Center (MCC) and Montgomery St. (MMS) Substations
- ✓ Issue for Bid for TCCCP East Bay: Transbay Corridor Core Capacity East Bay Substation



Renew Mechanical

- ✓ Issue for Bid Fire Suppression Systems Upgrade (11 Locations)
- ✓ Completion of Design for Sewage Pumps Replacement



Renew Stations

- ✓ Completion of Construction of five canopies at Embarcadero, Montgomery St. and Civic Center Station for Market St. Entry Canopies Project
- ✓ Completion of Construction of eight escalators at Embarcadero, Montgomery St., Powell St. and Civic Center Station for Market St. Escalators Project



Relieve Crowding*

- ✓ Completion of Preliminary Business Case for Link21
- ✓ Completion of Public Outreach for Evaluation Findings for Link21

**Full Title: Design and Engineer Future Projects to Relieve Crowding, Increase System Redundancy, and Reduce Traffic Congestion*



FUNDS AT WC 19

Thank You



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** July 5, 2024
FROM: General Manager
SUBJECT: Bond Oversight Committee Annual Report

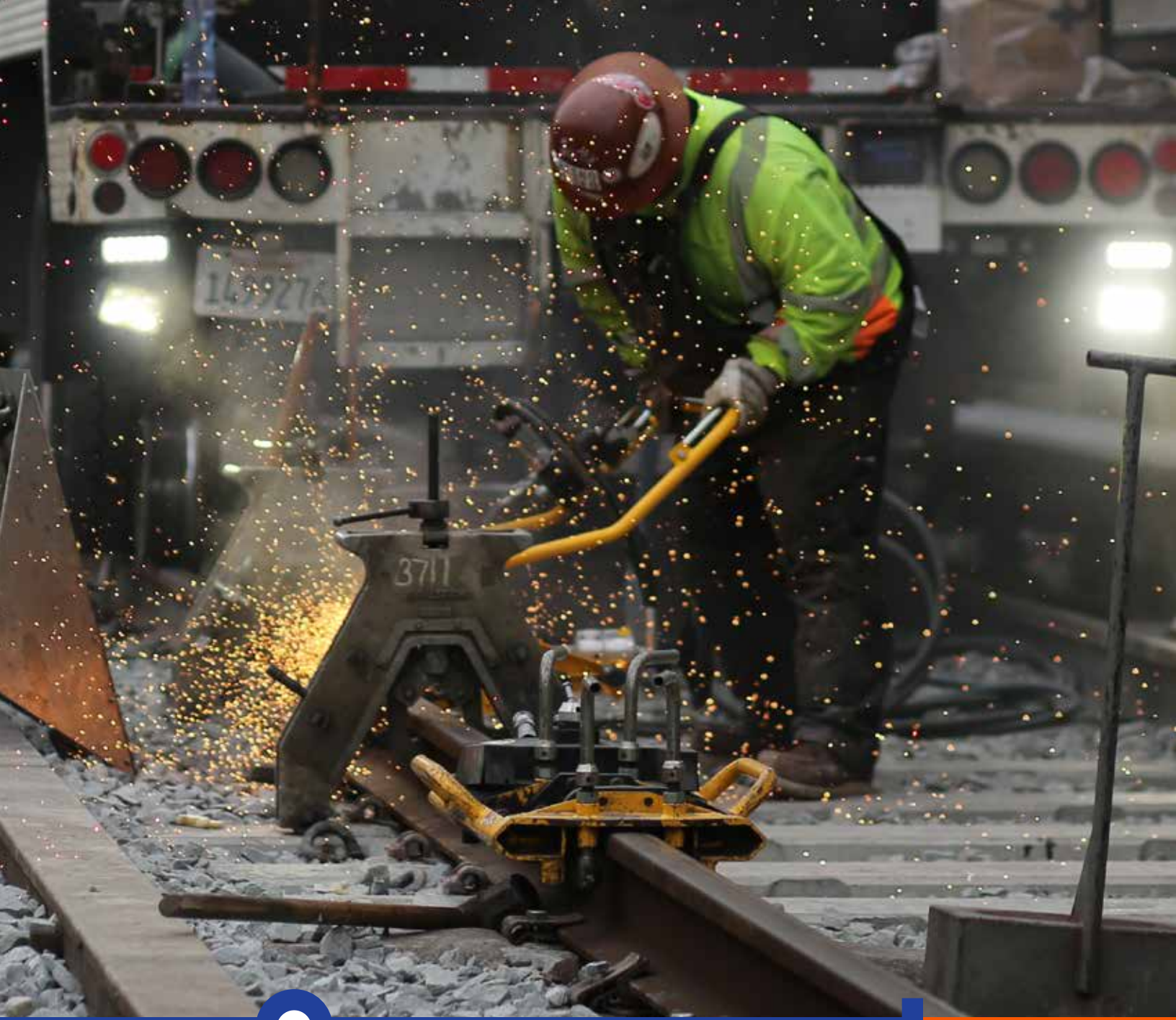
Attached is the “**Bond Oversight Committee Annual Report**” that will be presented at the July 11, 2024, meeting as an information item.

If you have any questions about the document, please contact Sylvia Lamb, Assistant General Manager, Infrastructure Delivery at (510) 464-6081.

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



MEASURE RR BOND
OVERSIGHT COMMITTEE
ANNUAL REPORT

JUNE 2024



Dear Bay Area residents:

Welcome to the Bond Oversight Committee's (BOC) seventh annual report on the Measure RR rebuilding program.

My fellow committee members and I appreciate your interest in BART's ongoing efforts to improve the rider experience by rebuilding the system's core infrastructure. BART's campaign to regain riders is directly tied to the ways rebuilding work improves safety and reliability. It's the job of the BOC to ensure that work is being done in a cost-effective manner consistent with what was promised to voters.

This report puts the interests of riders first by highlighting RR's impact on the reliability of BART service and safety. This year's report examines how track replacement work funded by RR may have mitigated the damage and injuries caused by a derailment; how BART is incorporating fire protection engineering in construction projects; and provides updates on how equipment-related delays have been reduced by replacing decades-old track components.

Measure RR was approved in November 2016 by more than two-thirds of voters in the three Bay Area counties that comprise the BART District (Alameda, Contra Costa, and San Francisco). Measure RR raises \$3.5 billion to replace essential trackway components that in some cases are more than 50 years old. The BOC receives regular updates from staff on the progress of RR-funded projects and can request additional documents or information on an ad hoc basis. We appreciate the efforts of BART staff to be responsive to committee requests for additional details about rebuilding projects and their diligent work to address committee questions.

We hope you'll find this report useful and informative. We want to hear from you and welcome you to share your thoughts and opinions. The BOC holds quarterly public meetings. You can participate in person or via videoconference. Learn more about upcoming meetings at the BOC's website: www.bart.gov/bondoversight.

Sincerely,

Michael R. McGill
RR Bond Oversight Committee Chairperson
Professional Engineer, Institute of Electrical and Electronic Engineers (IEEE)

OTHER COMMITTEE MEMBERS

Full biographies and photographs at www.bart.gov/bondoversight

CINDY ROSENTHAL, Committee Vice Chairperson, League of Women Voters of the Bay Area

JANEY WANG, Association of Budgeting and Financial Management

VINIT SHRAWAGI, American Institute of Certified Public Accountants

SUZANNE LOOSEN, League of Women Voters of the Bay Area

SONJA STEWART, Project Management Institute

If you need language assistance services, please call (510) 464-6752.
Si necesita servicios de asistencia de idiomas, llame al (510) 464-6752.
如需語言協助服務，請致電 (510) 464-6752。
통역이 필요하신 분은, 510-464-6752 로 문의하십시오.
Kung kailangan mo ang tulong ng mga serbisyo ng wika, paki tawagan ang (510) 464-6752.
Nếu quý vị cần dịch vụ trợ giúp về ngôn ngữ, xin vui lòng gọi số (510) 464-6752.

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The BART system includes 50 stations and 131 route miles of track. This current system map identifies all service lines and can provide greater context for understanding the location of Measure RR rebuilding projects and how they affect the larger system.



EXECUTIVE SUMMARY

The Measure RR rebuilding program has reached a significant milestone now that more than half of the planned work has been completed. The program, which is expected to have a 20-year life span, is now entering its eighth year and already 58% of all anticipated work is complete. That work is significantly improving the rider experience on BART.

As Measure RR work has moved forward, the Bond Oversight Committee (BOC) has fulfilled its responsibility to independently evaluate the program. The committee's oversight places an emphasis on the cost effectiveness, quality, and timeliness of work completion.

Through March 2024, \$1.81 billion of Measure RR funds have been invested in rebuilding projects. There are now 157 projects in planning, design, or construction, or have been completed. A total of 61 projects are complete, including 13 projects that have been completed since the BOC issued its last annual report in 2023. Measure RR money spent, and work completed to this point, have exceeded initial expectations. See page 27 for a yearly breakdown of program expenditures.

The BOC reviews projects and data presented by BART staff in quarterly briefings. The BOC can request additional documents, information, and presentations on an ad hoc basis. Based on its review, the BOC believes BART is delivering projects in a timely manner and that the work is improving the reliability and safety of the system. This is consistent with the promises BART made to the public in 2016 when District voters approved Measure RR. The BOC also believes BART is following industry best practices as it pursues this rebuilding work.

Significant accomplishments in the last year include:

- 400 fewer trains delayed as a result of rail replacement work.
- Replacement of a key portion of trackway between Rockridge and Orinda stations.
- Completion of construction for Oakland Yard tracks.
- Installation of Civic Center Station scissor stairs.

The BOC is continuing to monitor several challenges to the Measure RR program, including macroeconomic forces that are beyond the control of BART. Concerns about the stability of global supply chains remain. This has already resulted in delaying the arrival of needed materials. Inflation has driven up construction costs. Market conditions have also resulted in a limited pool of bidders for some projects. BART staff is addressing these concerns and continues to update the BOC on the actions BART is taking and how those actions are affecting Measure RR-funded work.

As Measure RR work has advanced, BART ridership has lingered well below pre-pandemic levels and remains closely tied to the Bay Area's work-from-home rates, which remain among the highest in the country. BART's typical weekday ridership has been about 45% of pre-pandemic levels, while weekend ridership has reached approximately 70% of what it was in 2019.

The BOC will continue to review the progress of Measure RR and will issue annual reports throughout the duration of the program.



ABOUT THE BOND OVERSIGHT COMMITTEE

The Bond Oversight Committee is comprised of seven members (one of the positions is vacant as of the writing of this report) who represent a diversity of expertise, geography, and demographic characteristics. All members of the BOC are unpaid volunteers.

The BOC is responsible for providing diligent and public oversight of the expenditure of funds from bond sales associated with Measure RR. The BOC assesses whether projects funded by the Measure RR bond proceeds are completed in a timely, cost-effective, and high-quality manner consistent with the best interests of BART riders and District residents. The BOC publishes its findings in its annual report. This document is the seventh annual report from the BOC.

Organizations represented on the BOC include:

- The American Society of Civil Engineers, or its successor organization, is represented by one member who has expertise in civil engineering management and oversight.
- The Institute of Electrical and Electronic Engineers, or its successor organization, is represented by one member who has expertise in electrical engineering management and oversight.
- The American Institute of Certified Public Accountants, or its successor organization, is represented by one member who has expertise in audit or financial oversight.
- The Association for Budgeting & Financial Management section of the American Society for Public Administration, or its successor organization, is represented by one member who has expertise in municipal finance.
- The Project Management Institute, or its successor organization, is represented by one member who has expertise in project management.
- The League of Women Voters, Bay Area, or its successor organization or chapter, is represented by two members who bring expertise in government accountability and transparency.

Members serve two-year terms and are eligible to serve up to a total of six years. Members of the BOC are appointed by the BART Board of Directors. You can find the full text of the duties and responsibilities of the BOC in Section 11 of the resolution that established the committee. It's available at www.bart.gov/bondoversight.



Michael R. McGill
Chairperson of the Committee
Institute of Electrical and
Electronic Engineers



Cindy Rosenthal
Vice Chair of the Committee
League of Women Voters
of the Bay Area



Janey Wang
Association of Budgeting and
Financial Management



Suzanne Loosen
League of Women Voters
of the Bay Area



Sonja Stewart
Project Management
Institute



Vinit Shrawagi
American Institute of Certified
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THE STORY OF MEASURE RR

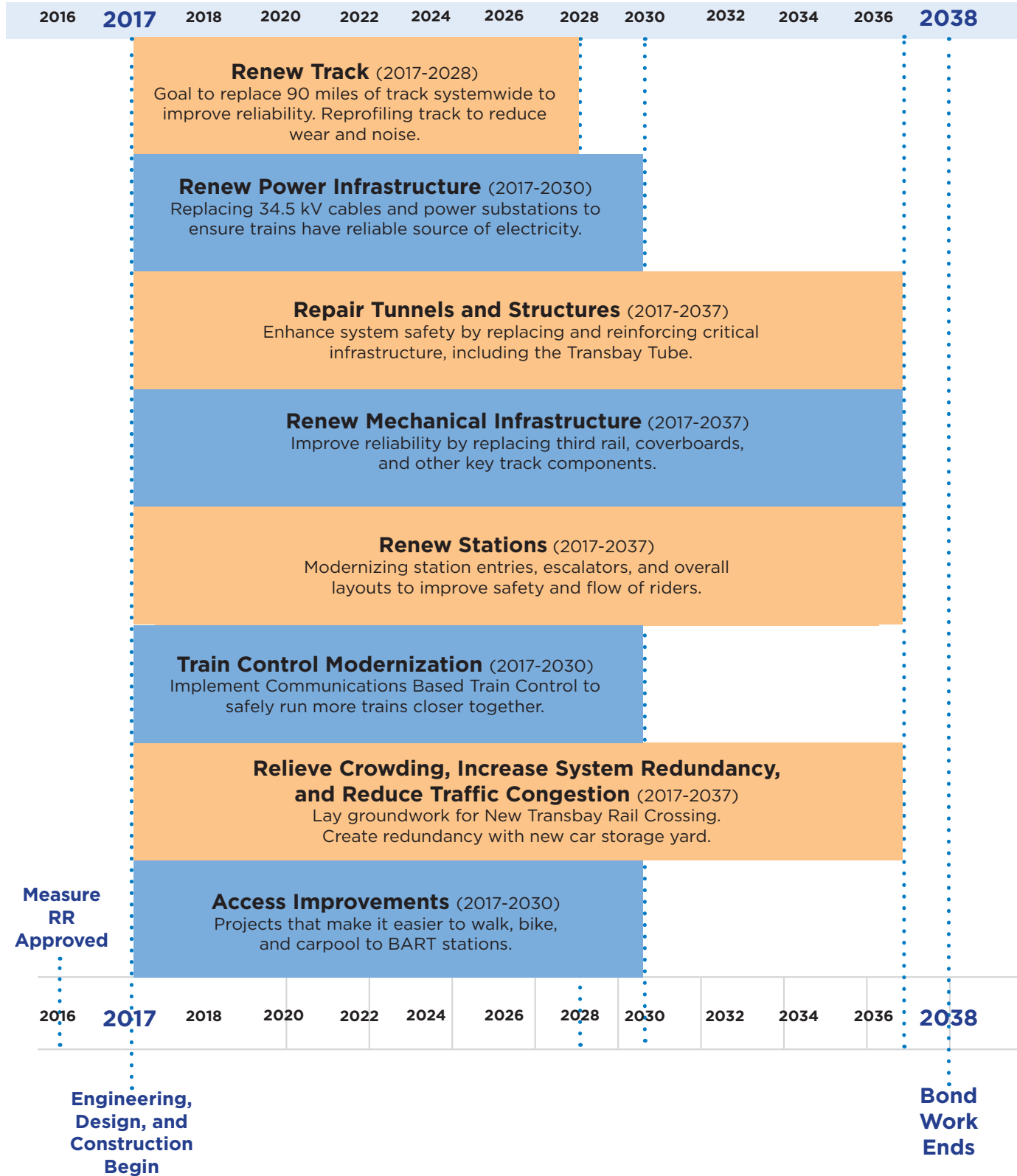
The final resolution that went before voters in November 2016 to authorize Measure RR was the product of extensive public outreach to various stakeholders across the BART District. BART staff began engaging with the public two years before Measure RR appeared on the ballot. BART's Office of External Affairs organized more than 200 meetings with community groups, business organizations, transit advocates, and elected officials in the lead up to the vote. BART has continued to engage with these stakeholders as well as others throughout the implementation of the Measure RR program.

The stakeholder organizations below had a leading role in helping BART put together Measure RR.

Organization	Stakeholder Demographics
Self Help for the Elderly	Serves more than 40,000 older adults annually. More than 90% of clients low income and from minority communities.
Bike East Bay	Works to ensure transportation planning is done in a way to redress the effects of systemic and institutional racism.
East Bay Leadership Council	Committed to preserving natural space and investing in transit that cuts commute times and greenhouse gas emissions.
Genesis	Membership includes 16 institutions representing the spectrum of geography, race, economic class, and abilities.
United Seniors of Oakland and Alameda County	Grassroots organization dedicated to mobilizing and enabling seniors to address quality of life issues.
Metropolitan Transportation Commission	MTC provides planning, funding, and coordination to cities, transit, and other partners.
SF Bicycle Coalition	Promoting the bicycle for everyday transportation in San Francisco for more than 50 years.
TransForm	Promotes walkable communities with excellent transportation choices to connect people of all incomes with opportunities.
Sierra Club	Coordinates with partner organizations and non-profits to advocate for environmental and social justice issues.
League of Women Voters of the Bay Area	A nonpartisan, grassroots organization promoting civic engagement, government accountability and transparency, and working to protect and expand voting rights.
Bay Area Council	Members include more than 330 of the region's largest employers. Committed to keeping the Bay Area inclusive, economically competitive, and sustainable.

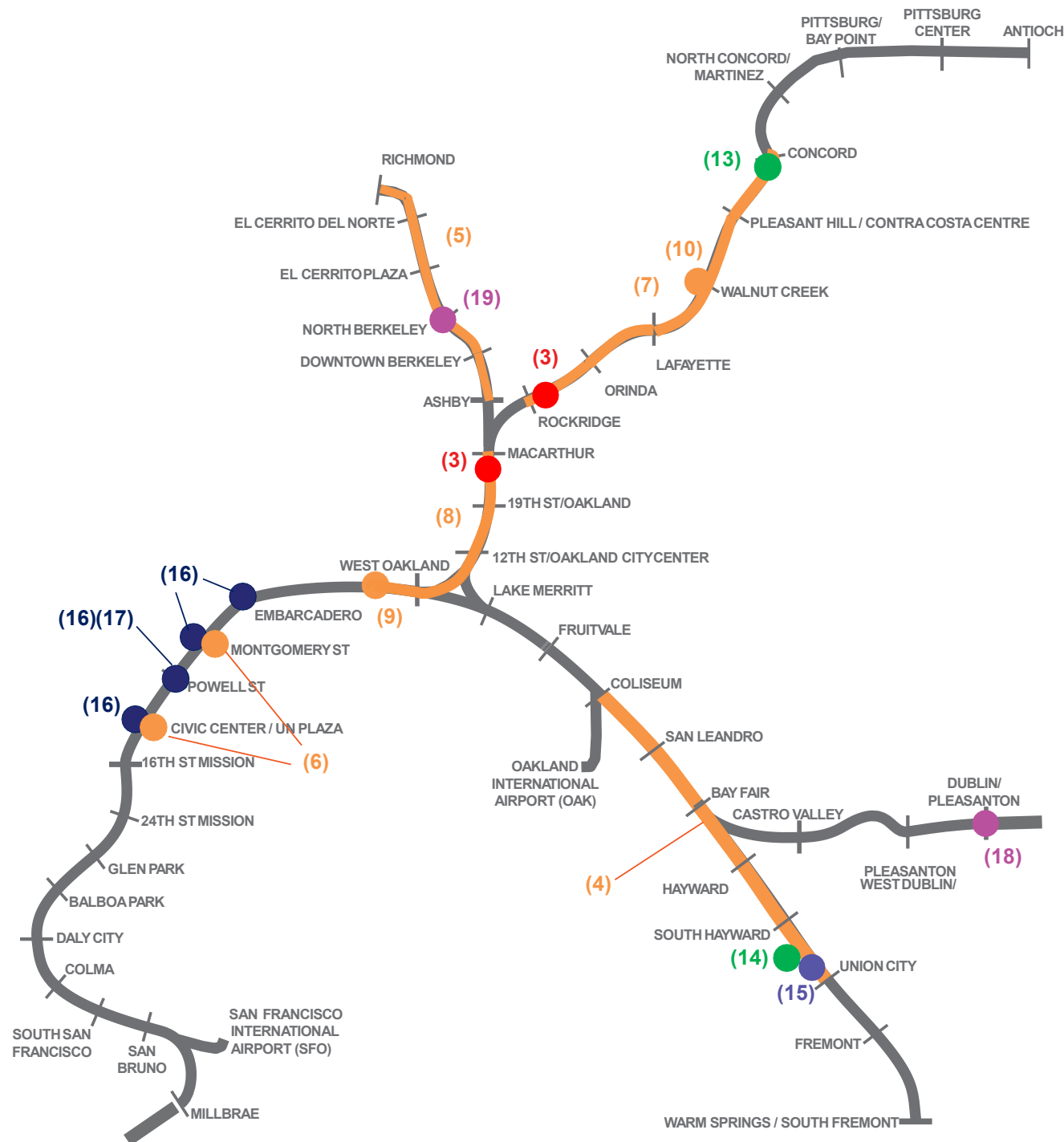
THE LIFE SPAN OF MEASURE RR

Measure RR work is organized into these eight major project areas.



MAJOR PROJECTS – PROJECT PROGRESS

Ongoing Construction



Renew Track

- 1 Frog Capital Maintenance (Systemwide Not Mapped) - Ongoing Construction
- 2 Rail Relay (Systemwide Not Mapped) - Ongoing Construction
- 3 K-Line Interlocking Replacement - Ongoing Construction

Renew Power Infrastructure

- 4 A-Line 34.5kV Cable Replacement - Ongoing Construction
- 5 R-Line 34.5kV Cable Replacement - Ongoing Construction
- 6 Substation for Core Capacity - Ongoing Construction
- 7 C-Line 34.5kV Cable Replacement - Ongoing Construction
- 8 K-Line 34.5kV Cable Replacement (MacArthur to Transbay Tube East) - Ongoing Construction
- 9 Substation at Transbay Tube East - Ongoing Construction
- 10 Substation at Walnut Creek - Ongoing Construction

Renew Tunnel & Structures

- 11 Water Intrusion at Train Control Rooms (Systemwide Not Mapped) - Ongoing Construction
- 12 Seal and Secure Substation Roofs (Systemwide Not Mapped) - Ongoing Construction

Renew Mechanical

- 13 Turntable Replacement Concord Yard (OCY) - Ongoing Construction
- 14 Fire Services Yards - Hayward Yard (OHY) - Ongoing Construction

Design and Engineer Future Projects to Relieve Crowding, Increase System Redundancy, and Reduce Traffic Congestion

- 15 Hayward Maintenance Complex (HMC) Phase 2: Civil & Grading - Ongoing Construction

Renew Stations

- 16 Market Street Canopies and Escalator (M16, M20, M30, M40) - Ongoing Construction
- 17 Powell Street Station Modernization - Ongoing Construction

Expand Safe Access

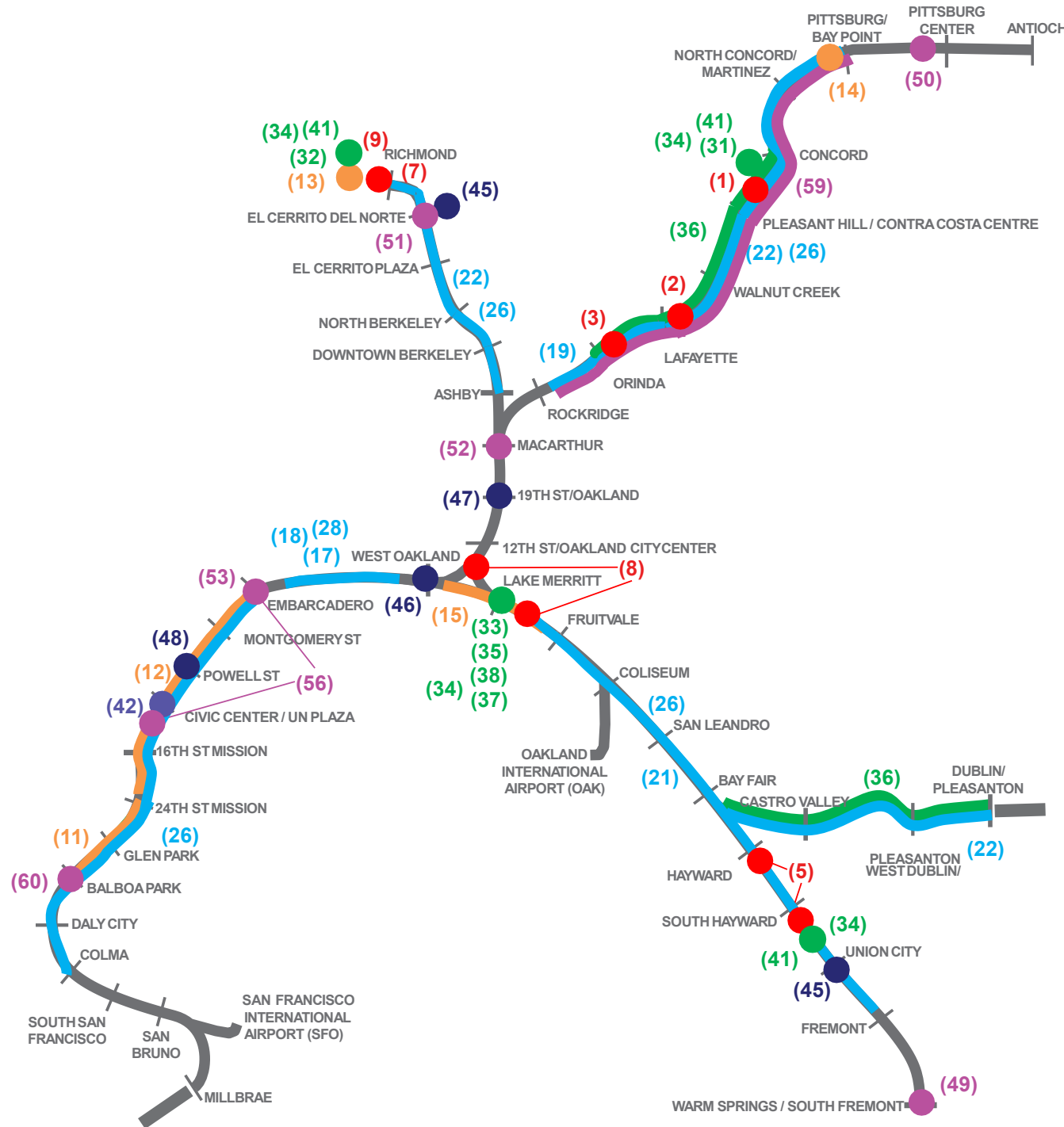
- 18 Dublin Iron Horse Trail Bridge (SR2B) - Ongoing Construction
- 19 North Berkeley Access Improvements - Ongoing Construction

Replace Train Control/Increase Capacity

- 20 Enabling Works (Systemwide Not Mapped) - Ongoing Construction

MAJOR PROJECTS – PROJECT PROGRESS

Completed Construction



Renew Track

- 1 C55 Interlocking Replacement near Concord Station
- 2 C35 Interlocking Replacement near Lafayette Station
- 3 C25 Interlocking Replacement near Orinda Station
- 4 Restraining Rail (Systemwide Not Mapped)
- 5 A65/A75 Interlocking Replacement near Hayward and South Hayward Stations
- 6 Friction Modification Study (Systemwide Not Mapped)
- 7 R65 Interlocking Replacement near Richmond Station
- 8 A15 Interlocking Replacement near 12th Street Station / M03 Interlocking Replacement near Lake Merritt Station
- 9 System Joint Elimination Richmond Yard
- 10 Rail Re-Profiling Services (Systemwide Not Mapped)

Renew Power Infrastructure

- 11 Traction Power Cable Replacement: M-Line Balboa Park Substation (MBP) to 24th St. Substation (MTF)
- 12 Traction Power Cable Replacement: M-Line Bay-tube West Substation (MTW) to Balboa Park Substation (MBP)
- 13 Substation Replacement: Richmond Yard (ORY)
- 14 Concord Willow Pass (CWS) High Voltage Transformer Replacement near Pittsburg/ Bay Point Station
- 15 K-Line Cable Replacement Washington St. Substation (KWS) to Nineteenth Ave. Substation (ANA)
- 16 Third Rail Replacement Phase 3 (Systemwide Not Mapped)

Renew Tunnel & Structures

- 17 Replacement of Transbay Tube Emergency Doors Phase 1
- 18 Replacement of Transbay Tube Emergency Doors Phase 2
- 19 Berkeley Hills Tunnel Creep
- 20 Safety Barriers Phase 3 (Systemwide Not Mapped)
- 21 A-Line Operability Feasibility Study
- 22 Renew Sound Walls of Guideways (C-Line, R-Line, L-Line)
- 23 Platform Edge Structural Rehabilitation (Systemwide Not Mapped)
- 24 Substation Walls (Painting & Repair) (Systemwide Not Mapped)
- 25 Water Intrusion in Escalator and Elevator Machine Rooms (Systemwide Not Mapped)
- 26 Aerial Fall Protection (A-Line, C-Line, M-Line, R-Line)
- 27 Rehabilitation of Expansion Joints (Systemwide Not Mapped)
- 28 Transbay Tube Retrofit #1 (Underwater)

Renew Mechanical

- 29 Corrosion Assessment of Metallic Gas Lines (Concord Yard (OCY), Hayward Yard (OHY), Oakland Shop (OKS), Richmond Yard (ORY))
- 30 Fire Hoses and Piping (Systemwide Not Mapped)
- 31 Fire Services Yards – Concord Yard
- 32 Fire Services Yards – Richmond Yard
- 33 Fire Services Yards – Oakland Shops
- 34 Access Ladders (OCY, OHY, ORY, OKS)
- 35 Vacuum System (Non-Revenue Vehicle Shop, OKS)
- 36 Coverboard Enhancement – Phase 4 (C-Line and L-Line)
- 37 Computer Room Fire Protection Initial Planning (LMA)
- 38 Replace Fire Suppression System at Lake Merritt Administrative Building (LMA)
- 39 Facilities HVAC Equipment Replacement - Phase 1 and 2 (Systemwide Not Mapped)
- 40 Replace Antiquated Backflow Preventers (Systemwide Not Mapped)
- 41 Rotoclones (Wet Dust Collectors) Replacement at Shops (OHY, OCY, ORY)

Design and Engineer Future Projects to Relieve Crowding, Increase System Redundancy, and Reduce Traffic Congestion

- 42 Civic Center Scissor Stairs
- 43 Platform Doors Feasibility Study (Systemwide Not Mapped)

Renew Stations

- 44 Union City Intermodal Station Phase 2A
- 45 El Cerrito Del Norte Station Modernization
- 46 West Oakland Station Modernization Plan
- 47 19th St Station Modernization Construction
- 48 Powell Street - Gateway Station

Expand Safe Access

- 49 Warm Spring Pedestrian Bridge West
- 50 eBART Additional Parking Lot
- 51 El Cerrito Del Norte Gateway
- 52 MacArthur Transit Improvements
- 53 Embarcadero Station Entrance Gates
- 54 ADA Lighting Improvements (Systemwide Not Mapped)
- 55 Fare Evasion Barriers and Control (Systemwide Not Mapped)
- 56 Embarcadero Civic Center Bike Modernization
- 57 Wayfinding Improvements Phase 2 (Systemwide Not Mapped)
- 58 Last Mile Investments (Systemwide Not Mapped)
- 59 Outer C-Line Access Study
- 60 Balboa Park Station East Side Improvement and Plaza

REDUCING SERVICE DELAYS

Several recently completed projects have improved the rider experience on BART by reducing service delays. Improving the reliability of BART is one of the most important benefits of the Measure RR rebuilding program. When BART District voters approved Measure RR in 2016, they sent a clear message that they expected BART's performance to improve as the agency replaced its aging infrastructure.

The most dramatic reduction in delays came when BART crews completed a key portion of the rail relay project, which is the replacement of aging rail that has in many cases outlived its design life. The number of trains delayed due to old rail fell by more than 400 instances compared with before the work was complete.

Here are additional examples of how rebuilding work has resulted in fewer delays for riders:

- Replacing coverboards on the Blue and Yellow lines reduced coverboard-related delays by 48 from 2022 to 2023.
- Replacing an important section of trackway between Orinda and Lafayette stations resulted in 18 fewer service delays.
- Work in the Renew Mechanical project category reduced the number of train delays attributed to mechanical issues by 45 trains from 2022 to 2023.

You can read more about all eight of Measure RR's project categories in the Major Project Categories section of this report starting on page 17.

PREVENTING A DERAILMENT FROM BECOMING A DISASTER

On the morning of January 1, 2024 an eight-car Antioch-bound BART train partially derailed on the Yellow Line in Contra Costa County between Orinda and Lafayette stations. Two cars derailed. Though there were no major injuries, nine people were taken to area hospitals for evaluation. There was also significant damage to the trackway. Despite what happened, the incident could have been far worse if not for rebuilding work supported by Measure RR.

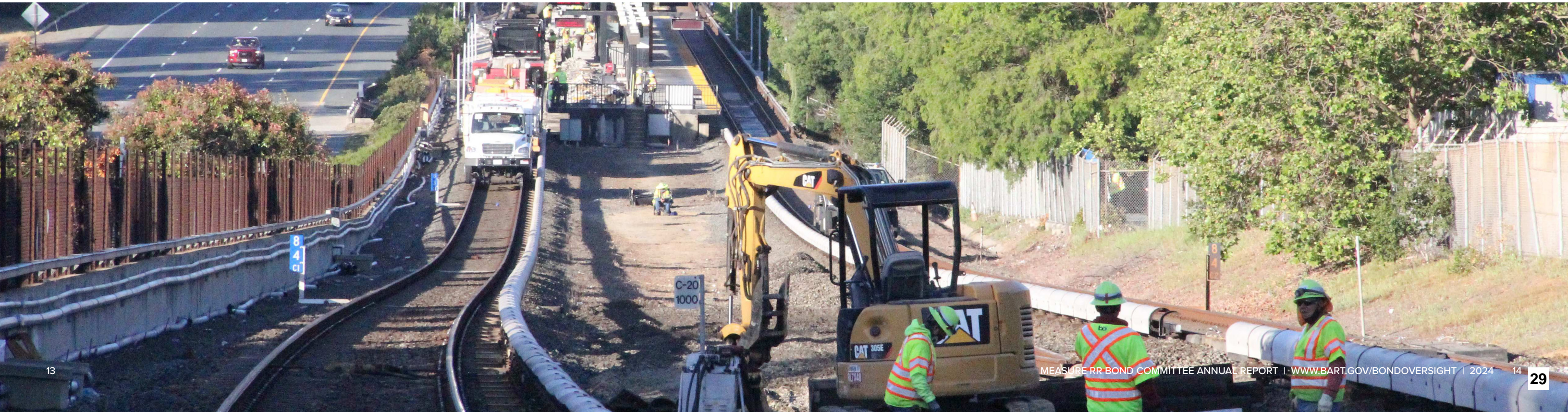
The stretch of track where the partial derailment occurred had been replaced only three years ago by work funded by RR. The new trackway components were far more resilient against an incident such as this compared with the decades-old equipment that was replaced. BART officials say it's likely the trackway would've been destroyed if the old infrastructure had still been in place. That would have also raised the possibility of more serious injuries for riders aboard the incident train.

The new trackway equipment not only potentially saved lives, but it also helped BART to avoid lingering and massive delays to service on the busiest line in the system. BART crews worked around the clock after the incident to make repairs. Because of their efforts, service on the Yellow Line was restored in time for the morning commute the next day.

When voters approved Measure RR in 2016, they were told that rebuilding the backbone of BART would lead to a more reliable system that would better serve the needs of the Bay Area. But in addition to that, RR investments are already making a difference when it comes to rider safety.

BART has been working with the California Public Utilities Commission on the investigation into the partial derailment. The case is still under investigation.

Previous work on the Yellow Line funded by Measure RR helped limit the damage from the January 2024 derailment between Orinda and Lafayette stations.



FIRE SAFETY GETS A BOOST

The safety improvements being realized through the Measure RR rebuilding program extend to making the system more resilient against fire. BART's Fire Life Safety (FLS) Program has established itself as a leader in public transit. In 2023 the program was awarded the highest honor for rail safety, the 2023 American Public Transportation Association (APTA) Rail Safety Gold Award. The award recognizes transportation providers for "their innovative and proactive safety and security programs" that "help to build the industry by benchmarking successful initiatives so other systems can implement and fine tune their programs."

Measure RR dollars are helping to mitigate potential fire hazards. Replacing 34.5 kV (kilovolt) cabling as well as aging substations offers a huge relief in terms of fire concerns since electricity is a major consideration in fire management. Funding has also been used to replace fire services infrastructure in BART's various operations yards. Construction of upgraded fire services at the Hayward Yard is set to be completed in 2024.

But BART's commitment to fire safety goes beyond the infrastructure. The Fire Life Safety Program reviews construction projects both small and large from beginning to end with fire protection engineering being a focus. The program participates in safety certification for larger projects under oversight from the California Public Utilities Commission. For smaller projects, the FLS program partners with BART's System Safety Department and the Office of Infrastructure Delivery to track those projects in regularly held workshops. Materials to be used are reviewed by local fire agencies. All of this helps to reduce costs and delays to projects as potential issues are resolved early in the design process.



Regular fire drills in the system and on trains are an essential part of BART's Fire Safety Program.

RENEW TRACK

Projects in this category focus on the backbone of BART service, specifically the 131 miles of rail that extend across the system. Work in this category includes replacing aging rail that has outlived its design life as well as rail grinding to reduce the noise level of the BART screech.

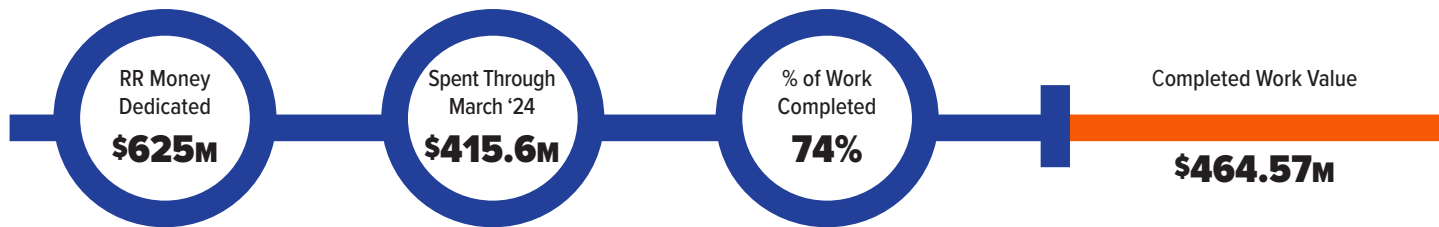
BART's efforts in the Renew Track category are improving the rider experience by enhancing the system's reliability. The number of trains delayed by worn-out rails has dropped by 400 thanks to this work.

To date, 20 projects have been launched in the Renew Track category. Eleven projects have been completed. Recent accomplishments include:

- 5.59 miles of linear rail replaced in 2023. 53 miles replaced to date by Measure RR.
- Completion of Oakland Yard tracks.
- Replacement of an interlocking near South Hayward Station (interlockings help trains transition safely from line to line).

BART has also replaced 56 track switches. Track switches are the main components of interlockings.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that's been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



RENEW POWER INFRASTRUCTURE

The Renew Power Infrastructure category focuses on replacing traction power cables and the installation of new electric substations. New 34.5 kV (kilovolt) traction power cables help to ensure BART trains have a reliable source of electricity. Much of the cable being replaced is decades old and has outlived its design life. Replacing old substations and adding new ones will eventually help BART run more trains.

To date, 34 projects have been launched in the Renew Power Infrastructure category. Six of those projects have been completed.

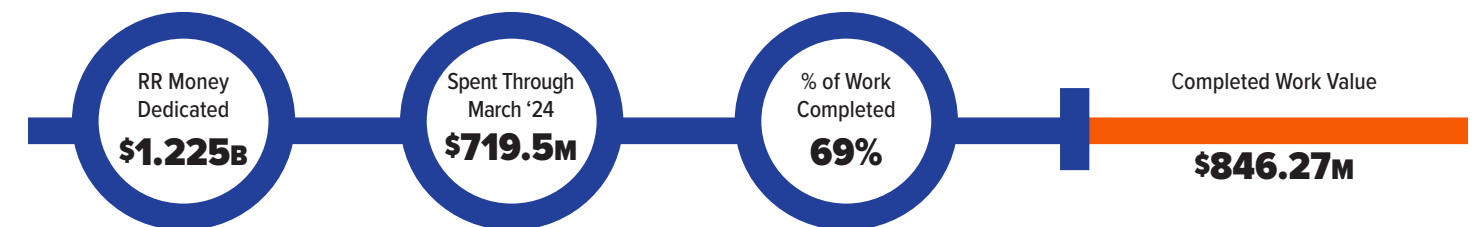
Recent accomplishments include:

- Replacement of 10.2 miles of traction power cables in 2023. 61 miles of cable installed since the start of Measure RR.
- Completion of the Willow Pass Road High-Voltage Transformer Replacement Project near Pittsburg/Bay Point Station.



Workers this year are on track to complete cable replacement on the Red Line in Contra Costa County ahead of schedule. This has been a priority project since aging cables on the Red Line failed in 2022. That cable failure led to major service delays. Initially, it was expected the Red Line work could take up to three years to complete.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that's been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



REPAIR TUNNELS AND STRUCTURES

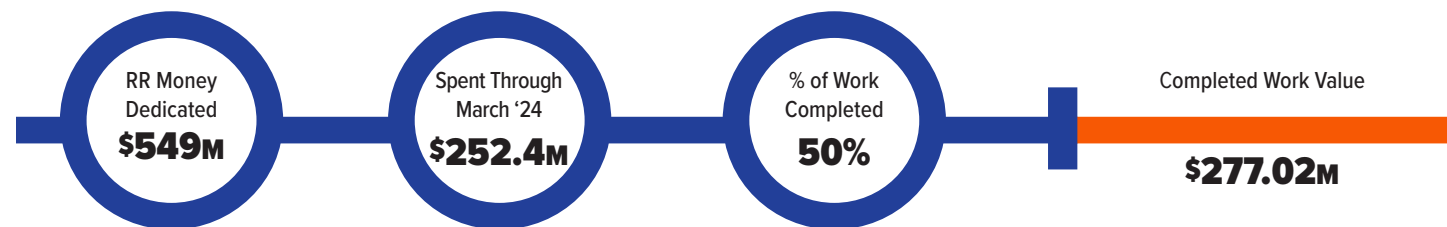
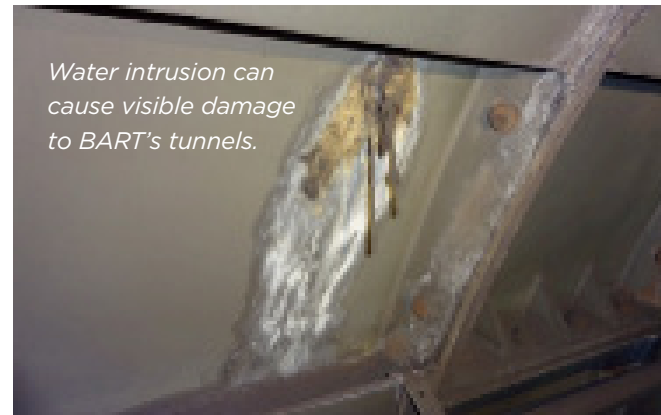
The Repair Tunnels and Structures category includes work to ensure BART tunnels can safely withstand a large seismic event. A landmark project already completed in this category was the retrofit of the Transbay Tube. Work in this category also improves critical safety structures such as aerial walkways and slopes that help stabilize the track.

To date, 26 projects in this category have been launched. Twelve of those projects are now complete. Recent accomplishments include:

- Construction started to renew catwalks along aerial trackways.
- Work underway on slope stabilization along portions of the Blue Line in Alameda County.

Slope stabilization work helps ensure BART tracks are not vulnerable to mudslides. The work focuses on repairing eroding slopes and damaged abutment joints below bridges.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that's been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



RENEW MECHANICAL INFRASTRUCTURE

Work in the Renew Mechanical Infrastructure category focuses on components of the BART system that go beyond the basics of rail and power cables. An example of completed work in this category is the Coverboard Enhancement Project, which replaced the curved boards that are placed over the electrified third rail for safety and to protect train cars from damage.

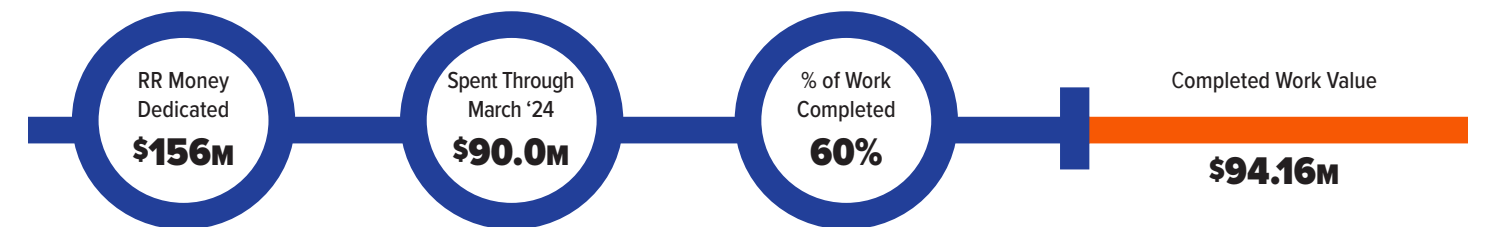
Ongoing work in this category is making BART more fire safe. This includes installing new fire hoses and piping at BART train yards. Additional projects in this category focus on core needs such as replacing heating, ventilation, and air conditioning (HVAC) units.

To date, 26 projects in this category have been launched. Thirteen of those projects are now complete. Recent accomplishments include:

- Work completed on backflow preventers (these devices ensure water can flow in only one direction).
- Design work finished for sewage pumps replacement.

Work is advancing on installing wheel-truing facilities. Truing machines allow BART to better address train car wheel flats. Metal wheels can develop flats when they skid on the rail. This is another example of how Measure RR work benefits riders by reducing the time it takes to get train cars with damaged wheels back into service.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that's been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



RENEW STATIONS

Many of the most visible changes to BART resulting from Measure RR are happening in the Renew Stations category. This category includes work that improves the functionality, safety, and appearance of stations. Much of the recent work in this category has been focused on stations in downtown San Francisco, which are the busiest in the entire system. Installing new, more reliable escalators accompanied by canopies to protect them from the elements is among the projects underway that are improving the rider experience.

To date, eight projects have been launched in this category. Five of those have reached completion. Recent accomplishments include:

- Entrance canopies completed at seven entrances to downtown San Francisco stations.
- Construction completed on platform lighting at Powell Street Station.
- Installation of four new escalators in downtown San Francisco stations.

More escalators and canopies are on the way. The Market Street Escalators Renovation Project is installing or replacing 41 escalators at Embarcadero, Montgomery, Powell, and Civic Center stations.

The new escalators are expected to be significantly more durable than the old units that are being replaced. They feature real-time monitoring, which will allow BART staff to know the moment an escalator goes out of service. Staff will also be notified right away what was the cause of the shutdown. The new escalators have brighter LED lighting systems to make them more welcoming to riders. They're constructed with sustainable materials and utilize an automatic lubrication system that applies lubrication only when and where it's needed. Another environmentally friendly enhancement is the new escalators have a sleep mode that makes them more energy efficient. They also feature variable frequency regenerative drives that allow them to slow down and save electricity when there are no passengers.

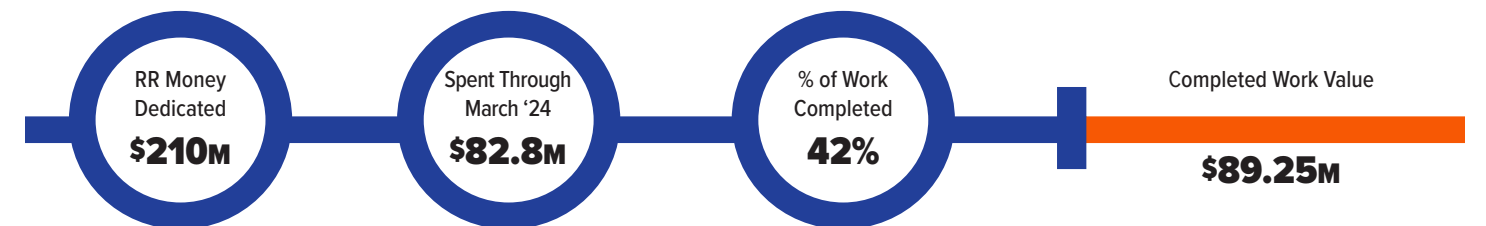
Plans also call for the construction of 19 new canopies at downtown San Francisco stations. The canopies not only protect new escalators, but they provide an added layer of station security and cleanliness. Motorized gates allow the entrances to be locked at street level when stations are closed. Each canopy includes a real-time digital display that shows train arrival times, a retractable gate, LED lighting, security cameras, art elements, and potentially a living roof at select locations.

The graphic on the next page shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that's been completed through March 2024, and the value of the work completed so far.



A new canopy has transformed this entrance to Embarcadero Station.

The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



TRAIN CONTROL MODERNIZATION

The Train Control Modernization category includes work to replace BART’s more than 50-year-old train control system. BART now uses a fixed block system to control its trains. This system requires trains to be separated by a set distance and limits how many trains BART can operate at one time.

Work is now underway to replace the outdated fixed block system with Communications Based Train Control (CBTC). CBTC is a system that relies on telecommunications between trains and trackside equipment for traffic management. This new technology will allow BART to know a more exact location of its trains than with the traditional fixed block system. CBTC allows for real-time adjustments of speed and braking to enable safe separation with a shorter distance between trains. This equates to increased capacity and reduced wait times between trains. The implementation of CBTC will eventually allow BART to run as many as 30 trains per hour per direction through the Transbay Tube. The current limit is 24 trains per hour per direction.

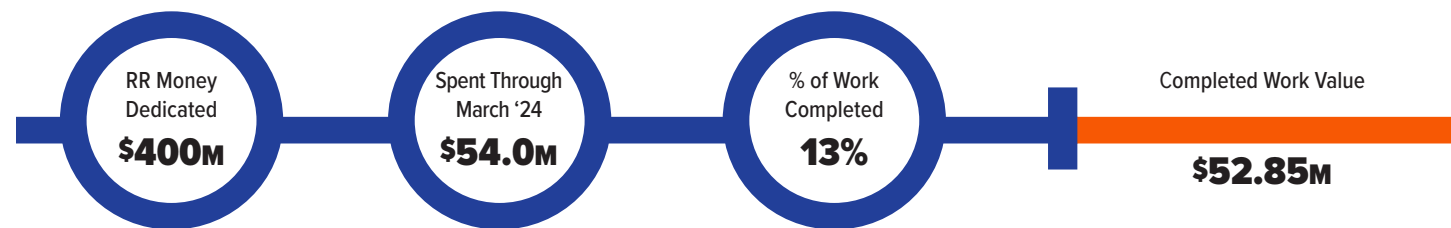


BART often utilizes cranes and forklifts to move oversized track components during weekend shutdowns.

To date, six train control projects have been launched in this category. None of those projects have been completed. Recent accomplishments include:

- Installation of 320 feet of duct bank at the Hayward Test Track.
- Asbestos assessments performed in 27 train control rooms.
- Asbestos mitigation at eight train control rooms in San Francisco.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that’s been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



RELIEVE CROWDING, INCREASE SYSTEM REDUNDANCY, AND REDUCE TRAFFIC CONGESTION

Work in the Relieve Crowding, Increase System Redundancy, and Reduce Traffic Congestion category is focused on preparing for the next generation of regional transportation needs, including designing and engineering, and environmental studies for infrastructure projects. Despite the uncertainty of growth projections and transportation needs, long-term planning is a vital enterprise.

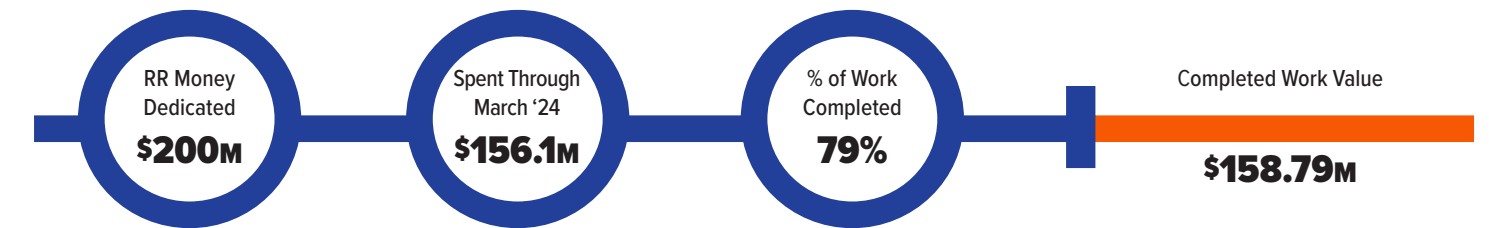
A key project in this category is Link21 (also known as second transbay rail crossing). The Link21 Program and its partners will transform the BART and regional rail (including commuter, intercity, and high-speed rail) network in the Northern California Megaregion into a faster, more integrated system that provides a safe, efficient, equitable, and affordable means of travel for all types of trips. This program, including a new train crossing between Oakland and San Francisco, will enhance livability, community stability, economic opportunity, and environmental quality in the Megaregion while improving the passenger experience. With key investments that leverage the existing network and increase capacity and system reliability, train service will better meet the travel needs of residents throughout the Megaregion. You can learn more about the Link21 program at www.link21program.org.

Work in this category includes improvements to the Hayward Maintenance Complex (HMC). HMC upgrades will include an expanded repair facility, a component repair shop, a vehicle overhaul station, and a new central parts warehouse. The expansion of HMC will allow the facility to house as many as 250 Fleet of the Future train cars.

To date, seven projects have been launched in this category. Two projects have been completed. Recent accomplishments include:

- The Transit and Intercity Rail Capital Program (TIRCP) awarded Link21 \$11.3M.
- The Link21 Program initiated the Equity Advisory Council, which will provide a forum for meaningful community collaboration to advance equity throughout the development and implementation of the Link21 Program. You can learn more about the Council at www.link21program.org/en/program/equity/equity-advisory-council.
- Link21 will be hosting a series of public outreach events in 2024 to communicate preliminary findings.
- Construction was completed on the access road and retaining wall for HMC.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that’s been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



ACCESS IMPROVEMENTS

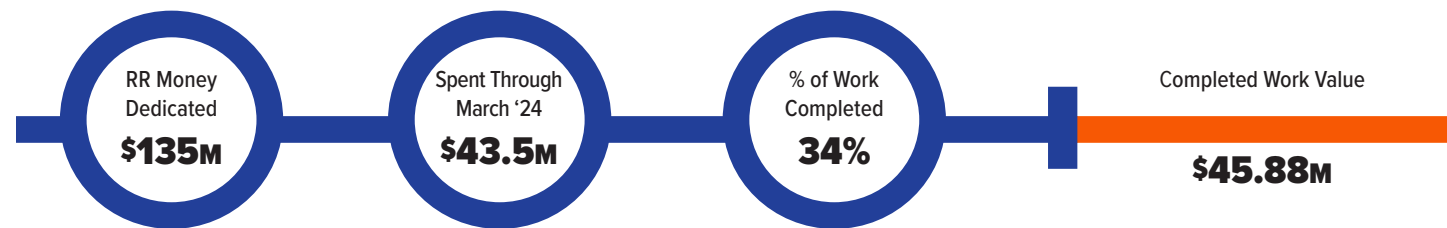
Projects in the Access Improvements category make it easier for riders to easily get to and use the BART system. Work in this category is part of BART’s focus on equity as these projects often involve helping people with varying needs and life circumstances use the system.

To date, 30 projects have been launched in this category. Thirteen projects have been completed. Recent accomplishments include:

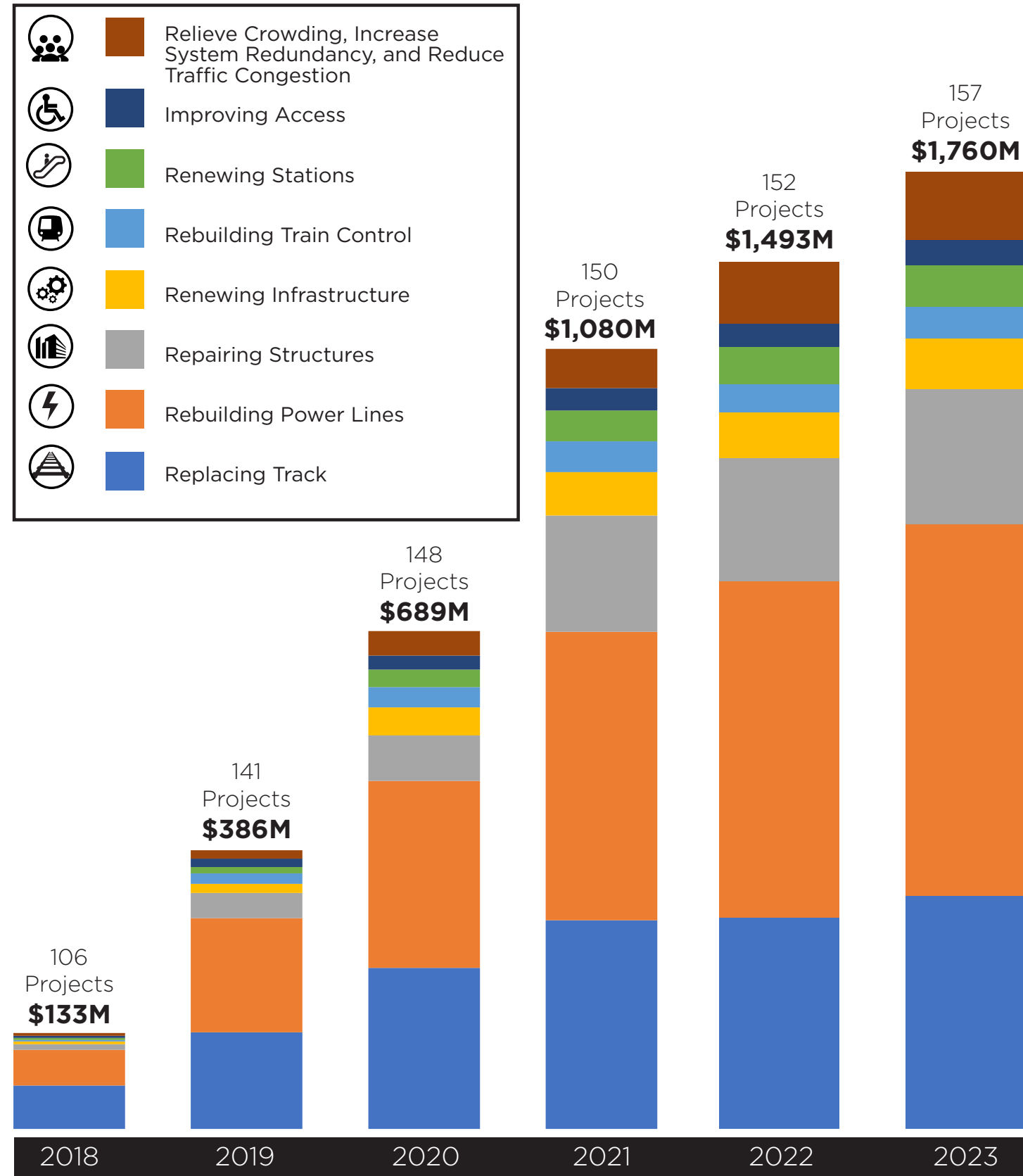
- Completion of construction of 12th Street/Oakland City Center and MacArthur stations bike racks.
- Demolition started to improve Americans with Disabilities Act (ADA) access at Fremont, Bay Fair, and Hayward stations.

Measure RR money is also supporting a community partnerships initiative that makes it easier to walk or bike to BART. The Safe Routes to BART program leverages RR dollars to support projects started by other local agencies that can offer a minimum funding match of 30%, provide evidence of governing body support, a full funding plan, and a minimum of 35% design completion. Projects recently selected to receive Measure RR support through this program include the Ohlone Greenway Modernization and Safety Project, Fremont Boulevard, Elevated Bikeway, and the North Bailey Road Active Transportation Corridor Project.

The graphic below shows the amount of Measure RR money dedicated to this project category, the amount of that money that has been spent through March 2024, the percentage of planned work that’s been completed through March 2024, and the value of the work completed so far. The value of work completed is the dollar value associated with the original estimate of labor and materials needed to complete the work. To learn more about how BART measures this value please go to Measuring Cost Effectiveness on page 28.



YEARLY PROGRAM EXPENDITURES



MEASURING COST EFFECTIVENESS

BART and the Bond Oversight Committee (BOC) utilize an integrated method known as Earned Value Management (EVM) as a tool to measure the cost effectiveness of the Measure RR rebuilding program. Ensuring that RR work is proceeding in a cost-effective manner is one of the mandates of the BOC. EVM is used to evaluate the progress of individual projects as well as larger program categories. It is a popular, well-established, and widely recognized objective measurement of government contracting and project management.

BART staff present to the BOC what work will be done, when it is expected to happen, and how much money and time it will take to reach completion. EVM allows someone to assess whether the value of work completed at a given point is worth the money spent at that point in time.

Providing both a Cost Performance Index (CPI) as well as a Schedule Performance Index (SPI) EVM is useful in project forecasting. When BART staff analyze EVM results they are looking for trends that emerge over multiple quarters. Projects are considered on track when both the CPI and SPI consistently hover around 1.0. When a CPI or SPI rises above 1.2 or below 0.80 in a reporting period, the program is given additional scrutiny to determine if there are any risks or issues. If risks exist, staff develop a mitigation plan to either correct or hinder the risks from growing larger. It's normal for some projects to perform better than others at different times, which makes looking at the overall programs so important for the long term.

The BOC receives regular EVM updates from BART staff and is advised if any issues are identified that require mitigation. The public may view a project's CPI or SPI status by visiting www.bart.gov/bondoversight and looking at the "Earned Value" section of the Appendix of staff presentations.



FUNDING MEASURE RR WITH GREEN BONDS

Green Bonds are at the center of BART’s plan to finance Measure RR construction work since the beginning of the program. BART’s Green Bonds were initially certified through the Climate Bonds Initiative’s Low Carbon Transport Standard in 2017. BART is among the first transit agencies in the country to earn a green climate bond certification.

The Climate Bonds Initiative promotes investments in projects that bring the world closer to a low-carbon and climate-resilient economy consistent with the 2015 Paris Agreement. As the market for Green Bonds expands, costs for climate-friendly projects everywhere are expected to decrease. Green Bonds are not more expensive than traditional general obligation bonds and they allow BART or the District to further demonstrate its commitment to the environment.

BART has offered four tranches of Green Bonds totaling more than \$2.06 billion to support the Measure RR rebuilding program since work started in 2017:

- \$300M in May 2017
- \$360M in August 2019
- \$700M in August 2020
- \$700M in May 2022

For each issuance, BART has worked closely with its financial advisors to develop a financing plan that ensures funds are available as needed for projects while taking into consideration the interest rate paid by taxpayers.

When the fourth tranche (2022 series D) was offered in May 2022, Moody’s Investors Service (Moody’s) assigned BART’s General Obligation Bond Program a credit rating of Aaa Stable. Fitch Ratings has assigned its highest AAA rating with a stable outlook. These ratings reflect the rating agency’s perspective on the relative creditworthiness of the District’s general obligation bonds compared to other similar credits.

On July 24, 2023, Moody’s affirmed the Aaa ratings on the District’s outstanding general obligation bonds but revised the outlook from stable to negative, reflecting national concerns about the health of transit systems. Moody’s wrote:

“The rating reflects the District’s exceptionally large and diverse tax base that encompasses a major component of the Bay Area economy. The District’s current healthy financial metrics, strong liquidity, conservative management, and ample federal aid position the District well to manage suppressed ridership due to the coronavirus pandemic and the longer-term shift to remote work in the near term, however projected outyear deficits represent a significant risk.”

On April 14, 2023, Fitch affirmed the District’s Issuer Default Rating at AA with a negative outlook. Fitch also affirmed its credit rating on the remaining outstanding 2022D series GO bonds at AAA with a stable outlook.

BART originally expected to offer bonds in equal installments every two years for 18 years, however Measure RR-funded rebuilding work has progressed faster than initial projections. As a result, more funds have been needed sooner to ensure work continues. If BART stayed with its original financing plan only about \$1.2 billion in Green Bonds would have been issued up to this point.

You can go to Appendix Item 5 on page 43 for more on BART’s latest Annual Comprehensive Financial Report

Covering the costs of Green Bonds

The District incurs administrative costs associated with the issuance of its Measure RR general obligation bonds. Bond issuance costs typically include fees paid to underwriters, legal counsel, municipal advisor, rating agencies, and other vendors. When Measure RR general obligation bonds are issued, the District generally structures the pricing of the bonds to generate a premium to cover administrative costs. This is consistent with the municipal bond market’s preference for premium bonds.

The Measure RR bonds issued so far have generated \$172.3 million of premium. The District used these proceeds, together with \$7.7 million of Measure RR debt service account funds, to pay \$163.5 million of short-dated taxable bonds and accrued interest and net administrative costs of \$6.6 million. Another \$9.9 million of surplus premium went into debt service accounts to pay bond interest and reduce the tax rate for the District’s taxpayers. The original issue premium generated by the District has covered all the net administrative costs, including \$25,570 for Green Bond certification by the Climate Bonds Initiative and third-party verification.

Measuring up to Bond Requirements

IRS rules require that BART reasonably expects to spend 85% of bond proceeds, including interest earnings on the proceeds, within three years of the issuance of the bond. BART has progressed on Measure RR work at a pace that exceeds this requirement. As of March 31, 2024, BART had spent \$1.81 billion on Measure RR projects. It is projected that the latest tranche will be spent by early 2025. This pace of spending demonstrates that Measure RR-funded work is being delivered in a timely manner.

Measure RR bonds are supported and secured solely by an unlimited ad valorem tax upon all property subject to taxation in Alameda, Contra Costa, and San Francisco counties. At the start of the program BART estimated the average yearly tax rate over the life of the bond program would be \$8.98 per \$100,000 of assessed property value. BART further projected the yearly tax rate would range from \$0.80 to \$17.49 per \$100,000 of assessed value. BART’s latest property tax assessment for Measure RR to cover debt service in FY 2023-2024 is \$8.60 per \$100,000 of assessed valuation, lower than the projected average.

RR PROGRAM EXPENDITURES OVERVIEW

Program	Expended Through March 2024	% Expended Out of Total Bond Investment	MID-TERM	LONG-TERM
			(Through 2025)	(Through End of Bond)
Renew Track	\$415.6	66%	\$433.5	\$625
Renew Power Infrastructure	\$719.5	59%	\$868.0	\$1,225
Repair Tunnels and Structures	\$252.4	46%	\$318.3	\$549
Renew Mechanical Infrastructure	\$90.0	58%	\$133.0	\$156
Renew Stations	\$82.8	39%	\$107.1	\$210
Train Control Modernization	\$54.0	14%	\$113.1	\$400
Relieve Crowding, Increase System Redundancy, and Reduce Traffic Congestion	\$156.1	78%	\$127.8	\$200
Access Improvements	\$43.5	32%	\$69.2	\$135
TOTAL In (\$ Millions)	\$1,813.9	52%	\$2,170.0	\$3,500

The Bond Oversight Committee receives quarterly expenditure updates from BART staff on the Measure RR infrastructure rebuilding program. The latest information is also available to the public in the agenda packets for each Bond Oversight Committee meeting, which can be found at www.bart.gov/bondoversight.

MEASURE RR SPENDING BREAKDOWN

Total Measure Investment	\$ Millions	% of Total Bond	Benefits		
			 Safety	 Reliability	 Crowding +Traffic Relief
REPAIR AND REPLACE CRITICAL SAFETY INFRASTRUCTURE	\$3,165	90%	✓	✓	✓
Renew Track	\$625	18%	✓	✓	
Renew Power Infrastructure	\$1,225	35%	✓	✓	
Repair Tunnels and Structures	\$549	16%	✓	✓	
Renew Mechanical Infrastructure	\$156	4%	✓	✓	
Renew Stations	\$210	6%	✓	✓	✓
Train Control Modernization	\$400	12%	✓	✓	✓
RELIEVE CROWDING, REDUCE TRAFFIC CONGESTION, AND EXPAND OPPORTUNITIES TO SAFELY ACCESS STATIONS	\$335	10%	✓	✓	✓
Relieve Crowding, increase System Redundancy, and Reduce Traffic Congestion	\$200	6%		✓	✓
Access Improvements	\$135	4%	✓	✓	✓
TOTAL	\$3,500	100%			

ONLY PART OF THE SOLUTION

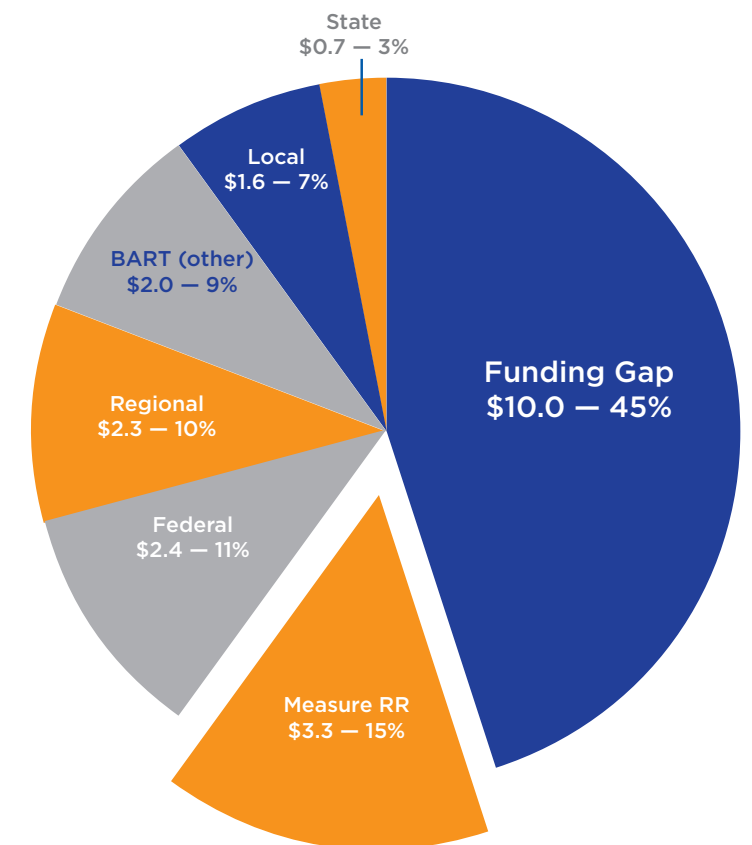
Measure RR goes a long way in addressing BART’s need to rebuild its critical infrastructure. But the \$3.5 billion that will be raised over the lifetime of RR does not go far enough to fulfill all of BART’s capital needs. BART estimates its total capital need through Fiscal Year 2033 is \$22.4 billion. The agency has so far identified \$12.4 billion in funding, which leaves a gap of \$10 billion. The pie chart on this page shows the various funding sources to fund BART’s capital program as well as the funding gap.

BART faces long-term capital funding challenges and continues to pursue additional grants by leveraging RR dollars. Through March 2024, \$1.81 billion of Measure RR has been expended which has leveraged more than \$3.5 billion of external grant funding and other BART funding to support the RR program. The external grant funding represents funding from the Federal Transit Administration to county transportation agencies. These grants funded a diversity of projects from core repair and basic maintenance investments to station modernization projects.

BART is in the process of developing an updated Capital Improvement Program, which will forecast the BART Capital Program and funding landscape over the next 15 years. That document is expected to be published later in 2024.

BART FY19-33 Capital Investment Needs and Funding Sources (Billions)

Total capital need: \$22.4
 Total funding identified: \$12.4
 15-year capital funding gap: \$10



INFORMING THE PUBLIC ABOUT LARGE PROJECTS

The Bond Oversight Committee's responsibilities include observing BART's efforts to inform the public about its rebuilding work. Effective public outreach is essential to ensure riders and residents who live near rebuilding projects are aware of the potential impacts including rider delays, changes to station access, and construction noise and lighting.

Public outreach is especially important when BART temporarily closes a portion of the trackway. Track shutdowns allow BART to do major track work in a short amount of time. Multiple activities can happen simultaneously when there are no active trains in a portion of the system, creating a safe work environment, allowing employees to work in a larger area, and maximizing worker efficiency since they can work uninterrupted in the trackway. Shutdowns are one of the reasons BART has been able to complete Measure RR projects in a timely manner.

Since 2019, BART has successfully completed 50 track shutdowns. Over the next three years, 35 shutdowns are scheduled, including 15 in 2024. To learn more about upcoming shutdowns go to www.bart.gov/advisories.

A recent example of BART's public outreach was for a track shutdown on Presidents' Day Weekend (February 17-19, 2024) near the Richmond Station. BART crews replaced an interlocking, which is a critical track component that allows trains to safely move from one line to another. Instead of regular train service, BART passengers rode free buses between Richmond and El Cerrito del Norte stations.

BART's Office of External Affairs takes the lead on public outreach for major track projects with a three-pronged approach that involves staff from the Government and Community Relations (GCR), Marketing, and Communications departments. Outreach for the Richmond project started more than a month before the first shutdown weekend. The outreach was designed to reach different audiences in multiple languages. Key information shared with the public included the track shutdown schedule, bus bridge details, anticipated delay lengths, benefits of the work, and neighborhood impacts.

Examples of the outreach include:

- GCR updated the Richmond city officials and developed two mailers that were sent to nearly 1,900 businesses and households within a quarter mile of the project work site. The mailers offered information in English, Spanish, and Chinese.
- The Communications Department drafted a passenger bulletin that was posted at BART.gov on the homepage and the Alerts and Advisories section. A news release was sent to more than 300 reporters and news outlets. Social media posts, emails, and text alerts were sent to BART news subscribers, community groups, and riders.
- The Marketing Department produced digital and print ads for multiple platforms describing the work and its disruptions in Spanish, Vietnamese, Korean, and Chinese. Digital ads on multiple social media platforms were delivered to anyone who used those media platforms near the work area.
- There were also outreach activities within the BART system itself. Public address announcements were made in English, Spanish, and Chinese. Systemwide messages were displayed on digital platform signs. Posters with project information and the bus bridge map were placed in stations.

SMALL BUSINESS OUTREACH

The Bay Area's small businesses are a vital part of the Measure RR rebuilding program. To ensure as many locally owned contractors can participate in this important work BART's Office of Civil Rights (OCR) leads an extensive contractor outreach campaign. In 2023 OCR organized 41 outreach events, drawing an average of 27 participants at each event. This includes 18 training and outreach events hosted by the District's Small Business Support Services (SBSS) program.

SBSS is administered by the Office of Civil Rights. SBSS was established as a free resource with the goal of providing pre-award and post-award supportive services to increase the number of qualified small, local, minority, women, disabled veteran, and LGBTQ+ businesses that can participate in BART contracting opportunities. The program also provides them with customized technical assistance that would make them more competitive in the bidding process. SBSS guides their efforts to successfully bid on projects. Once a contract is awarded, the program provides support services to ensure the successful delivery of the project from start to finish.

Laner Electric Supply Company is one of 670 small businesses supported by SBSS. Sandra Escalante owns Laner Electric and has often been called a "unicorn." "I'm a woman, a minority, a member of the LGBTQ community," she said recently. "It's very difficult just to be an employee in the construction world. A business owner? Ha."

Each criterion for participation in SBSS applies to Escalante, who's been working with the program since its inception in 2018. "Programs like SBSS are the beginning of changing mindsets," she said. "If you don't change the mindset, nothing will change materially."

Escalante has served on multiple advisory councils in recent years, including BART's Small Business Advisory Council. It's a lot of time and effort, but she believes sharing her knowledge and experience is important. Owning a small business "is not easy," she said, and more so if you're a minority or member of the LGBTQ community.

Escalante knows the difficulties of owning and operating a business, but she's never given up, even after experiencing a debilitating stroke and heart attack in 2006, which forced her to sell her business at the time. At Laner Electric, her responsibility to her employees keeps her going through it all, she said.

"You have to treat your employees how you want to be treated," she said, acknowledging that "being an entrepreneur requires tenacity, strength, and the guts to take risks."

That's why she's grateful for programs like SBSS that are "actually making a difference." "I hope BART continues to expand the program and keeps taking chances on small businesses," she said.

OCR also administers the District's Non-Discrimination Program for Subcontracting on non-federally funded contracts, which ensures that prime contractors do not discriminate or give preference in the award of subcontracts on the basis of race, national origin, color, ethnicity, or gender.

Small businesses have been awarded 26% of all Measure RR contract dollars. Small businesses have been awarded 1,513 Measure RR contracts through the end of 2023. These contracts are valued at \$298.1 million.



EQUITY AND MEASURE RR

BART is working to incorporate equity into all aspects of its operations, including infrastructure decision-making. It's essential for BART to do everything it can to ensure all community members and stakeholders have equal access to the system. Communities thrive when everyone has access to robust public transportation.

The Accessibility Improvement Program is actively identifying and implementing improvements needed systemwide to meet ADA regulations. Based on an initial assessment in 2011, BART conducted an evaluation of stations systemwide and identified improvements and upgrades required to meet federal ADA regulations and the California Building Code. There are currently 11 stations in the construction phase with Fremont and Bay Fair stations actively under construction.



Making improvements to signage at MacArthur Station in Oakland.

The Public Address System Improvement Project scope includes installation of a new PA system, including electrical, communications, equipment installation, testing, and commissioning at Lafayette and Powell stations.

BART wayfinding improvements at 14 stations located in Alameda, San Francisco, and San Mateo counties. Work includes fabrication and installation of illuminated wayfinding signs, custom design cases, station ID pylons, kiosks, and real-time displays. Existing wayfinding directional and transit information signage and displays will be replaced to improve and enhance the transit wayfinding experience of transit users. The new signs and information displays will provide consistent and understandable information with the use of fewer written messages and more pictograms, graphic symbols, and operator logos. At least 35% of design has been completed at each of the 14 stations. Design and construction will soon be complete at MacArthur and Ashby stations.

ADVANCING SUSTAINABILITY

Measure RR is helping BART to meet its sustainability goals. BART's commitment to sustainability is advanced by providing safe, affordable, equitable, and environmentally friendly transit to move people to jobs, recreation, and services. This involves projects that make BART easier to use for more people and help the Bay Area be less dependent on cars. BART riders get the equivalent of 73.3 miles per gallon as the system is three times as efficient compared with a typical car driven alone. BART is also working towards getting 100% of its power from zero-carbon sources by 2035.

The Bond Oversight Committee has a mandate to ensure Measure RR work measures up to BART's sustainability standards. Recent examples of RR-funded projects benefiting the local environment include:

- The Balboa Park Transit-Oriented Development project includes a new plaza and passenger loading zone. The new plaza increases access to transit, fosters community, and enhances quality of life. The plaza provides better access to transit, with stairs directly into the BART station, a new Bay Wheels bike share station, and an updated passenger loading area including a paratransit stop. There is access to both a Muni bus stop and multiple Muni rail lines adjacent to the development. The plaza has seating areas for transit customers, tenants, and the public, with the possibility of outdoor space being used by ground-floor retail or for community events. New trees were added throughout the plaza, along with ADA accessible paths, lighting, and security cameras.
- BART is advancing implementation of Measure RR-funded pedestrian and bike improvements at North Berkeley including widening of the Ohlone Greenway on BART's property. Other North Berkeley access improvements include a raised crosswalk at the station entrance, improved bike access from Acton Street to the station entrance and widened pedestrian connections between Sacramento Street and the station.
- As part of the Warm Springs Extension (WSX) into Fremont, BART has restored 11 acres of aquatic habitat near Fremont Central Park. The site now supports a variety of riparian, wetland, and wildlife species and helps manage stormwater runoff from the watershed of nearby areas. The District also committed to seven years of monitoring to ensure the site was meeting the success criteria identified in the mitigation plan. More than 10.5 acres of wetland and riparian habitat have been restored at the site, which now supports native plant species including tall flat sedge, slender hair grass, narrow-leaved cattail, and arroyo willow trees. The habitat is home to mule deer, racoons, mallards, and herons. Maintenance activities have prevented invasive species from encroaching on the parcel. During storm events, the site helps store stormwater runoff from the watershed of the nearby areas. BART collaborated on this mitigation project with a team of ecologists, hydrologists, and landscapers led by H. T. Harvey & Associates. The John Muir Land Trust will be responsible for long-term management of the parcel going forward.



Walkers and bicyclists enjoy the Ohlone Greenway.

Committee Activities, Suggestions & Expenditures

As part of this report, the Bond Oversight Committee also presents a summary of its activities and expenditures.

April 21, 2023

Staff presents first draft of RR Annual Report. Committee Member Vinit Shrawagi asks whether printed copies will be made available to public and staff says they will. Staff presents overview of RR program. Committee Member Sonja Stewart requests list of watchlist items including a status update of what's been done.

June 16, 2023

Measure RR Annual Report draft is presented to full committee. Members of Annual Report subcommittee say they're pleased with the draft and how staff have responded to their requests. Report is approved unanimously, and Chair Michael McGill is appointed to present it to BART Board. Staff provides update on status of overall RR program. Committee Member Daren Gee proposes the creation of a new subcommittee to do deep dives on projects.

September 15, 2023

BOC approves meeting schedule for 2024 and 2025. Committee Member McGill unanimously approved for new term as chair. Committee Member Cindy Rosenthal unanimously approved as Vice Chair. Committee Member Gee unanimously approved as chair of Deep Dive subcommittee. Stewart requests future updates on time, date, and location of future BART Board meetings where RR Report is discussed. Staff reviews public rollout of Annual Report. Staff provide update on RR program. Committee Member Janey Wang asks for actual versus historical comparisons for budget forecasts.

January 19, 2024

Chair McGill announces Committee Member Gee has resigned from BOC because he took a job with a contractor who does business with BART. Committee unanimously votes for Stewart to succeed Gee as chair of Deep Dive subcommittee. Staff presents outline for 2024 Annual Report. Stewart says it would help for BART to show the outreach to stakeholders done prior to putting RR before voters. Staff presents overview of RR program progress. Rosenthal asks for discussion on how to make it easier to find RR content on www.bart.gov.

Committee Expenditures: As of this report, the committee has spent \$6,800 in Fiscal Year 2024 on the design and production of the RR Annual Report.

The public is invited to attend Measure RR Bond Oversight Committee meetings in person or online. Meetings are held from 9:30-12:30 on the third Fridays of January, April, June, and September. The meetings are listed on the BART website at <https://bart.legistar.com/Calendar.aspx>

The public can view meeting minutes at www.bart.gov/bondoversight

This committee will continue to publish annual reports throughout the life of the Measure RR Rebuilding Program.

Helpful Links

Additional information about the Measure RR Rebuilding Program can be found on bart.gov. Here is a list of helpful links if you'd like to learn more about the details of Measure RR.

Previous Measure RR Annual Reports published by the Bond Oversight Committee	The Bond Oversight Committee has published an annual report for each year of the Measure RR rebuilding program. All these past reports are available at www.bart.gov/bondoversight .
Measure RR Standing Rules and Original Documents	
Bond Oversight Committee Standing Rules	This document outlines the basics of how the Measure RR Bond Oversight Committee operates. www.bit.ly/466cSLh
Original Measure RR Bond Resolution	This is the document approved unanimously by the BART Board of Directors on June 9, 2016, that led to Measure RR being placed on the November 2016 ballot in the BART District. www.bit.ly/3p9olne
2016 Treasurer's Tax Rate Statement	The statement from BART's Treasurer was issued in compliance with the state election code ahead of the November 2016 vote and offers best estimates of the highest tax rate that would be required to be levied to fund the bond issue, the total debt service, and more. www.bit.ly/3qSfTyt
2016 Measure RR Fact Sheet	Includes details put before District voters in advance of the 2016 election. www.bit.ly/3Xeuf8s
Major Audits	
There were no major audits of the RR program during the period of this Annual Report. Starting in 2022, staff began giving regular audit presentations in the second meeting of the calendar year. The public can view these presentations at www.bart.gov/bondoversight .	
Additional Background	
Green Bonds	BART provides updated information on its climate-certified Green Bonds, including preliminary offering statements and credit reports at www.bart.gov/greenbonds .
Procurement	Updated info on upcoming procurement opportunities and contracts out for bid at BART. www.bart.gov/about/business/procurement

PAST ACCOMPLISHMENTS 2016-2023

2016

- Voters passed Measure RR

2017

- Established a Bond Oversight Committee
- Underwriting pool request for proposals
- Board approved underwriting pool
- Presentation to rating agencies
- Bond pricing
- Planning Track Program
- A15 track interlock replaced in Oakland

2018

- M03 track interlock replaced in Oakland
- Issued \$300 million in green bonds that qualify for climate friendly projects
- Conducted extensive outreach with small businesses

2019

- \$96.5 million contract awarded to replace more than 40 aging escalators in SF
- Completed platform edge rehabilitation at MacArthur and Rockridge stations
- Construction underway on El Cerrito del Norte-Ohlone Greenway
- Construction underway on West Side Pedestrian Bridge at Warm Springs Station
- Awarded 8 General Engineering Service contracts totaling \$320 million

2020

- Reprofiled 149 miles of track
- 23 track switches replaced at junctures in the system
- Replaced 6 miles of 34.5kV cable in Oakland and San Francisco
- Replaced 118 cross passage doors and 2 lower gallery doors in the Transbay Tube

2021

- 34 miles of worn rail replaced
- Replaced 27 miles of 34.5kV electrical cable
- Upgraded platform edges at 7 stations
- Replaced 58 miles of third rail coverboards
- Completed 4 major Station Modernization and Station Access projects

2022

- Substantial completion of 34.5kV cable replacement in downtown San Francisco
- Completed trackway demolition and restoration for Transbay Tube retrofit
- Completed station modernization projects at Powell Street and 19th Street
- Opened Warm Springs Pedestrian Bridge
- Issued \$700 million in climate-friendly green bonds.

2023

- Substantial completion of rail reprofiling (systemwide)
- Completion of 19th Street/Oakland City Center Station Modernization Project
- Construction of Civic Center Station scissor stairs
- Completion of Concord Willow Pass Road (CWS) high voltage transformer replacement
- Completion of construction of Oakland Yard tracks and platform lighting for Powell Street Station Modernization

Appendix

Appendix 1: List of capital grants awarded to BART through 2023 through the use of Measure RR matching funds.

Fund Source	Awarded Through CY2023(\$M)*	Notes
FTA Capital Investment Grant	\$1,295.9	CIG, ARP CIG and supplemental CIG Award from FY23 Appropriations
State Funds	\$910.0	SB1 grants (TIRCP, LPP, SCCP), AHCS, and other state grants
City/County Funds	\$514.6	
BART Sales Tax Bonds	\$410.5	Measure AA and bond proceed interest
Capital Allocations	\$176.6	
Federal Formula/Other Federal Funds	\$160.5	
MTC/Regional Funds	\$62.9	RM1, RM2, RM3, and other bridge toll proceeds
Other	\$3.0	
Total	\$3,534.0	

*Reflects grant awards (allocated and not yet allocated) through CY2023

Appendix 2: Active Measure RR Projects

Project Name	RR Funds Invested	Project Name	RR Funds Invested
Oakland Yard Tracks Project	\$14,941,480	Fire Alarm Replacement Phase 3	\$4,118,369
K-Line Interlockings	\$25,381,080	Met-G Generator Replacement	\$2,870,831
A77 Interlocking Replacement	\$32,031,054	Train Control Room UPS System	\$8,205,700
A85 Interlocking Replacement	\$3,044,841	Walnut Creek Traction Power Substation	\$478,310
Direct Fixation Pads	\$11,593,737	DC Switchgear	\$107,075
Rail Relay	\$58,599,194	Water Intrusion Train Control	\$3,959,921
Frog Capital Maintenance	\$3,633,389	Rehab Grates and Vent Shafts	\$905,468
Richmond Yard Track Rehab	\$5,616,004	Wayside Regulatory Signage	\$1,127,667
Switch Replacement	\$3,911,361	Tunnel Waterproof M-Line	\$2,404,592
Emergency Generator for Transbay Tube	\$51,068,559	Slope Stabilization Maintenance Way 12	\$1,453,428
SFTS Transformer/Bus Upgrade	\$713,308	Slope Stabilization Systemwide	\$2,139,854
Tunnel LED Lighting Upgrade	\$6,345,390	Cross Passage Doors and Hardware	\$1,899,394
Tunnel LED Lighting Phase 2	\$1,047,125	Tunnel Waterproofing at R-Line and Oakland Wye	\$1,799,263
Tunnel LED Lighting Phase 3	\$796,629	Substation Roofs	\$1,579,076
Tunnel LED Lighting Phase 5	\$1,432,633	Renew Catwalks	\$2,741,851
Cast Coil Transformer Replacement	\$1,757,918	Aerial Structure Bear Pad Study	\$1,042,374
A-Line 34.5kV AC Cable Replacement	\$133,168,304	Water Intrusion at C-Line and R-Line	\$1,081,307
C-Line 34.5kV AC Cable Replacement	\$24,211,789	Water Intrusion at A-Line	\$893,883
K-Line 34.5kV AC Cable Replacement	\$13,325,806	Fences Systemwide	\$9,902,087
R-Line 34.5kV AC Cable Replacement	\$78,531,857	Concord Truing Facility	\$8,539
Traction Power Substation Procurement	\$4,872,777	Car Lifts, Richmond	\$731,041
Substation Replacement/Install Group II	\$30,457,217	Replace Sewage Pumps	\$1,400,040
Substation for Core Capacity	\$14,956,282	Stormwater Treatment Systemwide	\$63,393
Traction Power Core Capacity East Bay		Install Wet Standpipe L-Line	\$71,083
Substation Procurement and Installation	\$4,429,377	Upgrade Fire Suppression System	\$636,555
PG&E Power Feed MXP Gap Break	\$192,556	Fire Services Hayward Yard	\$9,040,174
TP-Switch Stations and Gap Break	\$63,694,084	Replace Hydraulic Lift	\$218,758
MPR Install and Rectifier Rehab	\$21,424,885	Turntable Replacement at Concord Yard	\$6,916,956
34.5kV Blocking Scheme Systemwide	\$5,088,194	Transbay Tube Dampers Overhaul	\$791,488
Stations, Emergency Lighting	\$28,421,084	Operations Control Center HVAC Renovation	\$2,648,008
Station Fire Alarm Replacement Phase 4	\$1,804,438	Control Tower HVAC - Concord and Richmond	\$529,380

Appendix 2: Active Measure RR Projects (Continued)

Project Name	RR Funds Invested	Project Name	RR Funds Invested
Walnut Creek TOD Access	\$1,069,445	19th Street Station Active Access	\$1,829,889
Canopy/Escalators Replacement	\$8,290,459	Bicycle Stair Channels Phase 1	\$243,011
San Francisco Escalator Replacement	\$39,239,781	Coliseum Station Access	\$47,822
CBTC Project Development	\$20,140,281	MacArthur Station Access	\$808,549
CBTC M&E RR Interlocks	\$18,914,459	Civic Center Station Access	\$291,861
CBTC Hitachi D-B	\$6,175,938	Ashby Bicycle Access	\$35,146
CBTC Enabling Works	\$7,122,789	Pittsburg/Bay Point Mobility Improvements	\$465,249
Battery Replacement for TC Rooms Part 2	\$1,667,185	Bike Program Capital	\$275,516
PA System Improvements	\$308,785	Wayfinding Improvements Phase IV	\$246,392
Accessibility Improvement Program	\$3,872,913	HMC Phase 2 Preliminary Engineering	\$7,937,961
MacArthur Plaza Renovation	\$363,509	HMC East Storage Yard	\$3,100,696
Lake Merritt Plaza Design	\$2,391,777	Link21	\$125,622,418
Safe Routes to BART Grant Program	\$2,493,512	Embarcadero Platform Elevator	\$815,882
Fremont Station Access Improvements	\$451,586	Program Management - Core Capacity	\$5,374,688
Dublin/Pleasanton Station Access	\$1,562,634		
North Berkeley Station Access	\$4,819,716		

Appendix 3: RR Projects Completed from Inception through 3/31/24

Project Name	RR Funds Invested	Project Name	RR Funds Invested
Fire Hoses and Piping	\$485,999	System Joint Elimination Richmond Yard	\$1,955,476
Fire Services Yards - Concord Yard	\$7,462,119	Rail Reprofitting Services	\$18,321,311
Fire Services Yards - Richmond Yard	\$9,964,867	Warm Springs Pedestrian Bridge West	\$1,510,000
Fire Services Oakland Shops	\$259,182	eBART Additional Parking Lot	\$4,373,899
Access Ladders	\$646,236	EI Cerrito del Norte Gateway	\$8,608,879
Vacuum Systems (non-revenue vehicle shops)	\$1,546,957	MacArthur Transit Improvements	\$4,208,167
Coverboard Enhancement	\$4,065,616	Embarcadero Station Entrance Gates	\$110,435
Computer Room Fire Protection Initial Planning	\$9,742	ADA Lighting Improvements	\$281,200
Replace Fire Suppression at Lake Merritt Admin	\$1,251,907	Fare Evasion Barriers and Controls	\$189,565
HVAC Equipment Replacement	\$9,258,018	Embarcadero Civic Center Bike Modernization	\$541,241
Replace Antiquated Backflow Preventers	\$947,087	Wayfinding Improvements Phase 2	\$78,729
Rotoclones Replacement at Shops	\$4,335,234	Last Mile Investments	\$796,596
Cable Replacement M-Line Balboa Park-24th St.	\$4,323,220	Outer C-Line Access Study	\$22,793
Cable Replace M-Line Bay Tube West-Balboa Park	\$103,376,490	Balboa Park East Side Improvements and Plaza	\$627,275
Substation Replacement Richmond Yard	\$1,392,350	Replacement of Transbay Tube Doors Phase 1	\$105,184
High Voltage Transformer Replacement near Pittsburg	\$11,909,480	Replacement of Transbay Tube Doors Phase 2	\$12,011,147
K-Line Cable Replacement	\$83,419,394	Berkeley Hills Tunnel Creep	\$1,765,100
Third Rail Replacement Phase 3	\$6,418,760	Safety Barriers Phase 3	\$2,977,063
Union City Intermodal Station Phase 2A	\$8,020,938	A-Line Operability Feasibility Study	\$3,810,453
EI Cerrito Del Norte Station Modernization	\$9,766,553	Renew Sound Walls of Guideways	\$1,434,577
West Oakland Station Modernization Plan	\$298,333	Platform Edge Structural Rehab	\$5,093,758
19th St Station Modernization Construction	\$9,617,000	Substation Walls	\$515,737
Powell Street - Gateway Station	\$5,579,804	Water Intrusion in Escalator and Elevator Rooms	\$1,088,536
C55 Interlocking Replacement near Concord	\$9,030,974	Aerial Fall Protection	\$27,465,687
C35 Interlocking Replacement near Lafayette	\$19,406,194	Rehab of Expansion Joints	\$828,111
C25 Interlocking Replacement near Orinda	\$13,199,523	Transbay Tube Retrofit	\$106,700,369
Restraining Rail	\$409,613	Platform Doors Feasibility Study	\$2,172,740
A65/A75 Interlocking Replacement near Hayward	\$23,933,245	Civic Center Scissor Stairs	\$10,930,023
Friction Modification Study	\$1,427,981	Corrosion Assessment of Metallic Gas Lines at Multiple Yards	\$1,339,766
R65 Interlocking Replacement near Richmond	\$8,543,617		
Interlocking Replacements near 12th & Lake Merritt	\$149,017,215		

Appendix 4: Office of Inspector General final reports related to Measure RR

BART's Office of the Inspector General (OIG) was authorized by Bay Area Regional Measure 3 (RM 3), which Bay Area voters approved on June 5, 2018. The independent OIG was established for the purpose of identifying opportunities to improve efficiency and effectiveness of BART operations and delivery of capital projects and to ensure compliance with applicable federal and state laws. Below are brief summaries with links to finalized OIG reports that pertain to the use of Measure RR funds. You can see all OIG reports at www.bartoig.org/

March 26, 2024: BART Improperly Embedded a Best-Value Procurement into a Fixed-Price Construction Contract

BART incorporated a best-value procurement process into its fixed-price, sealed-bid procurement for the M-Line Tunnel lighting construction project for a light fixture that was not available in the open market. The contract specifications included numerous requirements, including performance and safety requirements, that the light fixture was expected to meet. BART staff evaluated and approved a fixture that did not meet all the performance requirements and had not undergone the required testing for safety certification. Evaluation and approval of such products are incompatible with a sealed bid procurement and should be done through a separate procurement process.

You can read the full report here: www.bit.ly/4aSiJEZ

Appendix 5: Financial Audit

An examination of BART's financial statements is detailed in Audited Financial Reports that are prepared by an independent organization in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The latest Annual Comprehensive Financial Report includes but is not solely focused on the Measure RR Rebuilding Program.

You can read the full Fiscal Year '23 Audited Financial Report here: www.bit.ly/3V6XQ3f

Keep up with Measure RR

The independent Bond Oversight Committee encourages you to stay updated on Measure RR and share comments or questions about BART's rebuilding efforts. Community engagement and feedback from stakeholders is essential to the success of the Measure RR program.

Follow and comment via social media:



Facebook
@bartsf



Instagram
@sfbayarearapidtransit



Twitter:
@sfbart



Email BART directly:
MeasureRRCommittee@bart.gov



TikTok:
@sfbart

Attend a public meeting and email comments to the oversight committee:

Details on upcoming Bond Oversight Committee meetings can be found at www.bart.gov/bondoversight. Meetings are open to the public to attend in person or watch and participate via videoconference. You may also email public comments that will be entered into the public record. List "public comment" as the subject line and email MeasureRRCommittee@bart.gov.



2150 Webster St. • Oakland CA, 94612 • bart.gov

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,958TH MEETING THURSDAY, JUNE 13, 2024

Members of the Board of Directors
Bevan Dufty, President (District 9)
Janice Li (District 8)
Mark Foley, Vice President (District 2)
Debora Allen (District 1)
Rebecca Saltzman (District 3)
Robert Raburn (District 4)
Melissa Hernandez (District 5)
Elizabeth Ames (District 6)
Lateefah Simon (District 7)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on June 13, 2024, convening at 9:02 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Dufty presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Dufty called the Meeting to order at 9:02 a.m.

A. Roll Call.

Directors Present in Oakland: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: Director Simon.

Absent: None.

Director Simon announced that she was attending the Meeting via teleconference under the Just Cause provision of Government Code Section 54953(f).

B. Pledge of Allegiance. Aleta Dupree, a U.S. military veteran and member of the public, led the Pledge of Allegiance at President Dufty's request in celebration of Pride.

C. Introduction of Special Guests. No special guests were introduced.

2. REPORT OF THE BOARD PRESIDENT

President Dufty brought the item before the Board and reported on receiving an award from the San Francisco Business Times for leadership in LGBTQ equality, fighting HIV, and addressing homelessness. President Dufty also expressed gratitude to colleagues and members who attended the event and thanked staff for taking photos of the event.

President Dufty commented on reviewing Roll Call for Introductions (RCI) requests with the District Secretary and noted that he aims to resolve pending RCIs, including those submitted by former Board Members, to ensure the RCI listing is current.

Public Comment

Aleta Dupree addressed the Board.

3. BOARD COMMITTEE REPORTS

President Dufty brought the item before the Board.

Director Raburn reported on the BART-Santa Clara Valley Transportation Authority (VTA) joint committee meeting held on June 7th at VTA headquarters in San José. Director Raburn indicated that the meeting participants included the San José Fire Department, Santa Clara Fire Department, Santa Clara County Sheriff's Department, BART Police Department, and project staff from BART and VTA. Director Raburn also noted that the presentation featured updates on ongoing project elements, ranging from 60-85% design completion, some of which addressed questions raised in the BART Directors' RCI request.

Director Raburn also announced a groundbreaking event scheduled for July 14th in Santa Clara, referred to as the West Portal.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Allen expressed concern about the approval of a CEQA (California Environmental Quality Act) addendum for the project.

Director Ames emphasized the importance of understanding changes in the CEQA addendum compared to the 2018 document approved by the BART Board.

President Dufty acknowledged the importance of transparency and understanding the environmental changes, echoing Director Ames' sentiments.

4. CONSENT CALENDAR

President Dufty brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meeting of May 9, 2024.
- B. Revision of 2024 Organization of Committees and Special Appointments.
- C. Reappointment of BART Police Citizen Review Board Members.

Public Comment

The following individuals addressed the Board:

Shane Reiss
Aleta Dupree
James Patrick

Discussion

The item was discussed with the following highlights:

President Dufty noted prior discussions with BART Police Citizen Review Board (BPCRB) Member Davis, regarding meeting attendance and expressed hope for improved participation.

Director Raburn moved to approve all Consent Calendar items, except Item 4-C, Reappointment of BART Police Citizen Review Board Members, by one motion.

Director Allen seconded the motion.

Action

Upon motion by Director Raburn and second by Director Allen, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Allen

Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No: 0.

Abstain: 0.

Absent: 0.

Result: 9-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Meeting of May 9, 2024, were approved. *(Vote: 9-0)*
- B. The Board of Directors ratified the proposed revisions to the Organization of Committees and Special Appointments for 2024 (attached). (The revised Organization of Committees and Special Appointments for 2024 is attached a hereby made a part of these Minutes.) *(Vote: 9-0)*

President Dufty brought item 4-C, Reappointment of BART Police Citizen Review Board Members, before the Board.

Director Allen indicated that the item should be continued to the next Board Meeting and expressed concern about appointing a BPCRB member who has been absent from nine out of the last fifteen BPCRB meetings. Director Allen also noted a preference to continue the item and provide Director Hernandez with an opportunity to meet with BPCRB Member Davis and evaluate her nomination for the BPCRB.

Director Allen moved to continue the item to the next Board Meeting and requested that staff provide an attendance report for all BPCRB members.

Director Saltzman seconded the motion with the following friendly amendment: that the appointment of the District 5 BPCRB member be continued to the next Board Meeting and that the Board of Directors ratifies the reappointment of the following members for a term of two (2) years, beginning on July 1, 2024, and expiring on June 30, 2026:

Torin Fischer, District 1
William White, District 3
George Perezvelez, District 9

Director Allen accepted Director Saltzman’s friendly amendment, with the continuation of the appointment of the District 5 BPCRB member to another Board Meeting.

Director Simon supported the motion to continue and emphasized the importance of thoughtful appointments to oversight boards.

Director Raburn expressed concern about meeting cancellations due to lack of quorum and the impact on the BPCRB and requested that staff comment on these issues.

Director Hernandez emphasized the importance of thorough review and discussed her process for candidate selection in District 5.

Action

Upon motion by Director Allen, as amended by Director Saltzman, and second by Director Saltzman, the appointment of the District 5 BPCRB member was continued to another Board Meeting and the Board of Directors ratified the reappointment of the following members for a term of two (2) years, beginning on July 1, 2024, and expiring on June 30, 2026, by unanimous roll call vote.

Torin Fischer, District 1
William White, District 3
George Perezvelez, District 9

Vote Summary:

Moved / Seconded: Director Allen / Director Saltzman

Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No: 0.

Abstain: 0.

Absent: 0.

Result: 9-0, motion carried by unanimous roll call vote.

President Dufty acknowledged that Director Hernandez might need additional time to solicit and interview candidates for District 5 and encouraged her to utilize the resources available through the District Secretary's office for the process.

5. **GENERAL MANAGER’S REPORT**

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

Robert Powers, General Manager, reported on BART’s successful completion of its one-year accreditation review by CALEA (Commission on Accreditation for Law Enforcement Agencies); ridership; the upcoming weekend shutdown of the K-Line between 19th Street Oakland, MacArthur, and Rockridge stations from June 22nd-23rd; and BART’s celebration of Asian American and Pacific Islanders (AAPI) Heritage Month and the upcoming inaugural Juneteenth celebration on June 19th.

General Manager Powers also introduced Mili Choudhury, Senior Manager of Social Services Partnerships, and Rudy Garza, Director of the Office of Civil Rights, both of whom addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Hernandez welcomed both Mili Choudhury and Rudy Garza to the BART family and invited Mili Choudhury to the Tri-Valley to explore opportunities for collaboration with housing organizations.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

6. **PUBLIC COMMENT**

President Dufty called for general 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.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
James Patrick
Glenn Overton
Dylan

7. **ADMINISTRATION ITEMS**

Janice Li, Chairperson

- A. Resolution to Approve the Fiscal Year 2025 and Fiscal Year 2026 Two-Year Budget.

Director Li, Chairperson of the Administration Committee, brought the item before the Board.

Pamela Herhold, Assistant General Manager, Performance and Budget, and Katherine Alagar, Manager of Operating Budgets, presented the item.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlights:

Vice President Foley expressed support for staff's budget recommendation and affirmed his intention to vote in favor of it.

Director Ames expressed concern about BART's current financial situation and referenced a previous budget reduction strategy implemented during Fiscal Year 2021 in response to the COVID-9 pandemic.

Director Saltzman expressed support for the budget and moved that Resolution No. 5586, In the matter of approving The Two-Year Budget for the San Francisco Bay Area Rapid Transit District and authorizing Expenditures for the Fiscal Year July 1, 2024, to June 30, 2025, and Fiscal Year July 1, 2025, to June 30, 2026, be adopted.

Director Li seconded the motion.

Director Saltzman emphasized the importance of transparency with the impact of budget deficits and indicated that reducing service was not viewed as a “Plan A” and that all other options should be exhausted first.

Director Allen expressed concern about the proposed 11% increase in operating expenses for Fiscal Year 2025 compared to Fiscal Year 2024. Director Allen indicated that expenses cannot increase without a stable plan to fund those expenses and commented on provisions outlined in the budget resolution and potential options to reduce operating expenses.

Director Allen proposed the following substitute motion: that Resolution No. 5586, In the matter of approving The Two-Year Budget for the San Francisco Bay Area Rapid Transit District and authorizing Expenditures for the Fiscal Year July 1, 2024, to June 30, 2025, and Fiscal Year July 1, 2025, to June 30, 2026, be adopted; and that 5.6% be removed from the operating expense line item of the proposed Fiscal Year 2025 (FY '25) budget, reducing it from \$1,033,039,000 to \$975,500,000, leaving everything else in the budget as stated – this change requires staff to find \$58,000,000 in cost reductions in the operating expense line items and this represents holding spending on pure operations to the Fiscal Year 2024 (FY'24) budget-level, plus a 4.5% increase.

Director Ames inquired about reducing the number of full-time employees and pursuing vacant positions.

Director Ames seconded Director Allen's substitute motion.

Director Raburn addressed the upcoming fiscal year starting July 1st, emphasizing the achievement of a balanced budget amid challenging financial climates faced by other transit agencies.

Director Simon emphasized the need for difficult decisions and deep dives into state and federal support for transportation.

Director Hernandez reassured the public that BART is not conducting business as usual and underscored the significant efforts being made by staff to navigate the budget challenges.

President Dufty noted the shift from fare revenue to different financial structures, attributing some challenges to extended remote work policies.

Director Li expressed appreciation for the diverse perspectives on the Board, which contribute to better decision-making for BART.

Action

The substitute motion by Director Allen, seconded by Director Ames, failed by roll call vote.

Vote Summary:

Moved / Seconded: Director Allen / Director Ames

Aye: Directors Allen and Ames.

No: Directors Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

Abstain: 0.

Absent: 0.

Result: 2-7, motion failed by roll call vote.

Action

Upon motion by Director Saltzman and second by Director Li, Resolution No. 5586, In the matter of approving The Two-Year Budget for the San Francisco Bay Area Rapid Transit District and authorizing Expenditures for the Fiscal Year July 1, 2024, to June 30, 2025, and Fiscal Year July 1, 2025, to June 30, 2026, was adopted by roll call vote.

Vote Summary:

Moved / Seconded: Director Saltzman / Director Li

Aye: Directors Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No: Directors Allen and Ames.

Abstain: 0.

Absent: 0.

Result: 7-2, motion carried by roll call vote.

8. **ENGINEERING AND OPERATIONS ITEMS**

Lateefah Simon, Chairperson.

- A. Single Source Procurement with Knorr Brake Company for Brake System Discs and Overhaul Kits. (TWO-THIRDS VOTE REQUIRED).

Director Simon, Chairperson of the Engineering and Operations Committee, brought the item before the Board.

Charles Franz, Principal Vehicle Systems Engineer, presented the item.

Public Comment

Glenn Overton addressed the board.

Discussion

The item was discussed, with the following highlights:

Director Allen expressed concern about a contract cost discrepancy, noting it was 21% higher than estimated, and inquired about the data used for the initial estimate and the single source contracting process.

Vice President Foley expressed support for staff's recommendation and concern over reliance on proprietary systems and potential risks if the vendor, Knorr, were to cease operations.

Director Simon requested that staff prepare a memo explaining the single source contract procedure, which would be particularly helpful for new Board Members.

Director Simon moved that the Board finds, pursuant to Public Contract Code Section 20227, that Knorr Brake Company of Westminster, Maryland, is the single source supplier for the revenue vehicle brake system discs and overhaul kits for the District's fleet; and that the General Manager be authorized to execute a single source contract with Knorr Brake Company for the discs and overhaul kits for an amount of \$25,419,102.58 including sales tax and shipping.

Director Allen seconded the motion.

Action

Upon motion by Director Simon and second by Director Allen, the Board found, pursuant to Public Contract Code Section 20227, that Knorr Brake Company of Westminster, Maryland, is the single source supplier for the revenue vehicle brake system discs and overhaul kits for the District's fleet; and the General Manager was authorized to execute a single source contract with Knorr Brake Company for the discs and overhaul kits for an amount of \$25,419,102.58 including sales tax and shipping, by unanimous roll call vote by the required two-thirds vote.

Vote Summary:

Moved / Seconded: Director Simon / Director Allen

Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No:0.

Abstain: 0.

Absent: 0.

Result: 9-0, motion carried by unanimous roll call vote by the required two-thirds vote.

9. **PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS**

Robert Raburn, Chairperson

A. Federal and State Legislation for Consideration.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Rodd Lee, Assistant General Manager, External Affairs; Amanda Cruz, Director of Government and Community Relations; and Alex Walker, Manager of Government Relations and Legislative Affairs, presented the item.

Public Comment

The following individuals addressed the Board:

Michael Ganette

Glenn Overton

Aleta Dupree

Discussion

The item was discussed, with the following highlights:

Director Saltzman expressed support for the bills under consideration; highlighted concerns about opposition from other transit agencies regarding a regional measure; and stressed the need for a backup plan (“Plan B”) if the nine-county measure does not materialize.

Director Allen commented on Senate Bill (SB) 925 and inquired whether the Bill would apply to BART property.

Director Li acknowledged that the legislative process for SB 1031 had become complicated in its final stages and expressed optimism about the new path forward, hoping it would help build a better consensus around a revenue measure for transit operations.

Director Ames emphasized the importance of pursuing the nine-county transportation measure due to BART's significant annual deficit of \$300 million.

Director Raburn highlighted the need for regional support, especially given BART's service coverage across five counties, and reiterated his previous support for federal operating support.

President Dufty moved that the Board of Directors supports S. 4316.

Director Saltzman seconded the motion.

Action

Upon motion by President Dufty and second by Director Saltzman, the Board of Directors supported S. 4316 by unanimous roll call vote.

Vote Summary:

Moved / Seconded: President Dufty / Director Saltzman

Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No: 0.

Abstain: 0.

Absent: 0.

Result: 9-0, motion carried by unanimous roll call vote.

President Dufty moved that the Board of Directors supports SB 925.

Director Li seconded the motion.

Action

Upon motion by President Dufty and second by Director Li, the Board of Directors supported SB 925 by roll call vote.

Vote Summary:

Moved / Seconded: President Dufty / Director Li

Aye: Directors Ames, Foley, Hernandez, Li, Raburn, Saltzman, Simon, and Dufty.

No: Director Allen.

Abstain: 0.

Absent: 0.

Result: 8-1, motion carried by roll call vote.

B. Regional Transit Coordination – Regional Mapping and Wayfinding Update.

Director Raburn brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Gordon Hansen, Project Manager, Metropolitan Transportation Commission; and Jumana Nabti, Manager of Access Programs, presented the item.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlights:

Vice President Foley emphasized the importance of leveraging the expertise of BART's Accessibility Task Force and highlighted the significance of incorporating its insights to ensure the project's success.

Director Allen expressed concern about the colors used for the Red and Orange lines, noting they appear very similar and could be confusing.

Director Ames noted the value of integrating maps with bus schedules at bus stops to assist non-locals in navigating bus routes.

Director Raburn emphasized the need for consistency in regional signage while also considering the preservation of some old signage.

Action

No Board action was taken, as the item was presented for information only.

10. BOARD MATTERS

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Dufty called for Items 10-A, Board Member Reports; 10-B, Roll Call for Introductions; and 10-C, In Memoriam.

Director Simon thanked staff for their hard work over the past year in forging a significant partnership with the private sector in West Oakland. Director Simon noted that this collaboration, involving the Oakland Ballers, has successfully increased BART's ridership and highlighted the positive impact of the partnership, including safely transporting fans to Raimondi Park.

Director Allen reported that she had attended the Contra Costa County Mayors' Conference on June 6th at the California Theater in Pittsburg. Director Allen also expressed anticipation for a response to her Roll Call for Introductions (RCI) request regarding the BART to Silicon Valley Phase II questions, emphasizing the importance of receiving a substantive response rather than an acknowledgment of coverage during a meeting.

Director Ames reported on attending the BART-VTA joint committee meeting on June 7th, highlighting a robust discussion on the single-bore versus twin-bore tunneling method. Director Ames also mentioned South Hayward's plan to establish a farmers' market in a parking lot and reported that she had attended the South Bay

Connect public comment period meeting on June 12th. Director Ames expressed a desire to work with the Capitol Corridor Joint Powers Authority and BART staff to address concerns about the South Bay Connect project and ensure project consistency.

Director Saltzman reported that she had attended a well-attended community meeting about the new El Cerrito Library, which is part of the El Cerrito Plaza BART development project. Director Saltzman also requested that the Meeting be adjourned in honor of The Honorable Howard Abelson, former BART Director for District 3, who supported expanding the BART system in Contra Costa and Alameda Counties.

Vice President Foley expressed gratitude to staff for their assistance at the Oakland Ballers opening day event, highlighting the integration of BART's family with the team. Vice President Foley also requested an update from the General Manager on the fare gate implementation schedule, specifically in relation to challenges with tag time on new fare gates and delayed Clipper® readers at stations, such as Walnut Creek. Vice President Foley sought an update on the integration of new fare gates and open payment systems, acknowledging existing challenges with Clipper® 2.0 and extended wishes for a Happy Father's Day to all proud fathers present.

Director Raburn reported that he had attended the San Leandro Cherry Festival, the San Antonio Station Alliance meeting, and the BART-VTA joint committee meeting. Director Raburn also reported that he had shared the Safe and Clean plan with Hayward City Councilmember George Syrop. Director Raburn requested that the Meeting be adjourned in honor of Will Travis, North Berkeley community leader and former Executive Director of the Bay Conservation and Development Commission (BCDC).

Director Hernandez reported that she had attended the Alameda County Mayors' Conference; expressed gratitude to staff for joining her at the event; and indicated her intention to visit the mayors and unincorporated areas in her district to understand their concerns.

President Dufty congratulated Director Hernandez on her new committee assignments and expressed anticipation for her contributions as Director for District 5.

Director Saltzman joined Director Raburn's In Memoriam request for Will Travis and highlighted Will's contributions to the development at the North Berkeley BART station and inspiration of others.

President Dufty also announced that he and Director Simon would introduce a resolution at the next Board Meeting for the Equity and Infrastructure Project Pledge initiative, which aims to reduce wealth gaps by committing public agencies to policies that benefit historically underutilized businesses.

Public Comment

Aleta Dupree addressed the Board.

11. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Name of Case: USS Cal Builders, Inc. v. San Francisco Bay Area Rapid Transit District

Case No.: RG21090616

Government Code Section: 54956.9(a)

B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(1) Name of Case: Gabriel Chavez, et al v. BART

Case No.: 22-cv-06119

Government Code Section: 54956.9(a)

(2) Name of Case: Jeremiah Cooper, et al v. BART

Case No.: 22-cv-09193

Government Code Section: 54956.9(a)

(3) Name of Case: Bradford Mitchell v. BART

Case No.: 22-cv-07720

Government Code Section: 54956.9(a)

C. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: Robert Powers, General Manager; Michael Jones, Deputy General Manager; and David Coleman, Director of Labor Relations

Employee Organizations: Amalgamated Transit Union, Local 1555; American Federation of State, County and Municipal Employees, Local 3993; BART Police Officers' Association; BART Police Managers' Association; Service Employees International Union, Local 1021, BART Chapter; Service Employees International Union, Local 1021, BART Professional Chapter; and Unrepresented Employees (Positions: All)

Government Code Section: 54957.6

D. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: President Dufty, Vice President Foley, and Director Simon.

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957.6

President Dufty brought the item before the Board and indicated that the Board would enter Closed Session under Items 11-A and 11-B (Conference with Legal Counsel- Existing Litigation) and Items 11-C and 11-D (Conference with Labor Negotiators).

Public Comment

No comments were received.

The Board Meeting recessed at 12:45 p.m.

The Board reconvened in Closed Session at approximately 12:50 p.m.

Directors Present in Oakland: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: Director Simon.

Absent: None.

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

12. OPEN SESSION

The Board reconvened in Open Session at 2:49 p.m.

Directors Present in Oakland: Directors Foley, Li, and Dufty.

Directors Present via Teleconference: None.

Absent: Directors Allen, Ames, Saltzman, and Simon. Directors Hernandez and Raburn entered the Meeting later.

A. Announcement from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session under Items 11-A, 11-B, 11-C, and 11-D and that there were no announcements to be made.

Directors Hernandez and Raburn entered the Meeting in Oakland.

President Dufty expressed gratitude to the media, communications, and Information Technology (IT) staff who make the meetings more accessible.

13. ADJOURNMENT

The Meeting adjourned at 2:50 p.m. in honor of The Honorable Howard Abelson and Will Travis.

April B. A. Quintanilla
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS

STANDING COMMITTEES

ADMINISTRATION**	
Janice Li	Chairperson
Robert Raburn	Vice Chairperson
Debora Allen	

ENGINEERING & OPERATIONS**	
Lateefah Simon	Chairperson
Elizabeth Ames	Vice Chairperson

PLANNING, PUBLIC AFFAIRS, ACCESS & LEGISLATION**	
Robert Raburn	Chairperson
Melissa Hernandez	Vice Chairperson
Elizabeth Ames	

AUDIT**	
Rebecca Saltzman	Chairperson
Mark Foley	Vice Chairperson
Debora Allen	

SPECIAL COMMITTEES

LABOR NEGOTIATIONS REVIEW**	
Mark Foley	Chairperson
Lateefah Simon	Vice Chairperson
Janice Li	

PERSONNEL REVIEW**	
Bevan Dufty	Chairperson
Mark Foley	Vice Chairperson
Lateefah Simon	

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP**	
Elizabeth Ames	
Robert Raburn	
Janice Li	
Mark Foley	
Bevan Dufty	Alternate

AD HOC COMMITTEE

FINANCIAL STRUCTURE**	
Lateefah Simon	Chairperson
Rebecca Saltzman	Vice Chairperson
Debora Allen	

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

NOTE: BART Directors discharging liaison function do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

Ratified 06/13/2024

SPECIAL APPOINTMENTS - LIAISON

CONTRA COSTA TRANSPORTATION AUTHORITY**	
Mark Foley	Primary
Debora Allen	Alternate

EAST BAY PARATRANSIT ACCESS COMMITTEE – LIAISONS	
Lateefah Simon	
Robert Raburn	

SAN FRANCISCO TRANSPORTATION AUTHORITY**	
Janice Li	Primary
Bevan Dufty	Alternate

SPECIAL APPOINTMENTS - EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION**	
Rebecca Saltzman	Primary
Elizabeth Ames	Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS	
Robert Raburn	Primary
Mark Foley	Alternate

BART AND AC TRANSIT COORDINATION COMMITTEE**	
Robert Raburn	Co-Chairperson
Rebecca Saltzman	
Melissa Hernandez	

CAPITOL CORRIDOR JOINT POWERS BOARD***	
Melissa Hernandez	Alameda
Robert Raburn	Alameda
Debora Allen	Contra Costa
Rebecca Saltzman	Contra Costa
Bevan Dufty	San Francisco
Janice Li	San Francisco

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD***	
Robert Raburn	Primary
Janice Li	Alternate

INNOVATE 680 POLICY ADVISORY COMMITTEE**	
Mark Foley	Primary
Debora Allen	Alternate

THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE OVERSIGHT BOARD ***	
Janice Li	

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS***	
Debora Allen	
Mark Foley	

TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY***	
Melissa Hernandez	

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE**	
Rebecca Saltzman	Primary
Mark Foley	Alternate

METROPOLITAN TRANSPORTATION COMMISSION REGIONAL NETWORK MANAGEMENT COMMITTEE**	
Janice Li	Primary
Mark Foley	Alternate

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

NOTE: BART Directors discharging liaison function do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: July 5, 2024

FROM: Board President

SUBJECT: Increase in Allocation of Funding for BART Police Citizen Review Board Members' Attendance at the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference, Participation in Training, and Engagement in Community Outreach

The National Association for the Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. NACOLE holds an annual conference where oversight professionals, community members, and other stakeholders can receive training, network with colleagues, and engage in constructive dialogue about the principles and practice of civilian oversight of law enforcement.

In 2014, the Board of Directors authorized the allocation of \$3,500 to fund expenses related to the BART Police Citizen Review Board (BPCRB) members' attendance at the NACOLE annual conference. Via a unanimous vote at its meeting on February 12, 2024, the BPCRB is requesting that its funding allocation be increased to \$10,000 for NACOLE annual conference expenses, continued training, and community outreach. This increase is not budgeted in Fiscal Year 2025. Funds will be added to the Fiscal Year 2026 budget.

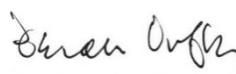
Prior to the allocation of any portion of the designated amount, the BPCRB is responsible for establishing and documenting a process for determining how the allocation will be apportioned to fund expenses related to attendance at the NACOLE annual conference, participation in training, and engagement in community outreach. No allocation will be made until a documented process has been duly adopted by the BPCRB.

A draft motion is provided below for the Board's review and consideration.

DRAFT MOTION:

The District Secretary is directed to make available \$10,000 each year from the District Secretary's Office's annual operating budget for the sole purpose of funding expenses related to the BART Police Citizen Review Board (BPCRB) members' attendance at the NACOLE annual conference, participation in training, and engagement in community outreach. The funding shall be allocated in accordance with the process duly adopted for this purpose by the BPCRB, and no allocation shall be made prior to the adoption of such policy. Any portion of the designated amount that remains unused for the funding of the BPCRB each year shall not be used by the District Secretary's Office for any other purpose and shall receive the same treatment as any other unused funds within District Secretary's Office's annual operating budget.

Please contact me if you have any questions about this matter. Thank you.



BEVAN DUFTY
President

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 6/25/2024 7/5/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shelehia Meisner Dept: Grant Development Signature/Date: 7/3/2024	General Counsel DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... 7/3/2024 <div style="text-align: right;">[]</div>	Controller/Treasurer DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... 7/3/2024 <div style="text-align: right;">[]</div>	District Secretary <div style="text-align: right;">[]</div>	BARC DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5... 7/3/2024 <div style="text-align: right;">[]</div>

Amended Exercise of Joint Powers Agreement for WCCTAC

PURPOSE:

To approve the amended Joint Exercise of Powers Agreement (JPA) for the West Contra Costa Transportation Advisory Committee (WCCTAC) and authorize the General Manager and President of the Board to execute the amended JPA on behalf of the District.

DISCUSSION:

WCCTAC proposes a set of administrative revisions to the existing JPA, last revised January 2003, with member agencies. A summary of notable changes are as follows:

Objective and Commission - Updates to the terms

Definitions - Changes to make the agreement more evergreen.

Powers - Changes to ease the requirement for transmission of the work program budget.

Overall Organization – Changes to memorialize and reflect the current practice of the Committee

WCCTAC Organization:

Deletes the prohibition on meeting compensation to the member or alternate.

Officers: Authorizes minor change in the titles of officers and authorizes the Board of the WCCTAC to contract with an outside individual to act as treasurer.

approve an amended Joint Exercise of Powers Agreement (JPA) for the West Contra Costa Transportation Advisory Committee (WCCTAC)

Vote: Changes the voting threshold for the regular business of the body to six (6) affirmative votes from the prior threshold (majority members) and adds clarity to the Appointment of Representatives section.

Meetings of the Board: Allows the Board of the WCCTAC to meet less than ten times per year under certain circumstances.

Composition: Minor changes to composition of staff.

Funds Audits and Accounting Services - Minor changes to titles and increases the amount of warrants which can be issued without Board approval.

Notices - Updates address and adds clarifying language.

At this time, all other member agencies have approved the JPA with the above changes.

FISCAL IMPACT:

None at this time.

The deletion of the prohibition on payment to the Board member or alternate could result in increased member agency dues in the future if enacted.

ALTERNATIVES:

Decline approval of the amended JPA and specify objections to the WCCTAC.

RECOMMENDATION:

Approve the following motion

MOTION:

Approve the amended Joint Exercise of Powers Agreement for the West Contra Costa Transportation Advisory Committee (WCCTAC) and direct the President of the Board and the General Manager to execute the amended JPA and forward to WCCTAC.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <small>47000790F2D7463...</small>	GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 6/21/2024		7/3/2024	BOARD INITIATED ITEM: No		
Originator/Prepared by: Ellen Yu Dept: Communications & Control DocuSigned by: <small>09289FE4E24436...</small> Signature/Date: <div style="text-align: right;">7/3/2024</div>	General Counsel DocuSigned by: <small>2528C067C44147D...</small> 7/3/2024 []	Controller/Treasurer DocuSigned by: <small>EE11C8CEEEA04FD...</small> 7/3/2024 []	District Secretary []	BARC DocuSigned by: <small>8128A2EB2F014F3...</small> 7/3/2024 []	

PROCUREMENT OF SINGLE SOURCE, TECHNICAL SERVICES AND MATERIALS FOR P25 TRUNKED RADIO SYSTEM

PURPOSE:

To request Board authorization for the General Manager to execute two non-competitive, non-federally funded agreements with Dailey-Wells Communications, Inc. (DWC) in the amount not to exceed \$890,932. A two-thirds vote is required for the purchase of compatible materials from DWC pursuant to Public Contract Code Section 20227.

DISCUSSION:

The District recently implemented the new P25 Trunked Radio system to replace the end of life, legacy Enhanced Digital Access Communication System (EDACS) radio system. These two agreements provide enhancements to the District’s recently upgraded P25 Trunked Radio System. The enhancements meet the Advanced Encryption Standard (AES) mandated by the California Department of Justice (DOJ) and BART Police Department’s (BPD) life safety requirements. The system was designed and specially configured for the District by DWC. As the only regional distributor of this type of radio equipment, DWC possesses the expertise, unique and detailed knowledge, and resources to provide the District with the proprietary software integration and necessary configurations for the required AES and interoperability enhancements for the system. Another vendor would not have the proprietary and security sensitive knowledge of the District’s radio system software designs and hardware configurations.

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

District staff seeks Board authority to enter into direct negotiations with DWC to execute the following two agreements at a combined cost not to exceed \$890,932, including applicable taxes.

1. Single Source Procurement for Technical Services Agreement, for P25 Trunked Radio Systems in an amount not to exceed \$180,807
2. Single Source Procurement for P25 Trunked Radio Systems AES Encryption and Pathway Plus Interoperability Materials and Software, including all appurtenances in an amount not to exceed \$710,125.

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

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for the Technical Services Agreement are 5.5% for MBEs and 2.8% for WBEs and for the Procurement of Materials Agreement are 2.2% for MBEs and 1.1% for WBEs. Dailey-Wells Communications will not be subcontracting any portion of the Work, and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

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

The Procurement Department will review the agreements to confirm compliance with the

District's procurement standards.

FISCAL IMPACT:

Funding in the amount of \$890,932 to award two non-competitive, single source agreements to Dailey-Wells Communications, Inc., for technical services not to exceed \$180,807, and for procurement of materials not to exceed \$710,125, are included in the total project budget for FMS# 20AJ003 – Replace Trunked Radio Systemwide Phase 1.

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

Fund Group	Fund Description	Amount
State	F/G 5910 - CA Emergency Management Agency	300,000
BART	F/G 8526/8529/8532/8533/8535/8536/8538 - BART Capital Allocations	14,166,064
	TOTAL	14,466,064

As of June 5, 2024, \$14,466,064 is the total budget for this project. The District has expended \$12,714,713, committed \$575,218, and reserved \$0 to date. This action will commit \$890,932, leaving an available fund balance of \$285,201 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 District could choose to refrain from implementing the work required, leaving the District non-compliant with the California Department of Justice, BART Police Department and other life safety agencies.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

Pursuant to Public Contract Code Section 20227, the Board finds by a two-thirds vote that Dailey-Wells is the single source of supply for the procurement of compatible materials, equipment, software and technical services for the L3Harris P25 Trunked Radio System. The General Manager is authorized to negotiate and execute Non-Competitive, Non-Federal Agreements with Dailey-Wells in an amount not to exceed \$890,932.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...	GENERAL MANAGER ACTION REQ'D:		
DATE: 7/1/2024		7/5/2024	BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Franklin Dept: Customer Dev & Station Access	General Counsel	Controller/Treasurer	District Secretary	BARC	
DocuSigned by: <i>Robert Franklin</i> AFF4529E1F0D45C...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD...		DocuSigned by: <i>Val Menotti</i> AA8F1409A8F748E...	
Signature/Date: 7/3/2024	7/3/2024 []	7/3/2024 []	[]	7/3/2024 []	

To Request Board Authorization to Amend BART Accessibility Task Force By-Laws

PURPOSE:

To request Board authorization for the General Manager to amend the BART Accessibility Task Force (BATF) By-Laws by making several changes intended to facilitate full attendance and participation.

DISCUSSION:

The BATF is one of BART’s eleven advisory committees which contain members of the public. The BATF’s purpose is to advise the BART Board and staff on matters concerning the accessibility of the BART system. The BATF is governed by a set of by-laws, which have been approved by the BART Board. Therefore, the BART Board has the sole authority to approve proposed amendments to the BATF by-laws. For BATF members to suggest or initiate any change to the BATF by-laws, BATF members must follow a process according to the BAFT by-laws Article X, which states:

ARTICLE X – BY-LAWS AMENDMENTS The by-laws may be proposed for amendment or repeal by a motion that is made and seconded and passed by a three-fourths (3/4) vote of members present at any regular or special meeting. In addition, written notice of the proposed amendment must be aegendized and distributed given at the meeting prior to that at which action will be taken. The notice must contain both the original language and the proposed amending language to the bylaws. The proposed by-laws change must be

reviewed by the BART legal staff and will be made final upon approval by the BART Board of Directors or their designee. In addition to the procedure above, any by-law may be altered, amended or annulled at any time by a majority vote of the BART Board of Directors after consultation with or by recommendation of the BATF and approval of BART legal staff.

The BATF has proposed some changes to help facilitate how meetings are run. BATF members originally discussed potential changes at its March 28, 2024 meeting. Based on member suggestions, BART staff proposed language for these changes at the April 25, 2024 BATF meeting, when the item was postponed until its May 23, 2024 meeting, when members provided their thoughts on the proposed language. At its June 27, 2024 meeting, the BATF once again agendaized proposed changes to the BATF by-laws. The changes below were supported by more than 3/4ths of the BATF membership, which is the threshold for advancing the item to the BART Board for consideration. BART staff liaisons to the BATF committee are also supportive of the proposed changes. BART's Legal staff has approved the language for the following changes:

1. **Shorten the time to recruit new BATF members** - Make it easier to fill vacancies (Article IV.c.)

Current language:

Out of **four** consecutive meetings, an interested applicant must attend **three** and then apply for membership.

Proposed language:

*Out of **three** consecutive meetings, an interested applicant must attend **two** and then apply for membership. **Prospective members may attend these two meetings in-person or remotely.***

2. **Term Limits for Officers** - Give more members a chance to serve as committee leaders.

Current language:

Term of Office: The officers of the BATF shall serve for one year or until the next election is held.

Proposed language:

Term of Office: *The officers of the BATF shall serve for one year or until the next election is held. Officers shall serve for no more than 2 consecutive terms in the same office, unless no other member is interested in serving in that role. After a one-year break, members may serve in any officer role again. (Article VI)*

3. **Placing Items on Agendas** - Clarify how items are placed on the agenda (Article VIII.A):

Current language:

Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when members may ask to put items on future agendas.

The Chair shall schedule items on the agenda in consultation with the staff liaison. Staff shall be responsible for distributing the final agenda and preparing or compiling the associated agenda materials for each meeting.

Proposed language:

*Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when **Officers and BATF** members may ask to put items on future agendas. **The BATF staff liaison shall be responsible to work with BATF Officers, BATF members and BART departments to schedule items on the agenda, prepare the agenda, compile the associated agenda materials and distribute the final agenda for each meeting***

4. **Clarification to completing ethics training as a new appointed member and taking ethics training required every two years (Article III.B):**

Current language:

Complete ethics training required by the State of California.

Proposed language:

Complete ethics training required by the State of California within six months of being appointed to the BATF and every two years for active BATF members.

Attached to this EDD are the current BATF by-laws with the tracked proposed changes (Attachment A) and a new version of the by-laws incorporating all the changes above (Attachment B).

FISCAL IMPACT:

There is no fiscal impact for these proposed amendments.

ALTERNATIVES:

Do not approve some or all of these proposed changes.

RECOMMENDATION:

It is recommended that the Board approve the following motion:

MOTION:

The General Manager is authorized to amend the BART Accessibility Task Force By-Laws by accepting the proposed changes, as shown in "Attachment B *BATF 2024 By-Laws with All Proposed Changes Included.*"

San Francisco Bay Area Rapid Transit District
BART Accessibility Task Force
By-Laws
[September 2017-July 2024](#)

ARTICLE I – NAME OF TASK FORCE

The name of this task force shall be the BART Accessibility Task Force and may be referred to as “BATF.”

ARTICLE II – MISSION STATEMENT

The mission of the BATF is to advise the BART Board of Directors and staff on ways to maintain and improve the accessibility of the BART system for people with disabilities and for seniors. This mission is consistent with the District’s Strategic Plan goal to encourage public input.

ARTICLE III – RESPONSIBILITIES

A. Work with staff to:

1. Review, analyze and prepare recommendations on issues and policies, capital projects, compliance with local, state and federal legislation relating to the provision of accessible services at BART and other issues that might be brought to the BATF by the public, staff or the Board.
2. Develop recommendations which take into consideration the needs of people with different disabilities and seniors.
3. Participate in the development of proposed new policies and the planning and implementation of new services that affect people with disabilities and seniors who use BART.
4. Provide a public forum for discussion of all BART related issues concerning people with disabilities and seniors.
5. Act as a resource group to BART staff who interact with people with disabilities and seniors to answer complaints, to develop new programs, to solve architectural problems in the system, to conduct staff disability trainings, and other areas as needed.

B. In order to accomplish these responsibilities BATF shall:

1. Educate themselves about the BART system, the budget process, the administrative process, the ADA as it relates to transportation accessibility issues, the project cost-analysis process, and the Brown Act.
2. Establish annual goals for BATF.
3. Make reports or recommendations to appropriate BART staff through the staff member designated to support the BATF as needed.
4. Report to the BART Board of Directors and send additional reports or recommendations as needed, which reports may be accompanied by a staff report as appropriate.
5. Recuse themselves from any matter before the Task Force in which they have a financial interest.
6. Complete ethics training required by the State of California [within six months of being appointed to the BATF and every two years for active BATF members.](#)

ARTICLE IV – MEMBERSHIP

A. COMPOSITION

Members should be active BART users, who are people with disabilities or seniors over the age of 65. Except as stated above, BATF does not discriminate based on race, color, origin, sex, religion, sexual orientation, disability, or age in its membership.

The BATF shall be composed up to 18 members. The number of active members and the actual vote on actions shall be included on all communications to the Board and staff. If there are more than 18 applicants for the BATF, BART staff shall recommend 18 from among all those endorsed by the BATF, taking into consideration the goal of including people from all the parts of the BART system representing a diversity of disabilities and ages. There shall be no minimum number of members.

Some exceptions may be made to these eligibility criteria. The membership may include up to two non-disabled persons with special knowledge or technical training regarding the transportation needs for a particular disability.

B. TERM OF OFFICE

The term for each member of the BATF shall end on June 30 of odd-numbered years or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

C. NOMINATION AND SELECTION PROCESS

During the 2nd quarter of each odd-numbered calendar year, the staff liaison will contact each member to determine if they are interested in continuing to serve.

In addition, staff shall seek members through notices, in stations, on the BART website, contact with underrepresented disabled groups and seniors, and other means as appropriate. Out of ~~four~~ three consecutive meetings, an interested applicant must attend ~~three~~ two and then apply for membership. Prospective members may attend these two meetings in-person or remotely. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval. The BATF staff liaison will notify the applicant of the Board's decision regarding their application.

D. VOTING RIGHTS

Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote at a meeting of the BATF. Proxy, telephonic, electronic, or absentee ballots shall not be permitted.

E. RESIGNATION

Members may resign by notifying the BATF Chair or staff liaison, who then will inform the staff and BART Board of Directors.

ARTICLE V – TERMINATION OF MEMBERSHIP

A. A member's appointment to the BATF shall be terminated upon a determination by the BATF that:

1. A member has missed four regular meetings in a calendar year. Because it is important that all views be represented at meetings, there is no provision for excused absences.

2. At the time of appointment, a member materially misrepresented information on their application.
 3. A member has engaged in a consistent pattern of disruptive behavior in BATF or other BART related meetings which includes use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person's race, color, origin, sex, religion, sexual orientation, disability, or age.
 4. A member has ceased to reside in the BART District.
 5. Notification has been received that a person is not available to serve as a member.
 6. A member has failed to complete the required ethics training.
- B. Staff liaison will notify the terminated individual about the termination, first by e-mail. If there is no response, then by phone. If there no response, then the individual will be notified about the end of their membership during the next two regularly scheduled meetings.

ARTICLE VI – OFFICERS

A. CHAIR

The BATF shall elect from its membership a Chair. The Chair will work with BART staff to develop an agenda, lead meetings and keep order, appoint members to subcommittees, present reports to the BART Board of Directors, and prepare and sign all letters, reports and other communications of the BATF. The Chair shall perform such other duties as may be requested from time to time by the BATF or BART staff.

B. VICE-CHAIR

The BATF shall elect from its membership a Vice-Chair who, in the absence or inability of the Chair to serve, shall have all of the powers and shall perform all of the duties of the Chair. The Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

C. 2nd VICE-CHAIR

The BATF shall elect from its membership a 2nd Vice-Chair who, in the absence or inability of the Chair and Vice-Chair to serve, shall have all the powers and shall perform all of the duties of the Chair and Vice-Chair. The 2nd Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

D. ELECTION OF CHAIR, VICE-CHAIR AND 2ND VICE-CHAIR

1. Term of Office

The officers of the BATF shall serve for one year or until the next election is held. Officers shall serve for no more than two consecutive terms in the same office, unless no other member is interested in serving in that role. After a one-year break, members may serve in any officer role again.

2. Nomination

At the September meeting, nominations and election of officers will be held. People may self-nominate or be nominated by other members. Nominations will be accepted from the floor prior to the close of nominations on the day of elections. The election of officers shall be by simple majority vote.

3. Vacancy

A vacancy in any office shall be filled by election for the unexpired term.

4. Temporary or Permanent Vacancies

If the Chair, Vice-Chair, and 2nd Vice-Chair are absent from any meeting and/or are unable to act, the meeting shall be called to order by staff. The staff shall immediately call for the selection of a Temporary Presiding Officer.

5. Failure to Elect

If the BATF fails to elect a Chair, Vice-Chair, or 2nd Vice-Chair, the existing Chair, Vice-Chair, or 2nd Vice-Chair shall continue to serve until the BATF elects a successor.

E. STAFF SUPPORT

The BART General Manager or [aher](#) designee shall designate a person to serve as BATF staff to prepare meeting notices, agendas, and minutes as required and to serve as liaison between BATF and other BART staff and the Board of Directors.

ARTICLE VII – MEETINGS

A. REGULAR MEETINGS

All regular and special meetings of the BATF shall be conducted in accordance with the Ralph M. Brown Act. Meeting agendas shall be posted in a public place in the same manner as agendas posted for meetings of the BART Board of Directors. Meetings will be open to the public, held in a location accessible to people with disabilities, and within the geographical boundaries of the BART District. At least 72 hours prior to a regular meeting, an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the meeting. Members of the public have the right to directly address BATF during public comment for issues which are not on the agenda, or for any item on the agenda, before or during the consideration of the item. Agendas will be mailed or emailed (based on preference) to members of the BATF and to persons requesting them according to the requirements of the Brown Act.

B. SPECIAL MEETINGS

Special meetings may be called by the Chair when in the opinion of the Chair the business of the BATF requires it or by the request of a majority of the BATF membership. Notice for special meetings will conform to the requirements of the Brown Act. No other business shall be considered at such meeting.

C. QUORUM

A majority of the appointed members of the must be present in order to constitute a quorum necessary for the transaction of the business of the BATF.

D. ADVICE AND DECISIONS OF THE BATF

All decisions of the BATF which require a formal vote shall be made only after an affirmative vote of a majority of its members present and voting. Minutes of meetings, as well as any special reports or communications desired by the BATF, shall be

forwarded by staff to the BART Board of Directors. In addition, the Chair or a designee may present reports to the BART Board of Directors or an appropriate committee in person.

E. BATF MEETING EXPENSES FOR MEMBERS

BART will cover travel costs on public transit for BATF members to attend regular or special BATF meetings.

ARTICLE VIII – AGENDAS, MINUTES, RULES OF CONDUCT, AND ACCOMODATIONS

A. AGENDAS

Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when members may ask to put items on future agendas.

The Chair shall schedule items on the agenda in consultation with the staff liaison. ~~Staff shall be responsible for distributing the final agenda and preparing or compiling the associated agenda materials for each meeting.~~ The BATF staff liaison shall be responsible to work with BATF Officers, BATF members and BART departments to schedule items on the agenda, prepare the agenda, compile the associated agenda materials and distribute the final agenda for each meeting. Agenda materials shall normally be mailed to members one week prior to each meeting, but agenda distribution shall always conform to the requirements of the Brown Act.

B. MINUTES

Draft minutes of each BATF meeting shall be prepared by staff and distributed to BATF members and others together with the agenda for the next meeting. Minutes shall be made final after a majority vote of those BATF members who were present at the meeting.

C. RULES OF CONDUCT

All regular and special meetings of the BATF shall be conducted in accordance with these bylaws and with the Rules of Order used by the BART Board. In case of conflict, these bylaws shall take precedence.

The Chair, or a member appointed by the Chair, may represent the BATF to the BART Board of Directors with prior notice to the BATF and staff if possible. No

member shall represent the BATF or BART to the general public unless authorized by the Board of Directors or its designee.

D. ACCOMMODATIONS FOR MEMBERS AND THE PUBLIC

On-going arrangements will be made with individual BATF members to accommodate their disability-related need for alternative formats for minutes, correspondence, exhibits and other graphic information, sign language interpreters, and captioning. Non-routine requests for accommodation must be made in a timely fashion.

The general public can also request routine or one-time provision of materials in alternative formats by making a request to the BART staff liaison in a timely fashion in advance of scheduled meeting times.

ARTICLE IX – SUBCOMMITTEES

The Chair has authority with concurrence by the BATF to appoint subcommittees and/or ad-hoc committees to address issues as needed.

ARTICLE X – BYLAWS AMENDMENTS

The bylaws may be proposed for amendment or repeal by a motion that is made and seconded and passed by a three-fourths (3/4) vote of members present at any regular or special meeting. In addition, written notice of the proposed amendment must be agendaized and distributed given at the meeting prior to that at which action will be taken. The notice must contain both the original language and the proposed amending language to the bylaws. The proposed bylaws change must be reviewed by the BART legal staff and will be made final upon approval by the BART Board of Directors or their designee.

In addition to the procedure above, any bylaw may be altered, amended or annulled at any time by a majority vote of the BART Board of Directors after consultation with or by recommendation of the BATF and approval of BART legal staff.

ARTICLE XI – TERM OF BATF

BATF Term: The BATF shall remain in existence until discharged by action of the BART Board of Directors. The Board may periodically review the need for the BATF

and may modify its composition, structure or bylaws after consultation with the
BATF.

~~Grace Crunican,~~Robert M. Powers
General Manager

Amended ~~September 2017~~July 2024

San Francisco Bay Area Rapid Transit District
BART Accessibility Task Force
By-Laws
July 2024

ARTICLE I – NAME OF TASK FORCE

The name of this task force shall be the BART Accessibility Task Force and may be referred to as “BATF.”

ARTICLE II – MISSION STATEMENT

The mission of the BATF is to advise the BART Board of Directors and staff on ways to maintain and improve the accessibility of the BART system for people with disabilities and for seniors. This mission is consistent with the District’s Strategic Plan goal to encourage public input.

ARTICLE III – RESPONSIBILITIES

A. Work with staff to:

1. Review, analyze and prepare recommendations on issues and policies, capital projects, compliance with local, state and federal legislation relating to the provision of accessible services at BART and other issues that might be brought to the BATF by the public, staff or the Board.
2. Develop recommendations which take into consideration the needs of people with different disabilities and seniors.
3. Participate in the development of proposed new policies and the planning and implementation of new services that affect people with disabilities and seniors who use BART.
4. Provide a public forum for discussion of all BART related issues concerning people with disabilities and seniors.
5. Act as a resource group to BART staff who interact with people with disabilities and seniors to answer complaints, to develop new programs, to solve architectural problems in the system, to conduct staff disability trainings, and other areas as needed.

B. In order to accomplish these responsibilities BATF shall:

1. Educate themselves about the BART system, the budget process, the administrative process, the ADA as it relates to transportation accessibility issues, the project cost-analysis process, and the Brown Act.
2. Establish annual goals for BATF.
3. Make reports or recommendations to appropriate BART staff through the staff member designated to support the BATF as needed.
4. Report to the BART Board of Directors and send additional reports or recommendations as needed, which reports may be accompanied by a staff report as appropriate.
5. Recuse themselves from any matter before the Task Force in which they have a financial interest.
6. Complete ethics training required by the State of California within six months of being appointed to the BATF and every two years for active BATF members.

ARTICLE IV – MEMBERSHIP

A. COMPOSITION

Members should be active BART users, who are people with disabilities or seniors over the age of 65. Except as stated above, BATF does not discriminate based on race, color, origin, sex, religion, sexual orientation, disability, or age in its membership.

The BATF shall be composed up to 18 members. The number of active members and the actual vote on actions shall be included on all communications to the Board and staff. If there are more than 18 applicants for the BATF, BART staff shall recommend 18 from among all those endorsed by the BATF, taking into consideration the goal of including people from all the parts of the BART system representing a diversity of disabilities and ages. There shall be no minimum number of members.

Some exceptions may be made to these eligibility criteria. The membership may include up to two non-disabled persons with special knowledge or technical training regarding the transportation needs for a particular disability.

B. TERM OF OFFICE

The term for each member of the BATF shall end on June 30 of odd-numbered years or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

C. NOMINATION AND SELECTION PROCESS

During the 2nd quarter of each odd-numbered calendar year, the staff liaison will contact each member to determine if they are interested in continuing to serve.

In addition, staff shall seek members through notices, in stations, on the BART website, contact with underrepresented disabled groups and seniors, and other means as appropriate. Out of three consecutive meetings, an interested applicant must attend two and then apply for membership. Prospective members may attend these two meetings in-person or remotely. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval. The BATF staff liaison will notify the applicant of the Board's decision regarding their application.

D. VOTING RIGHTS

Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote at a meeting of the BATF. Proxy, telephonic, electronic, or absentee ballots shall not be permitted.

E. RESIGNATION

Members may resign by notifying the BATF Chair or staff liaison, who then will inform the staff and BART Board of Directors.

ARTICLE V – TERMINATION OF MEMBERSHIP

- A. A member's appointment to the BATF shall be terminated upon a determination by the BATF that:
 - 1. A member has missed four regular meetings in a calendar year. Because it is important that all views be represented at meetings, there is no provision for excused absences.

2. At the time of appointment, a member materially misrepresented information on their application.
3. A member has engaged in a consistent pattern of disruptive behavior in BATF or other BART related meetings which includes use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person's race, color, origin, sex, religion, sexual orientation, disability, or age.
4. A member has ceased to reside in the BART District.
5. Notification has been received that a person is not available to serve as a member.
6. A member has failed to complete the required ethics training.

B. Staff liaison will notify the terminated individual about the termination, first by e-mail. If there is no response, then by phone. If there no response, then the individual will be notified about the end of their membership during the next two regularly scheduled meetings.

ARTICLE VI – OFFICERS

A. CHAIR

The BATF shall elect from its membership a Chair. The Chair will work with BART staff to develop an agenda, lead meetings and keep order, appoint members to subcommittees, present reports to the BART Board of Directors, and prepare and sign all letters, reports and other communications of the BATF. The Chair shall perform such other duties as may be requested from time to time by the BATF or BART staff.

B. VICE-CHAIR

The BATF shall elect from its membership a Vice-Chair who, in the absence or inability of the Chair to serve, shall have all of the powers and shall perform all of the duties of the Chair. The Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

C. 2nd VICE-CHAIR

The BATF shall elect from its membership a 2nd Vice-Chair who, in the absence or inability of the Chair and Vice-Chair to serve, shall have all the powers and shall

perform all of the duties of the Chair and Vice-Chair. The 2nd Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

D. ELECTION OF CHAIR, VICE-CHAIR AND 2ND VICE-CHAIR

1. Term of Office

The officers of the BATF shall serve for one year or until the next election is held. Officers shall serve for no more than two consecutive terms in the same office, unless no other member is interested in serving in that role. After a one-year break, members may serve in any officer role again.

2. Nomination

At the September meeting, nominations and election of officers will be held. People may self-nominate or be nominated by other members. Nominations will be accepted from the floor prior to the close of nominations on the day of elections. The election of officers shall be by simple majority vote.

3. Vacancy

A vacancy in any office shall be filled by election for the unexpired term.

4. Temporary or Permanent Vacancies

If the Chair, Vice-Chair, and 2nd Vice-Chair are absent from any meeting and/or are unable to act, the meeting shall be called to order by staff. The staff shall immediately call for the selection of a Temporary Presiding Officer.

5. Failure to Elect

If the BATF fails to elect a Chair, Vice-Chair, or 2nd Vice-Chair, the existing Chair, Vice-Chair, or 2nd Vice-Chair shall continue to serve until the BATF elects a successor.

E. STAFF SUPPORT

The BART General Manager or a designee shall designate a person to serve as BATF staff to prepare meeting notices, agendas, and minutes as required and to serve as liaison between BATF and other BART staff and the Board of Directors.

ARTICLE VII – MEETINGS

A. REGULAR MEETINGS

All regular and special meetings of the BATF shall be conducted in accordance with the Ralph M. Brown Act. Meeting agendas shall be posted in a public place in the same manner as agendas posted for meetings of the BART Board of Directors. Meetings will be open to the public, held in a location accessible to people with disabilities, and within the geographical boundaries of the BART District. At least 72 hours prior to a regular meeting, an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the meeting. Members of the public have the right to directly address BATF during public comment for issues which are not on the agenda, or for any item on the agenda, before or during the consideration of the item. Agendas will be mailed or emailed (based on preference) to members of the BATF and to persons requesting them according to the requirements of the Brown Act.

B. SPECIAL MEETINGS

Special meetings may be called by the Chair when in the opinion of the Chair the business of the BATF requires it or by the request of a majority of the BATF membership. Notice for special meetings will conform to the requirements of the Brown Act. No other business shall be considered at such meeting.

C. QUORUM

A majority of the appointed members of the must be present in order to constitute a quorum necessary for the transaction of the business of the BATF.

D. ADVICE AND DECISIONS OF THE BATF

All decisions of the BATF which require a formal vote shall be made only after an affirmative vote of a majority of its members present and voting. Minutes of meetings, as well as any special reports or communications desired by the BATF, shall be forwarded by staff to the BART Board of Directors. In addition, the Chair or a

designee may present reports to the BART Board of Directors or an appropriate committee in person.

E. BATF MEETING EXPENSES FOR MEMBERS

BART will cover travel costs on public transit for BATF members to attend regular or special BATF meetings.

ARTICLE VIII – AGENDAS, MINUTES, RULES OF CONDUCT, AND ACCOMODATIONS

A. AGENDAS

Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when members may ask to put items on future agendas.

The Chair shall schedule items on the agenda in consultation with the staff liaison. The BATF staff liaison shall be responsible to work with BATF Officers, BATF members and BART departments to schedule items on the agenda, prepare the agenda, compile the associated agenda materials and distribute the final agenda for each meeting. Agenda materials shall normally be mailed to members one week prior to each meeting, but agenda distribution shall always conform to the requirements of the Brown Act.

B. MINUTES

Draft minutes of each BATF meeting shall be prepared by staff and distributed to BATF members and others together with the agenda for the next meeting. Minutes shall be made final after a majority vote of those BATF members who were present at the meeting.

C. RULES OF CONDUCT

All regular and special meetings of the BATF shall be conducted in accordance with these bylaws and with the Rules of Order used by the BART Board. In case of conflict, these bylaws shall take precedence.

The Chair, or a member appointed by the Chair, may represent the BATF to the BART Board of Directors with prior notice to the BATF and staff if possible. No member shall represent the BATF or BART to the general public unless authorized by the Board of Directors or its designee.

D. ACCOMMODATIONS FOR MEMBERS AND THE PUBLIC

On-going arrangements will be made with individual BATF members to accommodate their disability-related need for alternative formats for minutes, correspondence, exhibits and other graphic information, sign language interpreters, and captioning. Non-routine requests for accommodation must be made in a timely fashion.

The general public can also request routine or one-time provision of materials in alternative formats by making a request to the BART staff liaison in a timely fashion in advance of scheduled meeting times.

ARTICLE IX – SUBCOMMITTEES

The Chair has authority with concurrence by the BATF to appoint subcommittees and/or ad-hoc committees to address issues as needed.

ARTICLE X – BYLAWS AMENDMENTS

The bylaws may be proposed for amendment or repeal by a motion that is made and seconded and passed by a three-fourths (3/4) vote of members present at any regular or special meeting. In addition, written notice of the proposed amendment must be agendized and distributed given at the meeting prior to that at which action will be taken. The notice must contain both the original language and the proposed amending language to the bylaws. The proposed bylaws change must be reviewed by the BART legal staff and will be made final upon approval by the BART Board of Directors or their designee.

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ARTICLE XI – TERM OF BATF

BATF Term: The BATF shall remain in existence until discharged by action of the BART Board of Directors. The Board may periodically review the need for the BATF and may modify its composition, structure or bylaws after consultation with the BATF.

Robert M. Powers
General Manager

Amended July 2024

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** July 5, 2024
FROM: General Manager
SUBJECT: Next Generation Fare Gates Update

Attached is the “**Next Generation Fare Gates Update**” presentation that will be presented at the July 11, 2024, meeting as an information item.

If you have any questions about the document, please contact Sylvia Lamb, Assistant General Manager, Infrastructure Delivery at (510) 464-6081.

DocuSigned by:
Michael Jones
47000790E2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Next Generation Fare Gates Update

July 11, 2024 | BART Board of Directors Meeting



Highlights

- Next Generation Fare Gate Barriers
 - Insights & Findings: The West Oakland Pilot
 - Our Journey Continues
 - Civic Center Deployment
 - Station Sequencing
- Other Types of System Barriers

Insights & Findings: The West Oakland Pilot

- Monitoring Control System (MCS) Software
- Barrier Design
 - Gate Speeds
 - Barrier Alignment
 - Mechanical Locking Mechanism Refinement
 - Metal frame with Polycarbonate Insert (Districtwide)
 - Bidirectional Barriers
- Updated Sensor Functionality for Safe Zone
- Public/Media Feedback

“We were there for nearly two hours. Let’s just say, we’ve never seen so many people buying or adding money to their clipper cards,” ~KGO reports



West Oakland

Our Journey Continues

Ongoing Activities System Wide

- Communication and Outreach
- Site Survey/Engineering/Infrastructure Design
- Deployment Strategies
 - Storage
 - Sequencing Scenarios
 - Delivery
- Ongoing Fabrication and Production
- Training
 - Station Agents
 - Maintenance (AFC)
- Moving Contract – Awarded
- Installation Contract – Active Solicitation



Delivery of Gates at West Oakland



Testing at the Lab



Training for Maintenance Team

Our Journey Continues – Finalizing Design

Vendor Proposed:
Accessible Door
Frameless Laminated Glass Panel

Option 1:
Accessible Door
Polycarbonate Panel

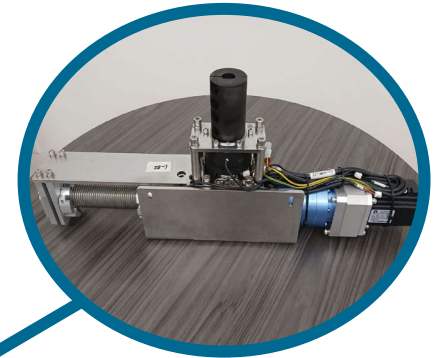
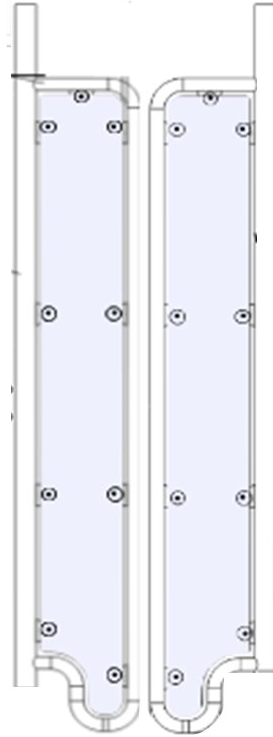
Option 2:
Stainless Steel Frame with
Perforated Metal Panel

Option 3:
Stainless Steel Frame with
Polycarbonate Panel

Barrier Design Decision

Option 3 - Selected:

Stainless Steel Frame with
Polycarbonate Panel



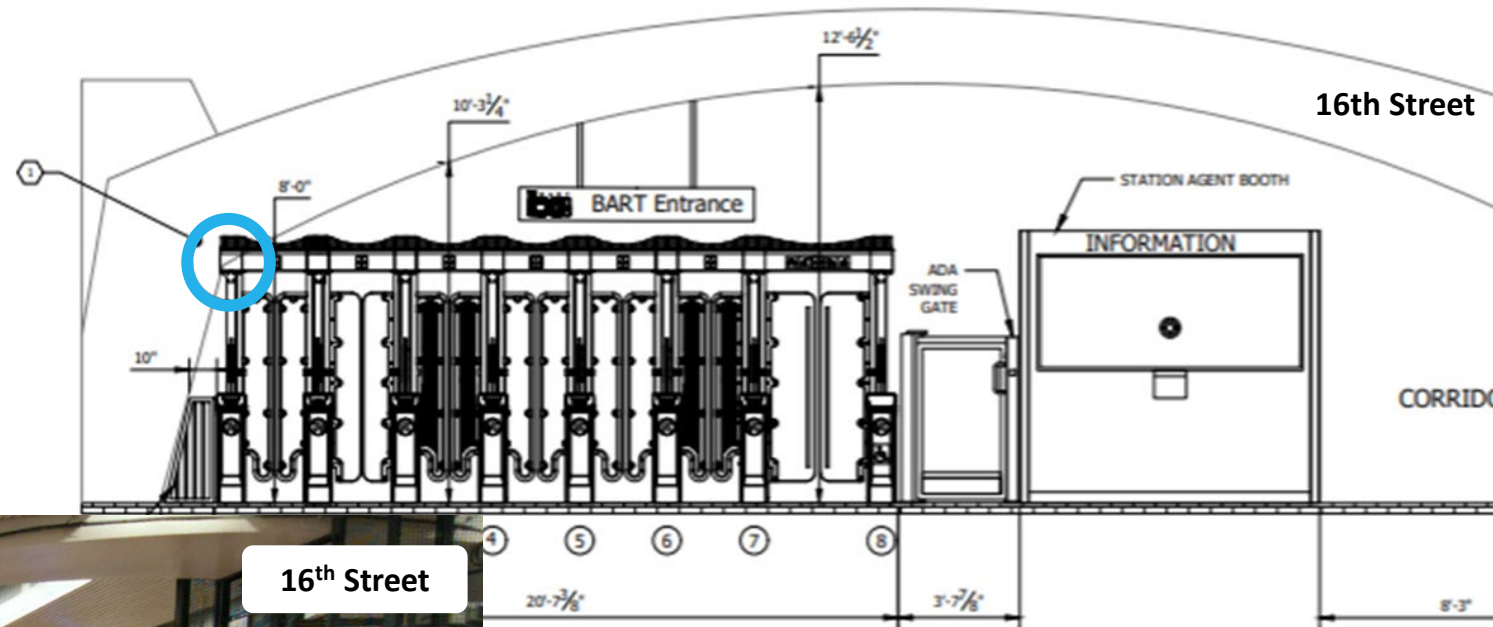
Mechanical Locking
Mechanism

Our Journey Continues

Site Surveys & Observations

Additional considerations for:

- Optimized Passenger Circulation
- Enhanced Visibility
- Improved Safety and Security
- Resolve Structural Conflicts



 Structural conflict with archway

Civic Center Deployment

Platform Elevator

- Installed Civic Center Platform Level Accessible Gate
- Modified Elevator Enclosure
- Worked Performed by BART Forces



Before



Installation



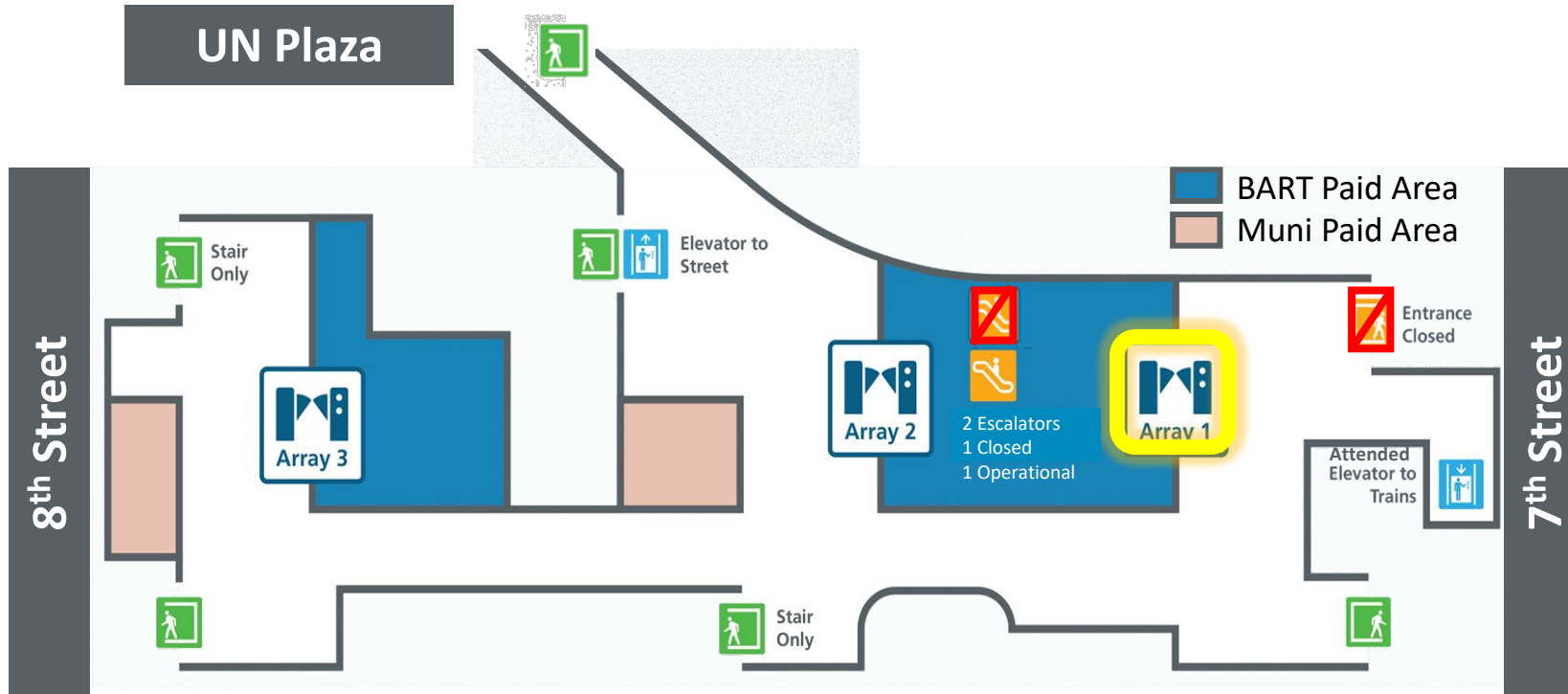
Gate Delivery



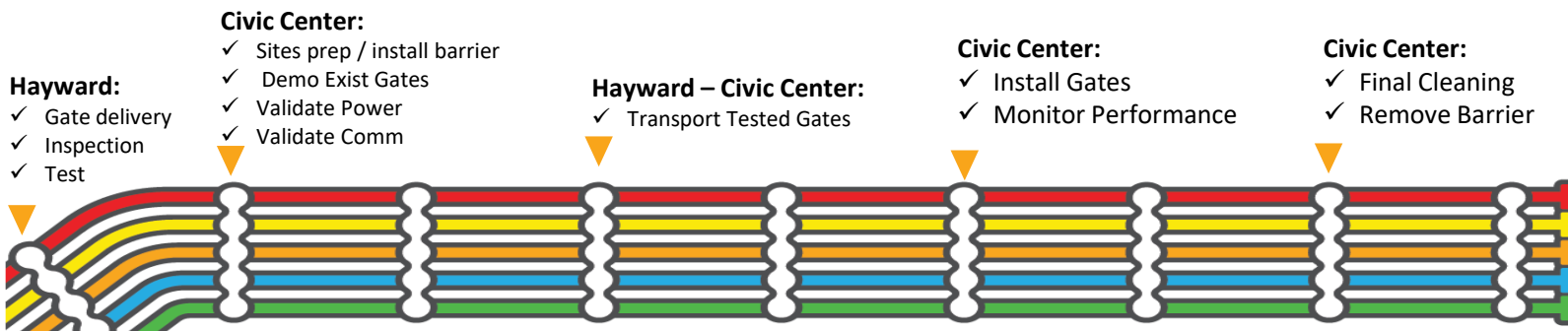
After

Civic Center Deployment

Concourse Level























- 7th Street entrance (North end)
 - 1 Accessible Fare Gate (AFG)
 - 4 Standard Fare Gates
- Work performed by BART forces
- Array Sequence
 - Array 1
 - Array 2
 - Array 3



Next 12 Stations

Next 8 Stations as shown Jan 11th, 2024

 Civic Center	 Fruitvale	 24 th Street	 Richmond
 SFO	 Antioch	 Powell Street	 Montgomery
 12 th St	 16 th St	 Coliseum	 Warm Springs

 Civic Center	 Montgomery	 Powell Street	 24 th Street
 SFO	 Fruitvale	 Richmond	 Antioch
Alternate Stations			
16 th Street	12 th Street	Downtown Berkeley	Coliseum
Embarcadero	Rockridge	Dublin/Pleasanton	Warm Springs



- 12 Starting this Calendar Year
- First 4 Sequence confirmed
 - Civic Center
 - Fruitvale
 - 24th St
 - Richmond

Other Types of System Barriers

Platform Screen Doors (PSD)

BART has, and continues to, evaluate

- Industry Review
- Feasibility Study
- Proof-of-Concept Design at 12th Street Station
- On going discussions with agencies around the world
- Continual review of advancement in technologies
- Maintenance Impacts
- Structural Infrastructure Impacts



Tokyo, Japan



Paris, France

Platform Screen Doors

Technology is Rapidly Advancing

- Door Operation Concepts
- Full Height and Partial Height
- Green Field vs Brown Field

Construction / Engineering Considerations

- Funding
- Supervisory Control and Data Acquisition (SCADA)
- Communication Based Train Control (CBTC)
- Ventilation Strategies
- Constructability within an operating environment



Paris, France



Elizabeth Line, London, England

Thank You

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: July 5, 2024

FROM: General Manager

SUBJECT: State Legislation – Senate Bill 827 (Glazer)

On March 23, 2023, the Board of Directors took a Support if Amended position on Senate Bill (SB) 827 by Senator Steve Glazer (D-Orinda). The bill would grant the BART Office of the Inspector General additional powers and responsibilities to maintain a full scope, independent, and objective audit and investigation program.

At the July 11, 2024, Board of Directors meeting, staff will present amendments to SB 827 and recommend Board action on a revised position.

Attached is staff's analysis and presentation for SB 827. Amended bill text will be added to the Board agenda packet prior to the Board meeting. A draft Board motion is provided below.

If you have any questions, please contact Rodd Lee, Assistant General Manager of External Affairs, at (510) 464-6235.

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

DRAFT MOTION:

The Board of Directors supports SB 827.

SB 827 (Glazer) Analysis and Recommendation

TITLE: San Francisco Bay Area Rapid Transit District: Office of the Inspector General

AUTHOR: Sen. Steve Glazer (D-Orinda)

RECOMMENDATION: Support

BACKGROUND: BART's Office of the Inspector General (OIG) was created under Senate Bill (SB) 595 (Stat. 2017, Ch. 650, Sec. 2) and the affirmative passage of Regional Measure 3 (RM3) in 2018. The measure, which raised toll rates on the Bay Area's seven state-owned bridges, was on the ballot for voters in the nine-county region.

The OIG was established to ensure BART makes effective use of bridge toll revenues and other revenue and operates efficiently, effectively, and in compliance with applicable federal and state laws. Duties and responsibilities for the OIG include, among others, conducting fraud and waste investigations, conducting audits and making recommendations to improve the efficiency and effectiveness of BART programs and operations, identifying opportunities to improve the data used to determine project resource allocations, and identifying and recommending best practices in the delivery of capital projects.

SB 827 is a two-year bill that was first introduced in February 2023. The bill would revise the District Act to grant the OIG additional powers and responsibilities. In March 2023, the Board adopted a *Support if Amended* position on SB 827 and directed staff to pursue the following amendments with the author:

- Remove the misdemeanor penalty for obstruction of an OIG investigation;
- Grant the OIG subpoena authority; and
- Insert language clearly defining the scope of the OIG as to not conflict with other audit and oversight offices, namely the Office of Civil Rights and the Office of the Independent Police Auditor (OIPA).

On April 11, 2023, SB 827 failed passage in the Senate Transportation Committee. A motion for reconsideration was granted, allowing the author to bring the bill forward again in committee. On January 9, 2024, SB 827 was presented under reconsideration and passed the committee by a vote of 15-0, moving the bill forward in the current legislative session.

BILL AMENDMENTS: Since SB 827 passed out of the Senate Transportation Committee in early January, the bill has been amended three times to address the following topics:

Misdemeanor Penalty and Subpoena Authority

On January 11, SB was amended to remove the proposed misdemeanor penalty for obstructing the OIG in the performance of an audit, evaluation, investigation, or review. On June 24, the bill was further amended to grant the OIG subpoena authority. Specifically, the OIG is authorized to issue subpoenas for the attendance of witnesses and the production of records, files, documents, accounts, reports, correspondence, or other property, or for the making of oral or written sworn statements, in any interview conducted as part of an audit, investigation, or review.

In the Assembly Judiciary Committee on July 2, the author accepted amendments that specify before issuing a subpoena, the OIG shall first seek voluntary attendance of individuals to be interviewed, the voluntary production of documents or other properties, or the voluntary making or oral or written sworn statements. When seeking the voluntary attendance of a represented employee, the OIG shall act in accordance with any collective bargaining agreements and applicable laws.

Jurisdiction of the OIG and Other Audit and Oversight Entities

June 24 amendments state that the OIG, in carrying out its duties and responsibilities, shall not unduly interfere with BART's Office of Civil Rights or the powers and duties of the OIPA outlined within the District Act. Likewise, the Office of Civil Rights and OIPA shall also not unduly interfere with the duties and responsibilities of the OIG as outlined in statute.

Employee Survey Data

The bill exempts specific types of records from disclosure and inspection pursuant to the California Public Records Act. Amendments seek to narrow this exemption for employee surveys to only information within a survey the OIG determines could lead to either identification of an individual employee or retaliation if the information were released.

Rights to Union Representation and Rights Under Applicable Labor Laws

On January 11, language was inserted stating that before any interview is conducted with a represented employee, the OIG shall notify the employee that they are entitled to be accompanied by a union representative and shall have all the rights entitled to them under *N.L.R.B. v. J. Weingarten, Inc., 420 U.S. 251 (1975)*, otherwise known as Weingarten rights. The Assembly Judiciary Committee amendments accepted by the author further revise and expand on this provision.

- The OIG shall also notify a represented employee before any investigatory interview that they shall be afforded all collectively bargained rights in addition to Weingarten rights.
- The OIG shall interact with any employee organization in a manner consistent with all applicable labor laws and collectively bargained rights.
- If an employee forgoes the right to be represented, the OIG shall furnish and obtain a written waiver before conducting an interview and maintain that waiver for at least two years.
- The OIG and impacted employee organizations shall collaborate to develop a standard waiver form that includes a summary of applicable labor laws and a represented employee's rights.
- The OIG shall keep interview records confidential and provide the appropriate Board Appointed Officer(s) or General Manager with summaries or information as needed to conduct investigations.
- The OIG is not obligated to inform an employee organization if a represented employee freely and willingly initiates contact with the office for the purpose of whistleblowing, as defined.
- If the OIG fails to properly obtain a valid waiver, as defined, that evidence shall not be admissible in any disciplinary action taken against the employee.
- The rights of represented employees shall not obstruct or interfere with the OIG's independence, access to documents and property necessary for an investigation, or duties and authority.

DISTRICT IMPACT: To address the issues identified in BART's Support if Amended position, staff submitted a set of amendments to the author's office in mid-January. This included language granting the OIG subpoena authority and language drafted in collaboration with the Inspector General and Independent Police Auditor to establish clear definition between the work of the OIG, OIPA, and Office of Civil Rights. BART's requested amendments are reflected in the June 24 version of the bill. With those concerns addressed, staff recommend the Board adopt a *Support* position on SB 827.

Recent amendments place additional requirements on the OIG when conducting an interview with a represented employee or issuing a subpoena. The OIG is tasked with collaborating with employee organizations to develop the specified waiver and will be the main entity responsible for implementing the new requirements and following applicable labor laws and collective bargaining rights.

KNOWN SUPPORT/OPPOSITION: Support: Association of Local Government Auditors, Bay Area Council, Contra Costa Transportation Authority, Livable California, Mission Street Neighbors.

At the Assembly Judiciary Committee on July 2, state representatives from BART's labor partners conveyed removal of their opposition with the author's acceptance of the committee's amendments.

STATUS: Passed the Assembly Judiciary Committee (11-0) on July 2. Now awaiting consideration on the Senate floor.



State Legislation - Senate Bill 827 (Glazer)

BART Board of Directors
July 11, 2024

SB 827 Legislative History and Key Dates

2023

- Feb. 17 Introduced in the Senate
- March 23 Board adopts a Support if Amended position
- April 11 Failed passaged in the Senate Transportation Committee. Reconsideration granted.

2024

- Jan. 9 Passes the Senate Transportation Committee
- Jan. 11 Passes the Senate Judiciary Committee with amendments
- Jan 29 Passes the Senate Floor, ordered to Assembly
- June 17 Passes the Assembly Transportation Committee
- June 24 Amended by the author
- July 2 Passes the Assembly Judiciary Committee with amendments
- Aug. 31 Last day for each house to pass bills
- Sept. 30 Last day for Governor to sign or veto bills

BART Requested Amendments from March 2023

- Remove the misdemeanor penalty for obstruction of an Office of the Inspector General (OIG) investigation.
- Grant the OIG subpoena authority as an enforcement mechanism to compel witness attendance, document production, and sworn statements necessary for an audit, investigation, or review.
- Add language clarifying the scope of the OIG as to not conflict with other audit and oversight offices, namely the Office of the Independent Police Auditor (OIPA) and the Office of Civil Rights (OCR).

Bill Amendments

Misdemeanor Penalty and Subpoena Authority

- Removal of proposed misdemeanor penalty for obstructing an OIG audit, evaluation, investigation, or review.
- OIG granted subpoena authority and process defined for how subpoenas will be served and carried out by a county superior court.
- Before issuing a subpoena, the OIG shall first seek voluntarily compliance.
- When seeking the voluntary attendance of a represented employee, the OIG shall act in accordance with any collective bargaining agreements and applicable laws.

Employee Survey Data

- Data from an employee survey can be made public, but information that could lead to the identification of or retaliation against an employee is to remain private.

Bill Amendments (Cont.)

Jurisdiction of the OIG and Other Audit and Oversight Entities

- The OIG, in carrying out its duties and responsibilities, shall not unduly interfere with the OIPA or OCR.
- Additionally, the OIPA and OCR shall also not unduly interfere with the duties and responsibilities of the OIG as outlined in statute.

Rights to Union Representation and Rights Under Applicable Labor Laws

- Before any interview is conducted with a represented employee, the OIG shall notify the employee of their right to a union representative and shall be afforded rights under *N.L.R.B. v. J. Weingarten, Inc., 420 U.S. 251 (1975)* and all collectively bargained rights.
- The OIG shall interact with any employee organization in a manner consistent with applicable labor laws and all collectively bargained rights.

Bill Amendments (Cont.)

Rights to Union Representation and Rights Under Applicable Labor Laws

- If an employee foregoes the right to be represented, the OIG shall furnish and obtain a written waiver before conducting an interview and maintain that waiver for at least two years.
- The OIG and impacted employee organizations shall collaborate to develop a standard waiver form that includes a summary of applicable labor laws and a represented employee's rights.
- The OIG shall keep interview records confidential and provide the appropriate Board Appointed Officer(s) or General Manager with summaries or information as needed to conduct investigations.
- The OIG is not obligated to inform an employee organization if a represented employee freely and willingly initiates contact for the purpose of whistleblowing, as defined.
- If the OIG fails to properly obtain a valid waiver, as defined, any evidence obtained from an interview shall not be admissible in disciplinary action taken against the employee.

Staff Recommendation on SB 827: Support

- Aligns the duties and responsibilities of the OIG with similar oversight and accountability offices.
- Supports the audit and investigative functions of the OIG and clarifies authority to conduct independent oversight of BART's programs and operations.
- Addresses challenges identified by the OIG regarding access to information and independence necessary to conduct work according to professional standards.
- Removes misdemeanor penalty and grants subpoena authority, while ensuring the work of the OIG is not obstructed.
- Clarifies original jurisdiction between BART's audit and oversight offices and seeks to prevent undue interference.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: July 5, 2024

FROM: General Manager

SUBJECT: BART 2023 Annual Report: Sustainability

At the July 11, 2024 BART Board meeting, staff will provide an information item as a preview of the BART Annual Report for Sustainability for Calendar Year 2023 (CY 2023). In April 2017, the BART Board adopted a revised Sustainability Policy. In support of the Policy, the District released a Sustainability Action Plan (SAP) in December 2017. The SAP is a 10-year plan that identifies sustainability goals and actions to be taken throughout the District and performance measures to evaluate the achievement of those goals.

In mid-July, BART will publish the 2023 Annual Report: Sustainability, which summarizes BART's implementation of the Sustainability Action Plan through CY 2023. The report has been prepared with input from experts in numerous BART departments. It contains a collection of case studies from CY 2023 that highlight BART's achievements in sustainability and a summary of BART's sustainability performance metrics.

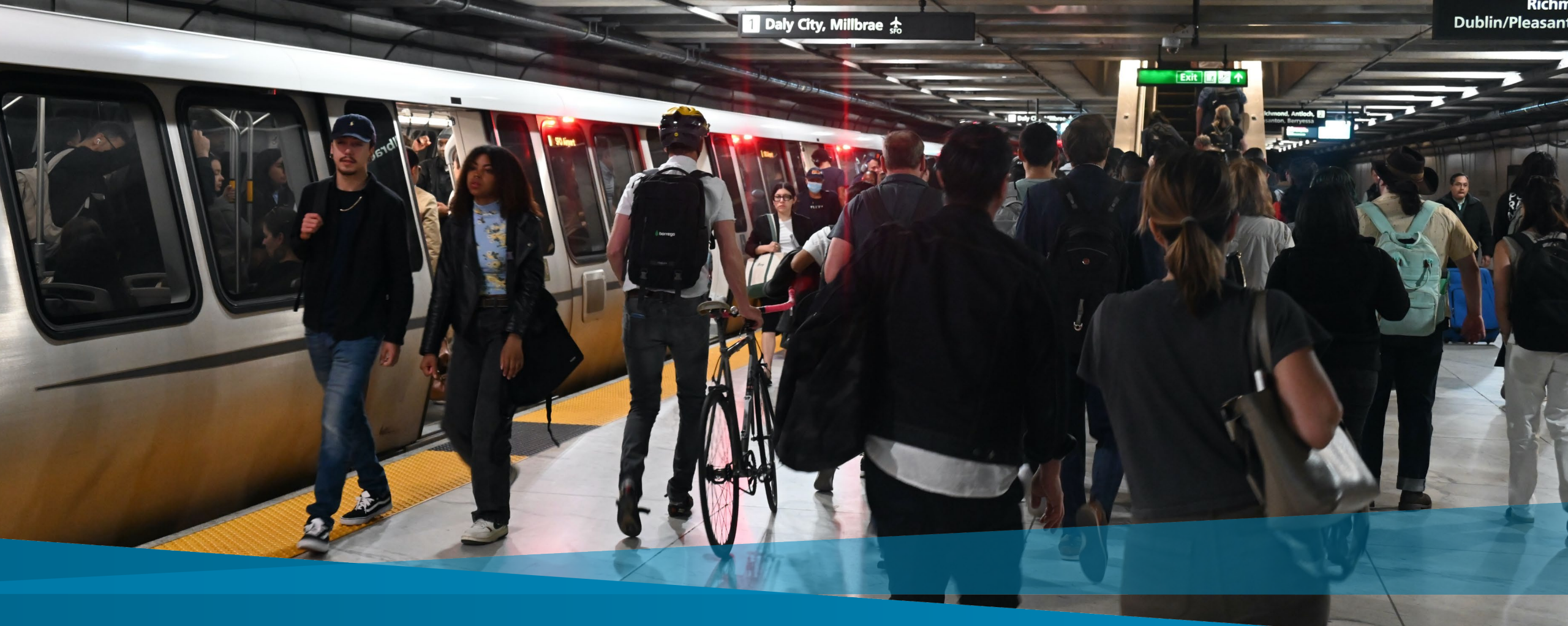
For the second consecutive year, BART is meeting its committed performance goal for energy use. Changes in service and challenges in procuring greenhouse gas-free (GHG-free) electricity caused greenhouse gas emissions per vehicle revenue mile to increase, but BART remains on track to achieve its committed performance goal for GHG emissions by 2025.

If you have questions, please contact Val Menotti (VMenott@bart.gov), Chief Planning & Development Officer.

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Calendar Year (CY) 2023 Annual Report - Sustainability

July 11, 2024

CY 2023 Sustainability Report: Agenda

- Sustainability at BART
- Highlights
- Case Studies
- Metrics & Actions
- Priorities & Opportunities

CY 2023 Sustainability Report:

Sustainability at BART

- Transportation accounts for 38% of greenhouse gas (GHG) emissions in CA, and of those, 71% are produced by passenger vehicles¹.
- BART supports a shift from driving alone to transit and thereby contributes significantly to the reduction of GHG emissions from Transportation in the Bay Area.
 - BART averaged about 156,015 passenger trips per weekday in CY 2023
- In addition, BART is committed to integrating sustainability into its daily operations and future transit investments.
- BART published a [Sustainability Action Plan \(SAP\)](#) (Dec 2017) which includes specific types of projects that BART has/is/will implement to pursue and achieve the American Public Transportation Association (APTA) sustainability categories goals and BART-specific targets.
- BART publishes annual reports documenting our progress on the SAP
 - [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), 2023

¹2023 CA Air Resources Board (CARB) [California Emissions Trends Report: 2000 – 2021](#)

CY 2023 Sustainability Report: Sustainability Action Plan Overview

2017 Sustainability Action Plan

Time horizon: 2015 (baseline year) to 2025

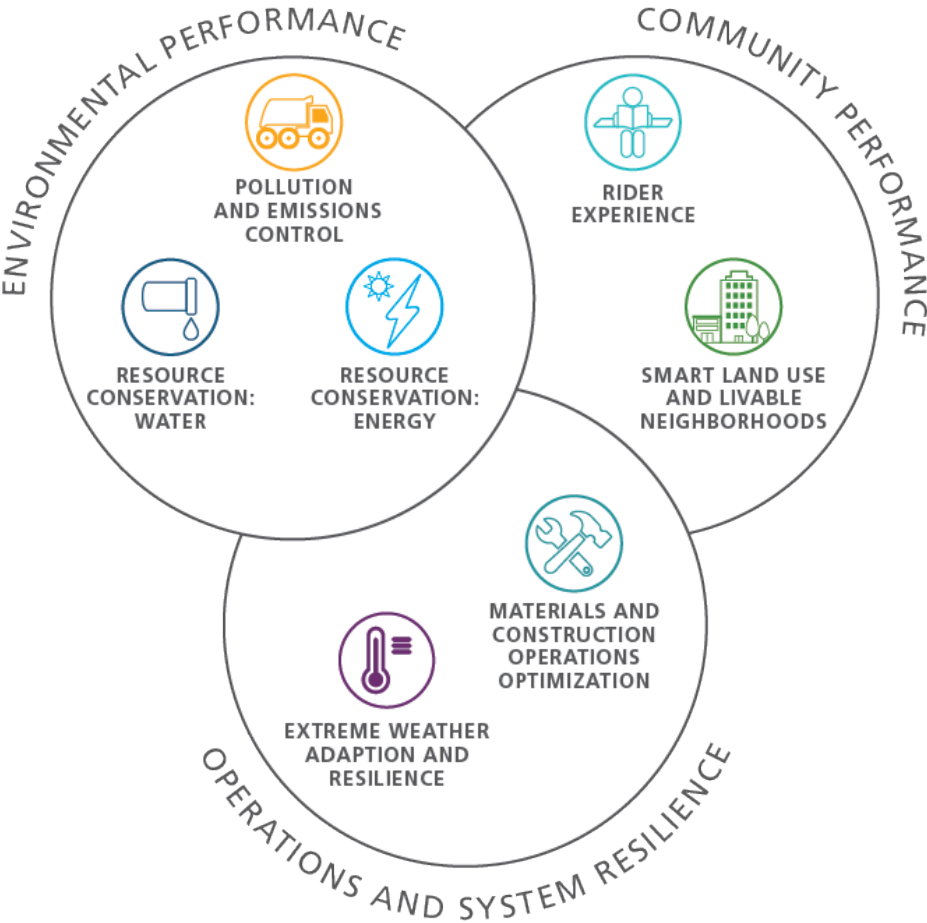
7 Sustainability Categories that align with APTA Sustainability Indicators

TARGETS

- Types of targets:
 - Commitment – based on commitment to high scoring actions, implementation is constrained by potential funding limitations
 - Aspiration – assumes full plan implementation and fewer budget constraints

ACTIONS

- The Plan contains **55** Actions (**120** sub-actions) covering the **20** Priority Actions highlighted as near-term focus areas



2025 Sustainability Action Plan

Time Horizon: 2026 to 2035


Sustainability team has begun developing new plan

CY 2023 Sustainability Report: Highlights


88%
of BART's contracted electric supply was greenhouse gas-free



15%
less energy used per day to power trains after September 2023 schedule change





BART PD's Progressive Policing Bureau wins prestigious national award for innovation




26 lbs. of CO2e emissions avoided per average round trip, which is equivalent to about 31 miles driven in a passenger car

531 new housing units added as part of TOD program



Safe Route to BART




\$2.3 million awarded

\$2,312,977 in Safe Route to BART grant funds awarded to local jurisdictions to help improve walking and biking opportunities to stations

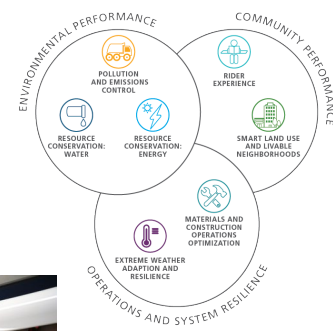


500 sheep deployed to help BART manage wildfire risk



\$10,000,000 in grant funds received to expand EV charging at BART stations

CY 2023 Sustainability Report: Case Studies - See report for detailed writeups



New Service Changes Save Energy and Costs, Improve Reliability



Warm Springs Extension Wetland and Riparian Conservation Easement



BART Focuses on Station Accessibility and Blind and Low-Vision Riders



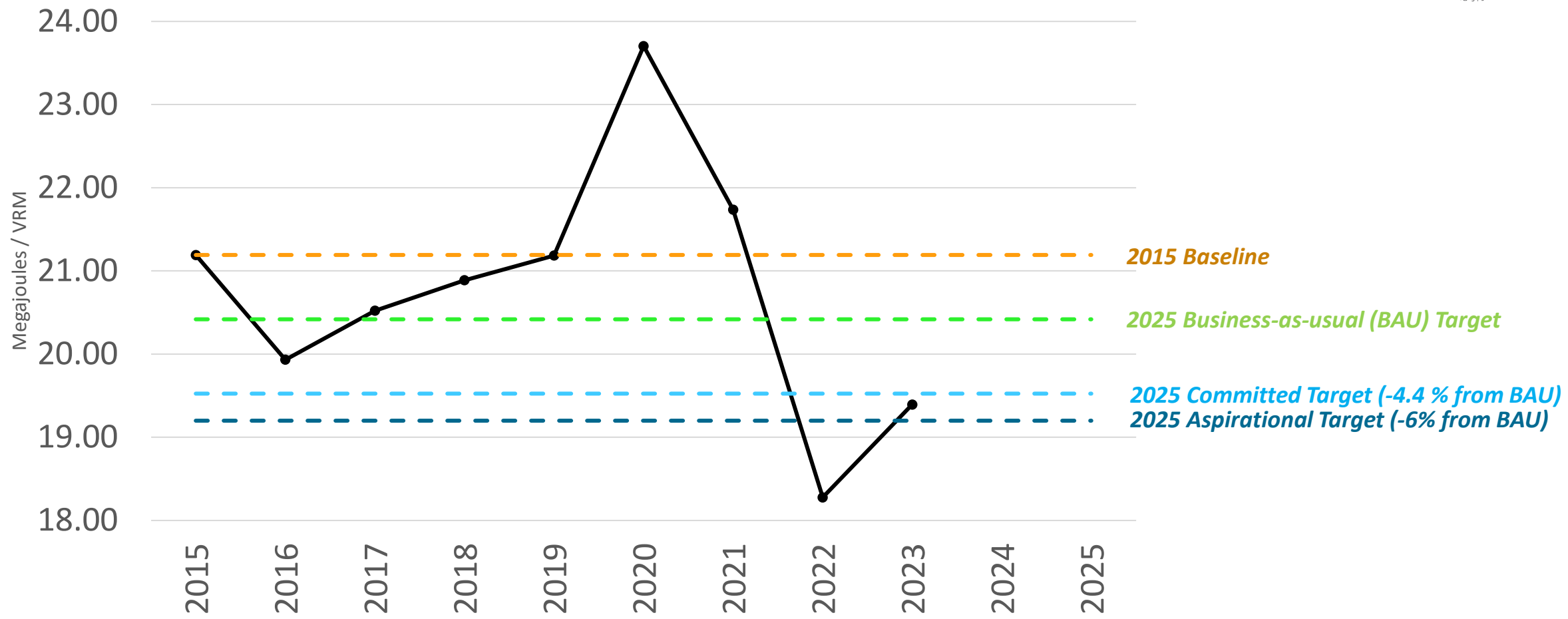
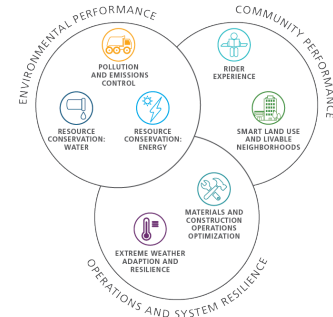
Transit-Oriented Development Projects Completed at Two BART Stations



BART Receives Award for Progressive Policing Innovations



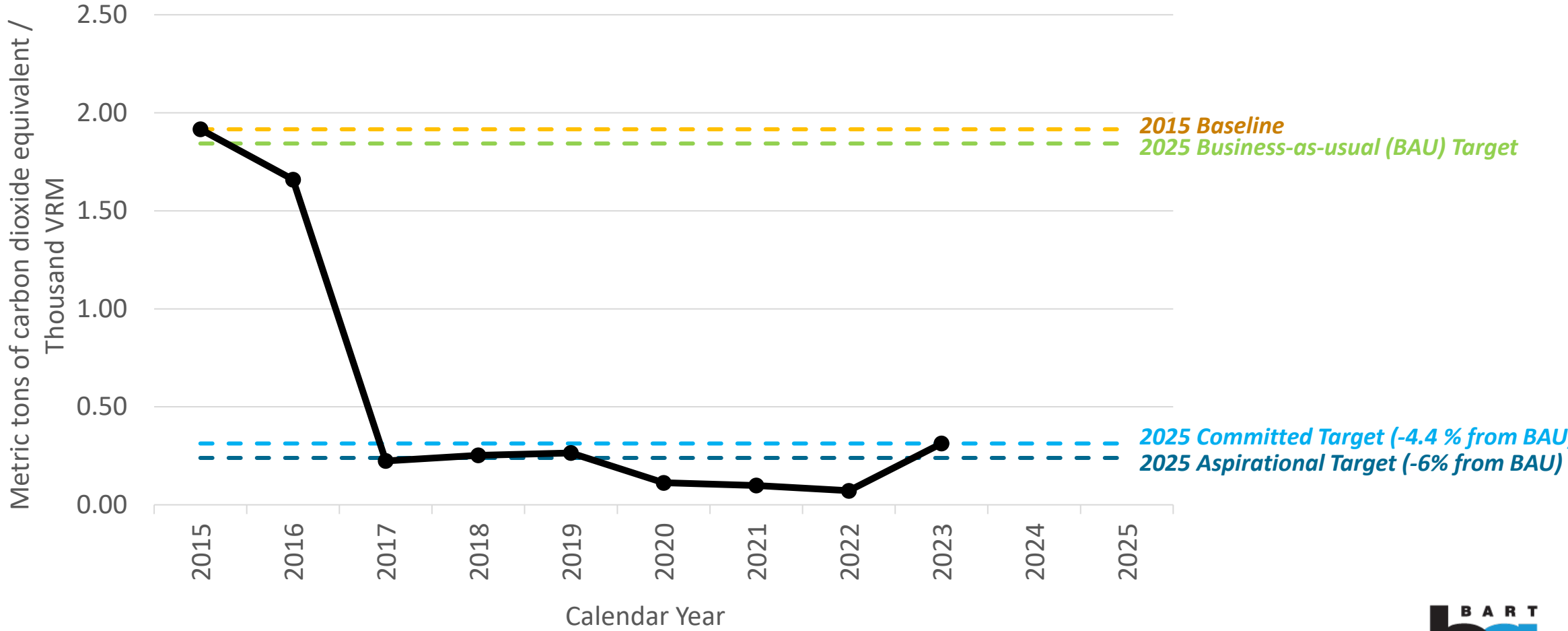
CY 2023 Sustainability Report: Energy Use per Vehicle Revenue Mile (VRM)



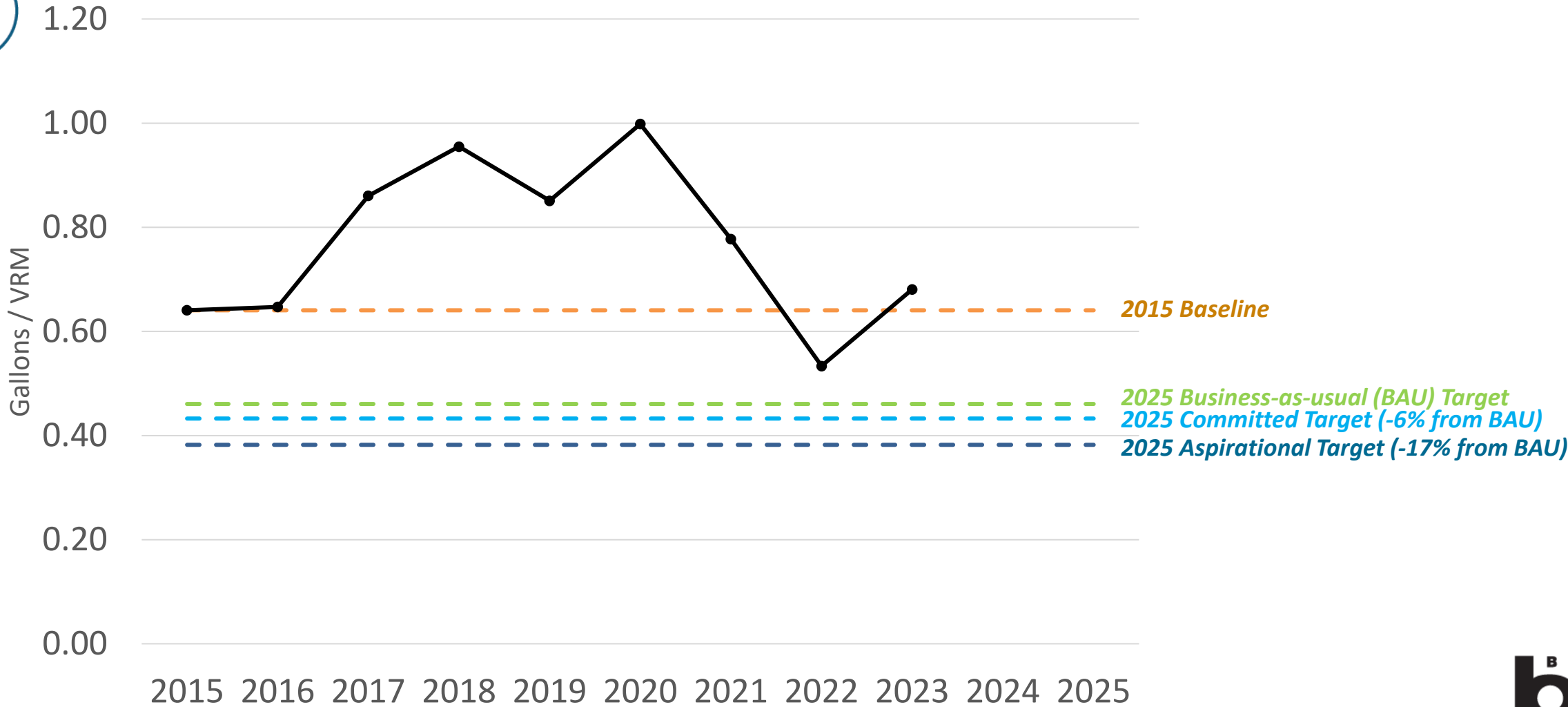
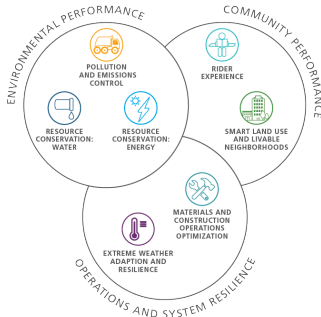
CY 2023 Sustainability Report: GHG Emissions per Thousand VRM



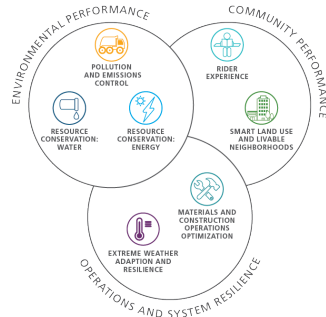
GHG Emissions per Thousand VRM




CY 2023 Sustainability Report: Water Use per VRM



CY 2023 Sustainability Report: Performance Metrics and Targets



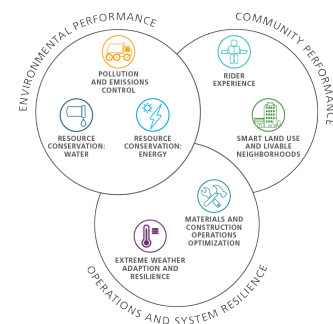
Category	Metric	Unit	2015 Baseline	2016	2017	2018	2019	2020	2021	2022	2023	2025 Target
 Smart Land Use and Livable Neighborhoods	Residential units	# of units	1,416	1,506	1,975	1,975	2,649	3,251	3,251	3,609	4051	7000
	Affordable residential units	# of affordable units	256	346	613	613	845	901	901	901	1,119	2400
	Office/commercial square footage	Square feet	188,590	188,590	194,590	194,590	637,590	643,690	643,690	658,690	854,754	1,000,000
	Mode share: active (walking and bicycling)	%	44%	Will be measured in next Station Profile Survey (survey underway in 2024)								52%
	Mode share: shared mobility	%	29%	Will be measured in next Station Profile Survey (survey underway in 2024)								32%
	Mode share: drive & park	%	27%	Will be measured in next Station Profile Survey (survey underway in 2024)								16%
	GHG emissions associated with passenger access	Kg of CO2e / rider / day	0.56	Will be measured in next Station Profile Survey (survey underway in 2024)								0.43

CY 2023 Sustainability Report: Performance Metrics and Targets

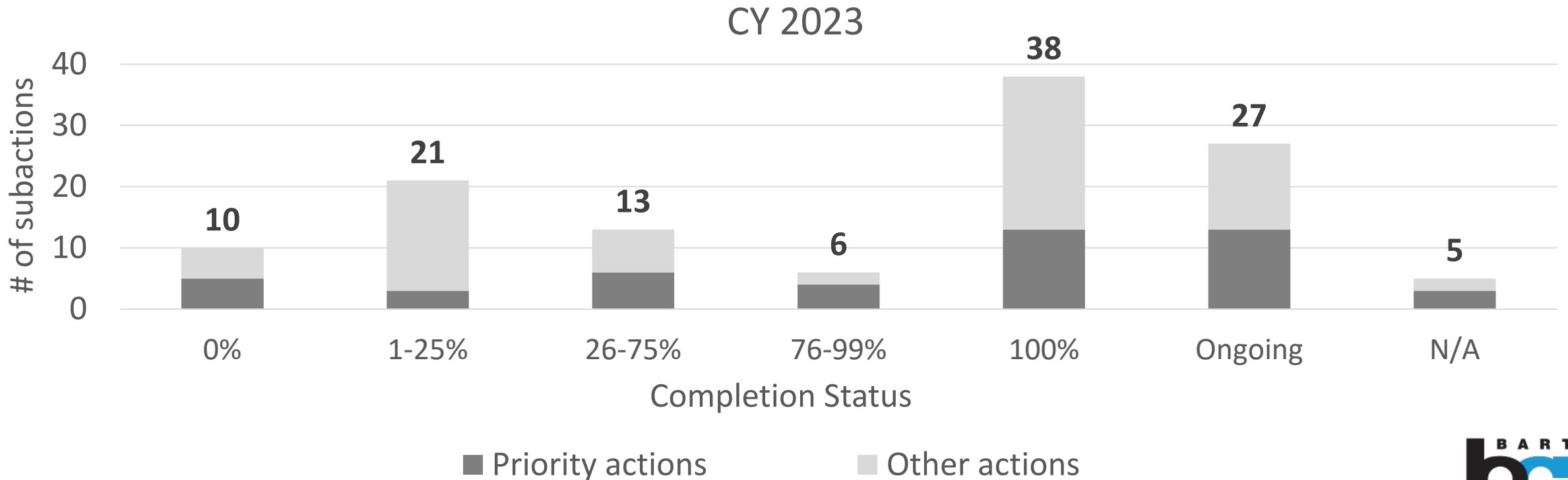


Category	Metric	Unit	2015 Baseline	2016	2017	2018	2019	2020	2021	2022	2023	2025 Target
 Rider Experience	Quarterly reporting of safety and performance indicators	Completed/ Not Completed	Completed									Completed
	Has BART met all adopted performance standards for safety and patron comfort?	Yes/No	No									Yes
 Emissions and Pollution Control	Total solid waste	BART's Sustainability Team is developing a Master Waste Management Plan to address and improve landfill, recycling and composting across BART's facilities. As part of this Master Waste Management Plan, BART will collect data to establish baselines and set realistic targets.										
	Landfill diversion rate											
 Materials and Construction Operations Optimization	Percentage of BART's project delivery staff trained in BART Facilities Standards (BFS) Sustainability Controls	%	Training commenced in 2021.						18%	31%	90%	100%
 Extreme Weather Adaptation and Resilience	% of high priority actions in the BART Local Hazard Mitigation Plan that are underway or complete	%	Tracking commenced in 2021.						86%	86%	100%	100%

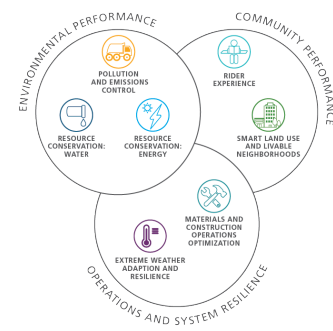
CY 2023 Sustainability Report: Year-over-year Completion of Action Plan Items



- 2017 Sustainability Action Plan contains 55 actions and 120 sub-actions to be completed by 2025
- **2 actions completed and 3 begun in 2023**



CY 2023 Sustainability Report: Priorities & Opportunities for 2024



Energy Use & GHG Emissions

- Implement station lighting plan (plan completed in 2023)
- Run pilot for electrification of non-revenue vehicle fleet
- Issue request for proposal (RFP) for EV charging at passenger stations

Water

- Collect data to inform our water reduction strategies in shops & yards
- Engage with relevant departments for opportunities on managing water more efficiently

Emission and Pollution Control

- Expand recycling and composting to shops & yards
- Calculate waste generation at stations and shops & yards; develop new metric

Extreme Weather Adaptation

- Collaborating with Office of District Architect to define and codify BART's approach to resiliency

Continue developing 2025 Sustainability Action Plan





**SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT**

RULES OF THE BOARD OF DIRECTORS

Adopted by the Board of Directors
June 11, 1964

Last revision: September 22, 2022
Office of the District Secretary

**San Francisco Bay Area Rapid Transit District
Rules of the Board of Directors**

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CHAPTER I

GENERAL PROVISIONS

SECTION 1. POLICY

1-1.1 Board of Directors

The Board is the legislative body of the District and, consistent with the provisions of the District Act, shall determine all questions of District policy. Both establishment and direction of policy are made by the affirmative votes of a majority of all of the Directors.

1-1.2 Rules

These Rules have been adopted to govern the proceedings of the Board of Directors and to prescribe how the funds of the District may be disbursed. Appendix C, Board of Directors Code of Conduct, addresses the conduct of Directors.

Revised and Adopted
July 23, 2015

CHAPTER II

OFFICERS AND DUTIES

SECTION 1. OFFICERS

2-1.1 Officers

The Officers of the District are the members of the Board of Directors, including a President, a Vice President, a Secretary, a General Manager, a General Counsel, and a Controller-Treasurer.

2-1.2 Election of Officers

Election to choose the President and Vice President shall be held at the second regular meeting of the Board of Directors in December of each year.

Revised and Adopted
March 24, 1994

2-1.3 Terms of Office

Terms of Office of the President and Vice President shall be from the second regular meeting of the Board of Directors in December of each year to the second regular meeting of the Board of Directors in December of the following year, or in the case of an election to fill an unexpired term, for that portion of the term remaining after such President or Vice President is elected.

Revised and Adopted
March 24, 1994

2-1.4 Vacancies

Vacancies in the office of President or Vice President shall be filled by the Board of Directors from among its members by election for the unexpired portion of the term.

2-1.5 Rotation of Offices

In connection with the annual election of a President and Vice President:

- (a) The Presidency and the Vice Presidency shall rotate annually among the groups of election districts.

- (b) The Presidency and the Vice Presidency shall not be held by Directors from the same election district Group.
- (c) The Vice President shall succeed the President.
- (d) To ensure proper rotation, Directors of Districts 1, 2, and 3 shall be considered from election Group A; Directors of Districts 4, 5, and 6 shall be considered from election Group B; and Directors of Districts 7, 8, and 9 shall be considered from election Group C.

Revised and Adopted
September 10, 2015

SECTION 2. DUTIES

2-2.1 President

The President shall preside at all meetings of the Board of Directors and shall appoint all committee members, subject to Board ratification. If a controversial matter comes before the Board without having received prior consideration by a committee of the Board, at the discretion of the President, discussion may be suspended, and the matter referred to a committee of the Board for review and recommendation to the Board. Unless the Board makes the necessary determination by the required vote specified in Section 54954.2 of the California Government Code (Brown Act), the Board shall not take action upon any matter coming before a regular meeting of the Board which was not described on the Board's agenda of business posted at least 72 hours in advance of the regular meeting. The President shall refer any such matter to the appropriate committee of the Board. The President shall perform such other duties as may be prescribed for that office from time to time by the Board of Directors.

Revised and Adopted
January 22, 1987

The President is authorized to issue certificates of recognition, appreciation, or commendation to persons or organizations upon request of other Directors or as he or she deems appropriate.

New Rule, Adopted
September 27, 2001

2-2.2 Vice President

The Vice President shall have all of the powers and shall perform all of the duties of the President in the absence of or inability of the President to act.

CHAPTER III**BOARD MEETINGS AND COMMITTEES****SECTION 1. REQUIREMENTS FOR BOARD AND COMMITTEE MEETINGS****3-1.1 Definition of Meeting**

A meeting of the Board or any (special) Committee or any Standing Committee is deemed to include any congregation of a majority of the members of the Board or any (special) Committee or Standing Committee in the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board or any (special) Committee or Standing Committee, as the case may be. Included in this definition is any use of direct communication, personal intermediaries, or technological devices that may be employed by a majority of the Directors to develop a collective concurrence as to an action to be taken by the Board or any (special) Committee or Standing Committee.

The following are excluded from the definition of a meeting:

- (a) Individual contacts between a Director and any other person.
- (b) The attendance of a majority of the Directors at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to the District, provided that a majority of the Directors, or any (special) Committee whether of the Board or of a Standing Committee, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.
- (c) The attendance of a majority of the Directors at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of Directors, or any (special) Committee whether of the Board or of a Standing Committee, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.

- (d) The attendance of a majority of the Directors at a purely social or ceremonial occasion, provided that a majority of the Directors, or any (special) Committee whether of the Board or of a Standing Committee, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.

Revised and Adopted
July 23, 2015

3-1.2 Notice of Regular Meeting

Notice of each regular meeting of the Board or any (special) Committee or a Standing Committee shall be mailed to each Director and to each local newspaper of general circulation, radio or television station, and to persons located within the territory of the District who have requested notice of such meeting in writing. (The Board may establish, from time to time, reasonable fees to reimburse the District for the cost of fulfilling such requests.) Such notice shall be mailed at least eight days in advance of such meeting and shall specify the time and place of the meeting.

At least 72 hours before a regular Board or any (special) Committee or Standing Committee meeting, the District Secretary shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting including, in the case of a Board meeting, a description of items to be discussed in closed session as required by Section 54954.2 of the Government Code of the State of California (Brown Act)¹. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

Revised and Adopted
July 23, 2015

3-1.3 Place of Meeting

All meetings of the Board of Directors shall be held in the Board Room of the District (Kaiser Center 20th Street Mall, 344 20th Street, Third Floor, Oakland, California 94612), unless, during a meeting or at a previous meeting, the Board determines that the meeting shall be held elsewhere. In the case of a special meeting, the President, when circumstances warrant, may designate a place other than the Board Room. Standing Committees of the Board are authorized

¹ All statutory references in this chapter are to Sections of the Government Code of the State of California which are part of the Brown Act.

to hold meetings and public hearings at points within the District as the committee chairperson deems necessary and appropriate. The chairperson of any Standing Committee which holds a public hearing shall report thereon to the Board of Directors. All meetings of the Board of Directors or Standing Committees shall be held within the boundaries of the District unless special circumstances call for a meeting outside the District in accordance with Section 54954.

Revised and Adopted
June 23, 2011

3-1.4 Meeting Start Times

District Meetings shall begin at the time designated on the agenda.

- (a) If the President and Vice President are not present, a regular or special Board meeting shall begin when a quorum is present. In that case, the Board meeting shall be chaired by the Chairperson of the Administration Committee, or if he/she is not present, by the Chairperson of the Engineering and Operations Committee, or if he/she is not present, the Chairperson of the Planning, Public Affairs, Access, and Legislation Committee.

Revised and Adopted
January 11, 2001

- (b) A Committee meeting of a standing Committee shall convene at the designated time and/or upon the arrival of a quorum of a Committee as provided in 3-3.2.

Revised and Adopted
August 28, 1997

3-1.5 Special Meeting

- (a) The President shall call special meetings of the Board, when in the opinion of the President, the business of the District requires it, or at the request of three Directors. Such requests shall be directed to the Secretary.

Revised and Adopted
September 27, 2007

- (b) The chairperson of a Standing Committee may call special meetings of his or her committee, when in the opinion of the chairperson, the business of the District requires it. In the event that a chairperson decides to call a special meeting, he or she shall notify the President prior to scheduling the meeting.

Whenever a special meeting shall be called, written notice shall be delivered personally or by mail to each Director and to each local newspaper of general circulation, radio or television station requesting in writing such notice. Such notice shall be delivered personally or by mail and shall be received at least twenty-four (24) hours before the time of such special meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. The District Secretary shall post the notice of a special meeting at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. No other business shall be considered at such meeting.

Revised and Adopted
March 24, 1994

3-1.6 Citizens' Comments

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the meeting on items of interest to the public that are within the subject matter jurisdiction of the Board or applicable Standing Committee. In addition, every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the meeting concerning that item prior to action on the item.

Citizens who present written requests to speak will be permitted to present their views orally and briefly, directly at the meeting. Citizens shall be encouraged, whenever possible, to present their comments at the appropriate committee meeting rather than at the meeting of the full Board.

At Board meetings, the President will exercise his or her best judgment concerning the time, manner and duration of the citizen comment; similarly, the chairperson shall exercise his or her best judgment in this regard at committee meetings. The Board will not prohibit public criticism of the policies, procedures, programs, or services of the District, or of any acts or omissions of the Board.

Revised and Adopted
March 24, 1994

3-1.7 Staff Report Prior to Public Hearings Before the Board

Staff shall give an oral explanation and overview of the issues being considered prior to the opening of any public hearing being conducted by the Board.

New Rule, Adopted
December 7, 1995

3-1.8 Consideration of Non-Agenda Items at a Meeting

Neither the Board nor any Standing Committee shall not discuss or take action on any item not appearing on the agenda posted at least 72 hours in advance except as follows:

- (a) Directors may briefly respond to statements made or questions posed by persons exercising their public testimony rights.
- (b) Directors may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the Board or committee at a subsequent meeting concerning the matter.
Furthermore, a Director may take action to direct staff to place a matter of business on a future agenda.
- (c) Notwithstanding subsections (a) and (b) above, the Board may take action on items of business not appearing on the agenda under any of the conditions stated below. A Standing Committee may take action under conditions set forth in subparagraphs (2) and (3) below. Prior to discussing any item pursuant to this subsection, the Board or Standing Committee shall publicly identify the item.
 - (1) Upon a determination of a majority of the Board that an emergency exists as defined in Section 54956.5.
 - (2) Upon a determination by a two-thirds vote of the members of the Board or Standing Committee present at the meeting; or, if less than two-thirds of the Directors of the Board or Standing Committee, as the case may be, are present, a unanimous vote of those Directors present, that there is a need to take immediate action and that the need for action came to the attention of the Board or Standing Committee subsequent to the agenda being posted.

Revised and Adopted
June 11, 1998

- (3) The item was posted on the agenda for a prior meeting of the Board or Standing Committee occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

New Rule, Adopted
March 24, 1994

SECTION 2. BOARD MEETINGS

3-2.1 Regular Meetings

The Board of Directors shall hold regular meetings beginning at 9:00 a.m., on the second and fourth Thursday of each month, except that in the month of November, one meeting shall be held on the third Thursday, provided that when that November regular meeting falls on a legal holiday the meeting shall be held on the second Thursday; and in the month of December meetings shall be held on the first and third Thursday. Except as provided above for the November meeting, when a regular meeting falls on a legal holiday, the meeting shall be held at the same hour on the next business day, or such other time as may be fixed by the Board at a preceding meeting. An additional regular meeting may be scheduled in November if it is deemed necessary for the conduct of District business. (See Appendix B.)

Revised and Adopted
June 23, 2011

3-2.2 Evening Meetings

The Board of Directors may adjust meeting start times when merited by an appropriate expression of public interest as judged by the President of the Board of Directors, to facilitate better communication between the Board and its constituents.

Revised and Adopted
July 23, 2015

3-2.3 Closed Sessions

Prior to holding any closed session, the Board shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may

take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the Board may consider only those matters covered in its statement. After the closed session is completed, if the Board has taken any action in closed session, the Board will reconvene and will publicly report such action, including the vote or abstention of every member, as follows:

- (a) Approval of an agreement concerning real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:
 - (1) If its own approval renders the agreement final, the Board shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.
 - (2) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Board of its approval.
- (b) Approval given to the Board's legal counsel to defend or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.
- (c) Approval given to the Board's legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

- (1) If the Board accepts a settlement signed by the opposing party, the Board shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.
 - (2) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval and identify the substance of the agreement.
- (d) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this subsection shall identify the title of the position and specify any change in compensation. The general requirement of this Section notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.
- (e) Approval of an agreement concluding labor negotiations pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the items approved and the other party or parties to the negotiation.

Reports that are required to be made pursuant to this Section may be made orally or in writing. The Board shall provide any person who has submitted a written request to the Board within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings, if the requestor is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the President of the Board, or his or her designee, orally summarizes the substance of the amendments for the benefit of the document requestor or any other person present and requesting the information. The documentation shall be available to any person on the next business day following the meeting, or in the case of substantial amendments, when any necessary retyping is complete.

The announcements required to be made in open session may be made at the location announced in the agenda for the closed session, as long as the public

is allowed to be present at that location for the purpose of hearing the announcements.

In accordance with Section 54957, the Board will provide that, in the event that a closed session is held to hear the specific complaints or charges against an employee by another employee or person, the employee so charged shall receive twenty-four (24) hours' notice of his or her right to have the complaints or charges heard in open session rather than closed session.

Revised and Adopted
July 23, 2015

3-2.4 Emergency Meetings in Emergency Situations

- (a) For the purposes of this rule, "emergency situations" means both of the following:
 - (1) An emergency, which shall be defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by a majority of the members of the Board of Directors.
 - (2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety or both, as determined by a majority of the members of the Board of Directors.
- (b) Subject to the two paragraphs immediately below, in the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

Each local newspaper of general circulation and radio or television station that has requested notice of special meetings and each member of the Board shall be notified by the President or his/her designee one hour prior to the special emergency meeting, or in the case of a dire emergency, at or near the time that the President or his/her designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone, and the President or his/her designee shall

exhaust all telephone numbers previously furnished by each Board member to the District Secretary or provided in the most recent request of such newspaper or station for notification of special meetings.

If telephone services are not functioning, the notice requirement of this rule shall be deemed waived and the Board, or a designee thereof, shall notify such newspapers, radio stations or television stations and any member of the Board not present at the special emergency meeting of the fact of the holding of the meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

- (c) During a meeting held pursuant to this Section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or if less than two-thirds of the members are present, by a unanimous vote of all the members present.

The call and notice of this special emergency meeting shall specify the time and place of the special emergency meeting and the business to be transacted. No other business shall be considered at such meeting.

The minutes of a meeting called pursuant to this rule, a list of persons who the President of the Board or designee thereof notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

Revised and Adopted
June 23, 2011

3-2.5 Cancellation of Meetings

At least 72 hours in advance of any meeting the President may request the Secretary to poll the Board to determine whether any Directors object to its cancellation. If three or more Directors object, the meeting shall not be canceled. If there are less than three objections, the Secretary shall, at least 24 hours in advance, issue a notice of meeting cancellation and use his/her best effort promptly to advise the Board, the press and other interested parties of such cancellation.

A special meeting of the Board which has been requested in writing by three or more members may not be canceled.

A regular Board meeting may not be canceled unless at least one regular Board meeting has already been held or is planned for the month concerned.

3-2.6 Minutes: Recording, Reading and Approval

Minutes shall be kept by the District Secretary in writing of each regular and special meeting, other than closed sessions, which minutes upon approval shall be the official record of action taken by the Board. The reading of the minutes of a previous meeting may be dispensed with and the minutes approved without such reading, provided the District Secretary has furnished each member of the Board a copy of the minutes prior to the meeting. The minutes shall be read prior to approval whenever such reading is requested by a member of the Board.

Revised and Adopted
November 17, 1988

3-2.7 Acts of the Board

The acts of the Board shall be expressed by ordinance, resolution, or motion. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the Directors.

Revised and Adopted
July 23, 2015

3-2.8 Parliamentary Procedure

At meetings of the Board of Directors questions of parliamentary procedure shall be decided by the presiding officer and shall not affect the validity of any action taken by the Board. Parliamentary Procedure regarding motions shall be conducted in accordance with Appendix A of these Rules entitled "Principal Rules Governing Motions." The current edition of The Standard Code of Parliamentary Procedure shall be used to resolve questions of interpretation of the "Principal Rules Governing Motions" to the extent it is not inconsistent therewith.

Revised and adopted
June 13, 1996

Pursuant to the opinion of the General Counsel dated September 22, 1977:

- (a) All the votes required for Board action shall be cast at the same meeting.

- (b) All Directors whose votes are required for adoption of the measure concerned shall be present at the meeting at the time the vote is taken.

3-2.9 Pledge of Allegiance

The Pledge of Allegiance to the Flag shall be made at meetings of the Board.

3-2.10 Reading of Resolutions

It shall be unnecessary for the District Secretary to read aloud any portion of a written resolution submitted to the Board for action in the absence of a request by a Director for such a reading.

3-2.11 Display of Electronic Voting

Votes taken using electronic voting system shall display the vote only after all Directors have completed voting. Votes taken in compliance with Brown Act requirements (i.e., roll call vote for teleconferenced meeting) are exempt from this rule.

New Rule, Adopted
March 10, 2016,

SECTION 3. COMMITTEES

3-3.1 Number

Committees of the Board shall consist of the following:

(a) Standing Committees:

- (1) Administration.
- (2) Engineering and Operations.
- (3) Planning, Public Affairs, Access, and Legislation.
- (4) Audit.

(b) Special Committees:

Such special committees as may be authorized by the Board from time to time. A special committee shall cease to exist when the Board determines that the committee is no longer needed.

Special Committees shall adhere to the Brown Act.

Special Committees shall be noticed 72 hours in advance.

All agendas will be distributed, posted, and published online before the meeting.

The meetings will normally be held in the BART Board Room, Kaiser Center 20th Street Mall, 2020 Webster Street, Third Floor, at 9:00 a.m. on the first Thursday of each month, unless otherwise directed by the Chairperson.

Materials provided to members in advance of the meeting will be available on bart.legistar.com. Materials distributed at the meeting will be made available to the public during the meeting and by request to the District Secretary following the meeting.

Special committee meetings shall be recorded, and such recordings shall be available through the District Secretary's office.

Revised and Adopted
January 28, 2021

(c) Ad Hoc Committees:

The Board may create such Ad Hoc Committees as it deems necessary and proper. It is the intent of the Board that such Ad Hoc Committee meetings be open to the public and noticed as such in a manner consistent with the Brown Act.

New Rule, Adopted
July 23, 2015

3-3.2 Recording of Committee Meetings

The District shall record all meetings of committees except portions not open to the public. Such recordings shall be available through the District Secretary's Office. Recording methods (i.e.: audio, video, minutes, notes, etc.) may be determined by staff supporting the committee.

New Rule, Adopted
March 10, 2016

3-3.3 Membership

The President shall make appointments to all Committees and designate the Chairperson and Vice Chairperson thereof. Any appointment by the President of any Committee or liaison member or Committee Chairperson or Vice Chairperson of any Committee shall be ratified by a majority vote of all members of the Board. Such appointments shall be submitted directly to the Board for ratification.

Revised and Adopted
July 23, 2015

(a) The Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees shall be composed of three (3) members. No business of these Committees shall be conducted unless a quorum of the Committee is present. A quorum of the Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees shall be two (2) members of the Committee.

Revised and Adopted
June 23, 2011

(b) The Audit Committee shall be composed of five members, including three Board members and two public members with governmental financial expertise.

New Rule, Adopted
January 28, 2021

3-3.4 Attendance at Meetings

All Board members are authorized to be compensated in accordance with Resolution Nos. 4739 and 5044 for attendance at Board, standing, and special committee meetings.

Revised and Adopted
March 13, 2008

No Director shall be compensated for a meeting from which the Director was absent while on official District business unless that Director provides a timely, brief written explanation of the official business conducted to the District Secretary.

New Rule, Adopted

November 19, 1998

For purposes of this Rule, "official District business" shall mean acting in one's capacity as Director on behalf of the District. Examples of official District business include but are not limited to: meeting with legislators and other public officials and their representatives on matters concerning the District; making or attending presentations on behalf of the District; traveling to and attending other meetings as District representatives; and participating in activities related thereto.

New Rule, Adopted
January 28, 1999

3-3.5 Term of Office

The term of office for members of the committees shall be from the date of appointment until their successors are appointed. It is understood that the committees are reappointed annually, following the election of officers. Whenever a vacancy occurs on a standing or special committee, the President shall make either a temporary or a permanent appointment to fill the vacancy, subject to Board ratification.

Revised and Adopted
June 11, 1998

3-3.6 Nature and Responsibilities of Committees

- (a) All Committees are advisory only.
- (b) Audio recordings shall be kept of each committee meeting. These recordings will be available for listening by each Director or member of the public through the District Secretary's Office.
- (c) Committees may initiate consideration of any problem or measure relating to the general or specific functions assigned to that committee.
- (d) Matters coming to committees which require action by the Board of Directors may be recommended to the Board by the vote of a majority of the committee members present at a committee meeting. If a matter receives a tie vote in a committee, it shall be forwarded to the Board without a recommendation from the committee.
- (e) At the request of three Directors, any matter will be placed directly on the agenda of an upcoming regular Board Meeting regardless of whether it has been assigned to a specific committee, provided applicable meeting notice and agenda requirements are met. Similarly, at the request of three Directors, any topic will be scheduled for a Board

workshop, provided applicable meeting notice and agenda requirements are met. Such requests shall be directed to the Secretary.

Revised and Adopted
June 23, 2011

3-3.7 Functions of the Standing Committees

(a) Administration Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Financial planning and budgets.
2. Insurance.
3. Personnel.
4. Employee relations.
5. Supply.
6. Rules of the Board of Directors.
7. General policy.
8. Real estate, except space acquisition.
9. Strategic funding initiatives.
10. Small/Minority/Women owned Businesses.

(b) Engineering and Operations Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Engineering and construction.
2. Space acquisition.
3. Transportation service planning and operations.
4. Equipment and communications facilities.
5. Maintenance.
6. Research and development.
7. Physical design.
8. Safety, security, and emergency management.
9. Sustainability and "Green" initiatives.

(c) Planning, Public Affairs, Access, and Legislation Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Public information.
2. Passenger information.
3. Advertising.
4. Marketing.
5. Public relations.
6. Legislation.
7. Station access.
8. Station area development.
9. Strategic planning.

Strategic planning issues addressed by this committee shall concern the following subjects:

1. Approach, direction and roles for the strategic plan process.
2. Responsibilities and tasks for subcommittees, task forces or work groups, as needed, to further the development of and updates to the strategic plan.
3. Review and revision of BART's mission and objectives, as needed.
4. Identification of key issues and strategies to respond to changing conditions and needs in the future as related to the strategic plan.
5. Develop strategies that define how BART will realize its mission and achieve its vision of the future.
6. Review the BART strategic plan on at least an annual basis.

(d) Audit Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Financial and performance audits.
2. Internal controls.
3. General financial issues.
4. Investigations of fraud, waste, or abuse.

Revised and Adopted
January 28, 2021

SECTION 4. MEETING MATERIAL

3-4.1 Agendas

It is the responsibility of the District Secretary to prepare written agendas for all meetings of the Board and its Standing Committees and to post agendas for regular and special meetings. Agendas shall include a brief description of each item of business to be transacted or discussed at the meetings to which they apply, including in the case of Board meetings, a description of items to be discussed in closed session as required by Section 54954.2. Agendas for regular meetings shall be posted 72 hours in advance of the meeting. Items for inclusion on agendas shall be submitted to the District Secretary in a timely fashion to permit compliance with this section. Items may be deleted from, but not added to, an agenda prior to a regular meeting, unless the addition is made prior to the 72-hour posting deadline for the agenda.

Each regular Board meeting agenda shall contain an item entitled "Roll Call for Introductions," at which time each Director will be afforded an opportunity to introduce a matter for consideration at a future Committee or Board Meeting. Requests to District staff to prepare items or reports may also be made under this agenda item.

An item being introduced requires a 'second' endorsement by another Director to be recorded as a "Roll Call for Introductions" item. An item requested for placement on a future agenda requires a 'third' endorsement by a Director.

If a Director or the General Manager has a concern about a matter introduced under "Roll Call for Introductions," the General Manager may speak directly with the sponsoring Director. If not resolved the Director or General Manager may have the matter placed on the next agenda of the Board or appropriate committee for consideration of whether to proceed with the item. A Director or the General Manager may request that a matter raised during "Roll Call for Introductions" be placed on the Board or committee agenda by notifying the District Secretary, either at the Board Meeting at which the matter was introduced, or at any time up to and including the Friday before the next meeting. When so notified, the District Secretary shall place any such item on the next Board or committee agenda for consideration and possible action.

Revised and Adopted
November 19, 2015

3-4.2 Content

Each substantive item on an agenda shall be supported by an adequate written explanation containing a statement of the purpose or problem, including any necessary background; a staff recommendation, when appropriate; and, when applicable, a discussion of alternates considered and rejected, with concise reasons why. It is the responsibility of the General Manager to present a written explanation for each substantive item presented to the District Secretary, who shall mail agendas and such supporting material to all Directors by the last business day of the week prior to the week of the meeting and shall make such supporting material available for public inspection in the Office of the District Secretary by the first business day of the week of the meeting. Items for inclusion on agendas and all supporting material shall be submitted to the District Secretary in a timely fashion to permit compliance with this section.

Revised and Adopted
March 24, 1994

3-4.3 Exceptions

Exceptions to Sections 3-4.1 and 3-4.2 will be made only when convincing evidence is filed in writing with the General Manager that it would be in the best interest of the District to do so provided that such exceptions are in compliance with Section 54954.2.

Revised and Adopted
March 24, 1994

SECTION 5. PROTEST PROCEDURE FOR COMPETITIVELY BID AND COMPETITIVELY NEGOTIATED CONTRACTS

3-5.1 Protest Procedures

- (a) The Board delegates to the General Manager the authority to establish procedures for handling and responding to all protests on advertised and negotiated contracts.
- (b) The Board delegates to the General Manager the authority to decide all pre-bid protests and, for competitively negotiated contracts under Public Contract Code Section 20229.1, the authority to decide all protests based on the content of the request for proposals.

- (c) The Board delegates to the General Manager the authority to decide all contract and agreement protests on the recommended award.

Revised and Adopted
March 9, 1995

3-5.2 Pre-bid Protests

- (a) Pre-bid protests are those protests filed prior to bid opening which are based on the content of the Invitation for Bids. Pre-bid protests must be in writing and shall include a full and complete statement specifying in detail the grounds of the protest and the facts supporting the protest. Pre-bid protests must be received by the District Secretary no less than seven or more than twenty-one calendar days, as specified in the Invitation for Bids, prior to the bid opening date. A written decision, specifying the grounds for sustaining all or part of or denying the protest, will be transmitted to the protestor prior to the bid opening date.
- (b) For competitively negotiated contracts under Public Contract Code Section 20229.1, protests based on the content of the request for proposals shall be filed with the District within 10 calendar days after the request for proposal is first advertised. Such protests must be in writing and shall include a full and complete statement specifying in detail the grounds of the protest and the facts supporting the protest. A written decision, specifying the grounds for sustaining all or part of or denying the protest will be transmitted to the protestor prior to the bid opening date. The General Manager's proposed decision will be mailed to the protestor and become final within seven calendar days of mailing unless a protestor requests an opportunity to appear and be heard by the full Board. Protestors who have timely filed a protest based on the content of the request for proposals may request an opportunity to appear and be heard before the Board prior to the opening of proposals or prior to award, if the protest based on the content of the request for proposals is renewed.
- (c) For competitively negotiated contracts under Public Contract Code Section 20229.1, if the protestor requests an opportunity to appear and be heard by the full Board, the request shall be in writing and shall be accompanied by 10 copies of the written protest and by a certified check in the amount of \$300 to cover the cost of having a shorthand reporter

attend and prepare a transcript. The General Manager may waive the \$300 fee upon a showing of financial hardship by a protestor.

- (b) If any protest is brought before the Board, the Board will hear the parties, consider all issues raised and take such action on the merits as it considers appropriate. The hearing will not be an adjudicatory hearing. The District staff will make a presentation after which the protestor will be given an opportunity to make a presentation. No subpoenas will be issued. Formal rules of evidence need not be followed. Speakers will not be sworn and may be questioned by any Director but not by any party. Any procedural issues not resolved by these rules shall be resolved by the District's General Counsel whose decision shall be final. The decision of the Board specifying the grounds for allowing or denying the protest will be mailed to the protestor within five working days of the Board's decision and shall be final when made. The decision of the Board is subject to review consistent with the requirements of Section 1085 of the California Code of Civil Procedure.
- (e) If a majority of the Board does not vote to either uphold or deny the protest, then the General Manager's decision will be deemed to be upheld.

Revised and Adopted
March 9, 1995

3-5.3 Notice of Recommended Award and Submission of Protest

- (a) The Department of Procurement and Materials Management shall notify all bidders on advertised contracts and all persons or firms submitting proposals on negotiated contracts of the recommended award or other Board action on the contract for which such persons or firms have submitted bids or proposals. Actions by the Board to reject all bids shall not be subject to protest under these rules.
- (b) Any bidder or proposer may protest the recommended award on any ground not based upon the content of the request for bid or proposal. Lapse or withdrawal of a protestor's bid or proposal by the date protest is filed may be deemed sufficient grounds for denying a protest without a hearing or further consideration.
- (c) A full and complete written statement by the protestor specifying in detail the grounds of the protest and the facts supporting the protest must be received by the District Secretary no later than seven calendar days after

receipt of the above notice. For competitively negotiated contracts under California Public Contract Code Section 20229.1, protests on the recommended award or the renewal of protests based on the content of the Request for Proposals must be received by the District Secretary within fifteen calendar days after the mailing of the Notice of Recommended Award. Protests received after such dates will be deemed denied and notification to that effect shall be issued by the District Secretary.

Revised and Adopted
March 9, 1995

3-5.4 Decision on Protest on the Recommended Award

- (a) The General Manager will advise the Board in writing of the grounds of any protest on any award authorized by the Board and the proposed decision. The proposed decision of the General Manager will become final ten (10) calendar days after mailing to the Board unless any Director requests that the protest be heard by the full Board. The final decision will be mailed to both the protester and the bidder recommended for award.
- (b) For competitively negotiated contracts under Public Contract Code Section 20229.1, the General Manager's proposed decision will be mailed to the protester and the Board and become final within ten (10) calendar days of mailing unless a protester or a Director requests that the protester be given an opportunity to appear and be heard by the full Board. If the protester requests an opportunity to appear and be heard by the full Board, the request shall be in writing and shall be accompanied by 10 copies of the written protest and by a certified check in the amount of \$300 to cover the cost of having a shorthand reporter attend and prepare a transcript. The General Manager may waive the \$300 fee upon a showing of financial hardship by a protester.
- (c) If any protest is brought before the Board, the Board will hear the parties, consider all issues raised and take such action on the merits as it considers appropriate. The hearing will not be an adjudicatory hearing. The District staff will make a presentation after which the protester will be given an opportunity to make a presentation. The bidder recommended for award will be given an opportunity to make a presentation. No subpoenas will be issued. Formal rules of evidence need not be followed. Speakers will not be sworn and may be questioned by any Director but not by any party. Any procedural issues not resolved by these rules shall be resolved by the District's General Counsel whose decision shall be

final. The decision of the Board specifying the grounds for allowing or denying the protest will be mailed to the protester and the bidder recommended for award within five (5) working days of the Board's decision and shall be final when made. The decision of the Board is subject to review consistent with the requirements of Section 1085 of the California Code of Civil Procedure.

- (d) If a majority of the Board does not vote to either uphold or deny the protest, then, if the General Manager's decision is to deny the protest and award the contract as authorized by the Board's original award decision, the General Manager's decision will be deemed to be upheld. However, if the General Manager's decision is to make an alternate award or to reject all bids, the General Manager's decision is not upheld unless approved by a majority vote of the Board.

Revised and Adopted
March 9, 1995

SECTION 6. BOARD CORRESPONDENCE AND COMMUNICATIONS

3-6.1 Board Correspondence

Any Director:

- (a) who uses the staff or other resources of the District to originate or distribute correspondence or other material, or
- (b) who uses District letterhead for correspondence regardless of who prepares the correspondence,

shall cause a copy of such correspondence or material to be filed with the Office of the District Secretary concurrently with the preparation of the correspondence or material. These documents shall be available for review and use by other Directors and District staff.

New Rule, Adopted
February 22, 1990

3-6.2 Board Communications - Brown Act Compliance

- (a) In all communications with each other, including face-to-face meetings, written correspondence, telephone communications e-mail communications, text messaging, and other social media

communications, Directors shall comply with the provisions of the Brown Act (Government Code Section 54950 et. seq.). District business may not be discussed among a majority of members of a Board Committee, or more than any four members of the Board, without complying with Brown Act meeting requirements. For Brown Act purposes, any gathering of a majority of the members of a Board Committee or the full Board to receive information, hear a proposal, discuss an issue or take any action on an issue under the subject matter jurisdiction of the District is a meeting subject to the notice and open meeting requirements of the Act.

- (b) The following situations should be avoided:
- (1) The Brown Act expressly prohibits serial meetings which are conducted through direct communications, intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken by the legislative body. Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a quorum of the body. Therefore, although it is acceptable for a Director to write an initial letter or send an initial e-mail or text message to one or more Directors on a Board matter, subsequent communications (in any form) may have to be counted against the limit of four members of the Board or a majority of members of a Board Committee, if the purpose of the communication is to develop a concurrence as to action to be taken on that Board matter. For example, if Directors A, B and C are all members of the same Board Committee, there would be a serial meeting if Director A sends a letter or e-mail or text message on a Board matter to Director B or Director C, if the purpose of the communications is to develop a concurrence as to action to be taken. Conversations which advance or clarify a Board member's understanding of an issue, or facilitate an agreement or compromise amongst members, or advance the ultimate resolution of the issue, may all be viewed as contributing to the development of a concurrence as to actions to be taken. While the purpose of a particular serial communication may not always be clear, it is likely that a court would view substantive conversations amongst Board members concerning an actual or potential agenda item prior to a public meeting as contributing to the development of a concurrence as to the ultimate action to be taken. Therefore, Board members should avoid serial communications of a substantive nature concerning such items.

Revised and Adopted
June 23, 2011

- (2) E-mail is particularly vulnerable to potential Brown Act violations because of the reply and copy features of the e-mail system, and the ability to append previous messages. Special care should be taken with e-mail to avoid Brown Act violations. Also, because e-mail, text messaging, or other social media communications may create a record, Directors should assume that any statements on e-mail, text message, or other social media may become public.
- (3) Caution should be exercised when using intermediaries to communicate with other Board members. For example, Board members should not ask District staff to communicate on their behalf with other Board members regarding Board matters if such indirect communication would result in a Brown Act violation. Generally, if a direct communication from a Board member would violate the Brown Act, so would the same communication through an intermediary.

Revised and Adopted
June 13, 1996

3-6.3 Staff Correspondence to Elected or Appointed Officials

All members of the Board of Directors shall receive copies of correspondence from District staff sent to any elected or appointed official at the time such correspondence is transmitted to such official

New Rule, Adopted
September 27, 2001

CHAPTER IV

PERSONNEL PROVISIONS

SECTION 1. COMPENSATION POLICY

4-1.1 System

The Board shall establish a classification and pay system which enables the District to recruit, retain and motivate employees. The wages, salaries and benefits for positions included in collective bargaining agreements will be as determined by such agreements.

4-1.2 Personnel

- (a) The General Manager shall administer wages, salaries, hours, working conditions, grievance procedures and benefits of District employees. The General Manager shall report such practices to the Board.
- (b) Board Appointed Officers shall submit performance evaluations to the Board by September 15 of each year. These performance evaluations shall contain a brief summary of the preceding year's activities and accomplishments and a list of goals and objectives for each Board Appointed Officer for the following year. If the President deems it necessary, he or she may from time to time establish a Special Personnel Committee of two to four members to address personnel issues relating to Board Appointed Officers. The Secretary shall schedule a closed session for the second Board meeting in October for the Board to review Board Appointed Officers' performance. After this review is completed, any adjustments to the salaries of such officers shall be effective January 1 of the following year.

Revised and Adopted
June 23, 2011

SECTION 2. COLLECTIVE BARGAINING

4-2.1 Representation of the District

The General Manager shall represent the Board in all negotiations with labor organizations but no agreement by the General Manager to the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures shall be binding upon the District until ratified by the Board. Any agreement by the General Manager to submit disputes over the terms of a proposed contract pursuant to Public Utilities Code Section 28850 to arbitration shall first be submitted to and approved by the Board.

CHAPTER V

FINANCIAL PROVISIONS

SECTION 1. ANNUAL BUDGET

5-1.1 General Provisions

The General Manager, or a designated representative, shall prepare for the District and submit to the Board a Preliminary Annual Budget by March 31 of each calendar year for the following fiscal year. The Preliminary Annual Budget shall include provisions for Operating Expenses, Debt Service, and such other functional categories as the General Manager deems appropriate. The Preliminary Annual Budget will thereafter be released to the public.

Revised and Adopted
September 12, 2019

5-1.2 Budget Submitted to Board

After the Preliminary Annual Budget is submitted to the Board of Directors, the Preliminary Annual Budget will be presented to and discussed by the Board at least once at a regularly scheduled meeting in April and once at a regularly scheduled meeting in May.

Revised and Adopted
September 12, 2019

5-1.3 Notice of Availability of Preliminary Annual Budget and Time of Hearing

On or before June fifth (5th) of each year, the District Secretary shall publish a notice once in a newspaper of general circulation in each of the counties comprising the District stating that the Preliminary Annual Budget is available to anyone requesting a copy, and on a date stated in the notice, not less than ten (10) days after the Notice of Availability of the Preliminary Annual Budget and Time of Hearing is published, and at a time and place also stated in the notice, the Board will meet for the purpose of fixing the final budget, and anyone may appear thereat and be heard regarding the increase, decrease, or omission of any item on the budget or for the inclusion of additional items. Said hearing on the fixing of the final budget shall be held on or prior to June twentieth (20th). Said hearing shall be continued from day to day until concluded, but no to exceed a total of ten (10) days, and shall be concluded before the expirations of ten (10) days if there are no requests or applications on file with the Board for further hearings.

On or before June thirtieth (30th) of each year the Board shall, by resolution, adopt the budget as finally determined.

Revised and Adopted
September 12, 2019

5-1.4 Adjustments in the Annual Budget

Adjustments between Operating Expenses, Debt Service and other functional categories of the Annual Budget and between the following Sections of Operating Expenses require action of the Board of Directors:

- Salaries and Benefits
- Other Expenses
- Contingency Reserve

The General Manager may, by notice in writing to the Controller-Treasurer, adjust items within any individual Section of Operating Expenses.

5-1.5 Approval of Demands

Demands against the District may be approved for payment by the General Manager, or a designated representative, provided the Controller-Treasurer, or the Controller-Treasurer's designated representative, determines that funds have been appropriated for the purpose of the demand. Such demands shall be supported by vouchers, or other supporting material as may be required by the Controller-Treasurer to establish and identify the demand, the budget item, the delivery of goods or services for which the expenditure has been budgeted or otherwise authorized.

SECTION 2. AGREEMENTS AND CONTRACTS

5-2.1 General Provisions

The District shall, whenever possible, enter into enforceable written agreements or contracts with governmental and private agencies, where the need for such agreements or contracts is indicated.

5-2.2 Review

Prior to the submission of a contract or agreement to the Board or any committee of the Board, the General Manager shall review the contract or agreement for reasonableness, suitability, and adherence to specifications.

5-2.3 Change Orders

(a) By General Manager Action

- (1) Without prior specific authorization by the Board of Directors, the General Manager may act for the Board with respect to change orders to construction or procurement contracts which amount to less than 10 percent of the original contract price in the aggregate, except as provided in paragraph (b), below.
- (2) The General Manager shall notify the Board one week prior to the issuance of any change order that is anticipated to result in expenditures aggregating more than 10 percent of the contract price.

(b) By Board of Directors Action

- (1) Except as provided in paragraph (2) below, change orders which involve an expenditure of more than \$200,000, or involve a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor require the approval of the Board of Directors.
- (2) For construction and procurement contracts greater than \$200 million, change orders which involve an expenditure of more than \$500,000 or involve a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor require the approval of the Board of Directors.

(c) General

- (1) Where a potential change order involves: (a) a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor, or (b) involves an expenditure of more than \$200,000 (\$500,000 in the case of construction and procurement contracts greater than \$200 million), or (c) involves an expenditure aggregating more than 10 percent of the contract price, negotiations shall be conducted in reliance upon the advice of the General Counsel as to matters of law and no document authorizing such a change shall be executed for and on behalf of

the District without prior written approval thereof by the General Counsel as to form.

- (2) This rule shall not be construed as in any way reducing the authority of the General Manager under Section 20224 of the Public Contract Code.

Revised and Adopted
November 18, 2004

5-2.4 Limitation on Contracting by Board Members

No Director or member of a Committee may authorize a contract or contract change order independently or through direction to the staff, in any amount, without the prior approval of the Board.

Revised and Adopted
February 13, 1992

SECTION 3. REIMBURSABLE EXPENSES

5-3.1 Reimbursement for Travel and Personal Expenses

Reimbursement for travel and personal expenses of Directors shall include but not exceed the following:

- (a) For authorized travel between points within one hundred and fifty (150) miles of District headquarters, mileage necessarily traveled by private automobile shall be at the rate prescribed by Management Procedure No. 20.

For the purpose of computing allowable expense for a Director, mileage will be calculated from his/her residence or normal place of business, whichever is least costly to the District.

- (b) For other travel, actual cost of transportation by public carrier. Except in unusual circumstances, payment for air travel shall be at less than first class rates. Directors will obtain the most economical means of transportation consistent with accomplishing their official task in an efficient and timely manner. For example, savings by booking early airfare and paying additional lodging may be permissible.

Revised and Adopted
December 17, 1998

- (c) For other travel and personal expenses (not specified in these Rules) as prescribed by District Management Procedure No. 20 or as may be recommended by the Administration Committee and authorized by the Board.
- (d) Actual cost for personal expenses, including meals, when away from the District on business for periods in excess of twenty-four (24) hours, except that reimbursement for meals may not exceed \$50.00 per Director per meal for dinner; breakfast and lunch may not exceed the applicable per diem rate. Reimbursement for any meal may not include the cost of alcoholic beverages. In lieu of reimbursement of actual personal expenses, payment will be made for receipted cost of lodging, telephone and local transportation charges, plus a per diem allowance as prescribed in Management Procedure No. 20 for meals and all other personal expenses incurred while in travel status.

Revised and Adopted
July 30, 2009

5-3.2 Rules for Travel and Personal Expenses

The following rules shall govern travel and personal expense:

- (a) Directors are authorized
 - (1) to incur travel and personal expense, other than lodging and hotel suites, in connection with attendance at meetings of the Board of Directors, meetings of committees of the Board, liaison meetings and attending to other business of the District within 100 miles of District headquarters; and,
 - (2) to attend and incur travel and personal expense in connection with transit related matters including but not limited to conferences or committee meetings of the American Public Transit Association (APTA), the Conference of Minority Transportation Officials (COMTO), the Transportation Research Board (TRB), RailVolution and other transit related conferences and meetings; provided, however, that such expense shall not exceed \$7,500 annually for each Director; and,

Revised and Adopted
January 10, 2002

- (3) with the concurrence of the President, to travel and incur personal expense in connection with travel involving a meeting with a member of Congress or the Executive Branch or their staffs, if it is not feasible to obtain prior review by the Administration Committee and authorization of the Board of Directors. In the case of such travel by the President, concurrence shall be obtained from the Vice President.
- (4) with the concurrence of the President, to travel and incur personal expenses by Directors who are members of APTA committees in connection with their duties as APTA committee members. Travel expenses associated with such travel shall not count toward the limit set forth in Rule 5-3.2(a)(2). In the case of such travel by the President, concurrence shall be obtained from the Vice President.

New Rule, Adopted
January 10, 2002

- (5) In regard to personal expenses incurred by Directors while conducting the District's business within the area, or when away from the area for less than twenty-four (24) hours, reimbursement for meals may not exceed \$50.00 per Director per dinner nor exceed the applicable per diem rate for breakfast and lunch. Reimbursement for any meal may not include the cost of alcoholic beverages.

New Rule, Adopted
July 30, 2009

- (6) Board members shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board.

New Rule and Adopted
June 23, 2011

- (b) For all travel on District business beyond 100 miles from District headquarters by members of the Board of Directors, other than the travel permitted in Rule 5-3.2(a), specific prior review by the Administration Committee and authorization of the Board of Directors shall be obtained.

Prior approval is also applicable to official trips by the President and Vice President.

The Controller-Treasurer shall not prepay or reimburse any Director's travel expense incurred under Rule 5-3.2(a)(2) for amounts in excess of the \$7,500 annual expense limit without approval of the Board.

Revised and Adopted
January 10, 2002

Travel, including travel permitted in Rule 5-3.2(a)(2) and 5-3.2(a)(3), shall not be authorized for any Director who has not properly filed expense reports in compliance with Rule 5-3.3, or for any Director who has not reimbursed the District for previous expenses within 30 days of notice from the Controller-Treasurer.

Revised and Adopted
July 24, 1997

Receipts for expenses should be turned in to the Controller-Treasurer's office.

New Rule, Adopted
December 17, 1998

(c) Limitation on Certain Expenses

Certain personal expenses are subject to limitations as follows:

Guests: Directors shall not charge the District for guests they invite to District-sponsored dinners.

Personnel assistance normally shall be limited to use of a public stenographer or equivalent, and is authorized only when a Director is in travel status. Postal charges are authorized only using District mailing facilities. Office space charges of any kind are not authorized.

(d) Cash Advances

An advance for travel expenses of a Director for authorized travel may be authorized by the President or Vice President, or in their absence the

General Manager or a designated representative. Cash advances shall be limited to the per-diem allowance with a maximum amount of \$500. No Director shall authorize advance payments to him or herself. Lodging costs will be paid by check directly to the hotel by the District when a Director requests advance payment of such expense.

(e) Room Service

Reimbursement for food and drink obtained by room service will not be allowed if the per-diem allowance is taken. If no per-diem allowance is taken, reimbursement for room service for food and drink is limited to \$35 per day.

Revised and Adopted
February 11, 1993

5-3.3 Expense Reports

- (a) Directors shall submit monthly expense reports to the Board through the Controller-Treasurer during the two months following the month in which the expenses are incurred. The Controller-Treasurer shall make a written report to the Board of any expense reports not filed within the two-month period. Expense reports shall include full itemizations for all expenses. Such itemization shall include, either on the report or on the supporting document, the date incurred, a description of the expense, the purpose and the amount, including appropriate receipts. Vouchers or receipts satisfactorily supporting requests for reimbursement shall be furnished to the Controller-Treasurer for all items of expense for which such receipts are normally furnished.
- (b) The monthly expense report shall include the actual cost of all travel and personal expenses of any kind received by a Director which are paid for by the District regardless of whose expense account (Director or employee) the items are billed to.

Revised and Adopted
July 30, 2009

(c) Registration fees

Any registration or similar fee paid by the District for conferences or other programs attended by a Director shall be included in the Director's monthly expense report.

- (d) Directors' expense reports are subject to review by any Director, and may be referred by any Director, or the Controller-Treasurer, to the Administration Committee for review and recommendation and to the Board for approval. Directors' expense reports not referred to the Administration Committee and the Board may be approved by the President or in his absence the Vice President or in the absence of both the President and the Vice President, the Chair of the Administration Committee.

Revised and Adopted
July 30, 2009

- (e) The Controller-Treasurer shall insure that all expense reports are reviewed for conformance to these rules. Upon such determination, a copy of the report with said determination noted thereon shall be delivered or mailed with the reimbursement. The general audit of the District shall include an audit of the Directors' expense reports for the previous fiscal year for compliance with the Board Rules. Board member expense reports are available through the Office of the District Secretary.

Revised and Adopted
July 23, 2015

5-3.4 District Automobile Use

Use of a District automobile without prior approval by the Board of Directors will be limited to one day every three weeks in the conduct of District business. The Director will be required to file an automobile usage report along with his/her monthly expense report. The usage report will specify the nature and purpose of the District meeting or business, the place, and the parties who attend. Failure to file such automobile usage report will result in the loss of the privilege until such reports are brought current.

New Rule, Adopted
February 11, 1993

5-3.5 Use of District Property Other than Automobiles

- (a) In addition to the use of District automobiles as authorized in Board Rule 5-3.4, each Director may have use and possession of the following property for District-related business, to the extent that such property is comparable in cost and function to property generally available to District employees:

- (1) Facsimile machine
- (2) Mobile device (i.e. tablets, portable Wi-Fi, hotspots, etc.)
- (3) Cellular Phone
- (4) Personal Computer, Laptop
- (5) Printer

All District property shall be returned to the District when a Director leaves office.

Revised and Adopted
July 23, 2015

- (b) Directors shall request all District property through the District Secretary's Office.
- (c) The District Secretary's Office shall make quarterly requests to the Directors for review of cellular phone and mobile device operating costs and reimbursement to the District for all such costs that are not for District-related business. Directors shall reimburse the District within 30 days of the District Secretary's quarterly requests. If such requests are not responded to or reimbursements are not made within 30 days, the District Secretary shall report to the President or Vice President in accordance with Board Rule 5-3.6.

Revised and Adopted
July 23, 2015

- (d) Not later than September 15 of each year, the Performance and Audit Department shall complete an annual audit for the previous fiscal year for compliance with the requirements of this Board Rule 5-3.5, and such audit report shall be submitted to the next Administration Committee following September 15 for review and forwarding to the full Board. The audit report shall include a list of District property that is issued to each Director.

Revised and Adopted
September 12, 2019

5-3.6 Violations of Use of District Property Rules

Any person may report an alleged violation of the District use restrictions or reporting or reimbursement requirements on District property, including but not limited to automobiles as set forth in Board rule 5-3.4, to the President, except if the alleged violation involves the President. The President shall take appropriate action within thirty (30) days of notification. A written report of the alleged

violation and action taken, if any, shall be distributed to each Board member. If no Board member requests a public review within seven (7) days, the action of the President shall become final. If an alleged violation involves the President, it may be reported to the Vice President, who shall take the above actions.

5-3.7 Expenses for Which Reimbursement Is Prohibited

The District shall not reimburse any Director, employee, or officer for any expense incurred with any private club which discriminates on the basis of race, gender, religion, sexual orientation, or other invidious criteria in its membership policy.

Revised and Adopted
June 13, 1996

Expenses incurred for the purpose of attending political events shall not be reimbursed. An event shall be considered "political" if it is held for the purpose of supporting or opposing, or raising money to support or oppose, any candidate, ballot measure or political party.

New Rule, Adopted
July 13, 1989

SECTION 4. CAMPAIGN CONTRIBUTION STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

5-4.1 Filing and Publication of Required Statements

Pursuant to the Political Reform Act of 1974, Campaign Contribution Statements and Statements of Economic Interests are required to be filed by Directors. At the times required by law, Directors shall file their original Statements of Economic Interests and copies of their Campaign Contribution Statements, concurrent with filing with Registrar of Voters, with the District Secretary. The information in Statements of Economic Interests will be published on the District's web site, within fourteen (14) days of receipt by the District Secretary. The information in Campaign Contribution Statements may be accessed by the public via a link (provided by the District Secretary) to the respective County's Registrar of Voters web site.

Revised and Adopted
September 10, 2015

SECTION 5. FINANCIAL CONTRIBUTION LIMITATION**5-5.1 Contractor/Subcontractor Contributions**

In regard to any contract, or agreement requiring authorization of the Board, no party seeking to do business with the District (hereafter "contractor") or the contractor's proposed first tier subcontractors and subsuppliers whose subcontracts exceed \$100,000 (hereinafter referred to as "subcontractors"), shall provide to any Director, or any candidate for Director, and no Director, or a candidate for Director, shall accept or solicit any monetary or in-kind contribution valued at greater than \$1,000 (including loans) from any contractor or its subcontractors during the time periods from the receipt of that prospective contractor's bid for all contracts and agreements, through award, and shall continue to apply for three months following award in regard to the contractor awarded the contract or agreement and its subcontractors.

Revised and Adopted
November 19, 2015

This rule applies only to contributions made to a candidate for the BART Board of Directors or to the candidate's committee in support of that candidate's election campaign and has no application to contributions to other campaigns including but not limited to ballot measures.

New Rule, Adopted
August 12, 2004

This Rule shall apply to a candidate from the date of filing of his or her declaration of candidacy with the Registrar of Voters.

Revised and Adopted
July 23, 2015

5-5.2 Contractor/Subcontractor Certification of Compliance

Contract and agreement documents shall require contractors, and their subcontractors, to submit a certification of compliance with this Rule with their bid or proposal, or as otherwise directed in contract and agreement documents. Failure to submit a certification within five calendar days after it is due may render the bid or proposal non-responsive.

Revised and Adopted
July 23, 2015

5-5.3 Contractor/Subcontractor Information Submitted to Board

The General Manager shall provide the following information to the Board:

- (a) For those subject to this Rule, the names of all prospective contractors and contractors submitting bids and proposals for contract award, and their subcontractors, on the date bids or proposals are opened by the District.
- (b) The names of prospective contractors and contractors and subcontractors and the dates when this Rule no longer applies to them.

Revised and Adopted
July 23, 2015

5-5.4 Definitions

For purposes of this Board Rule:

- (a) "Agreement" is defined as an agreement for services, leases, and licenses.
- (b) "Candidate" is defined as a person who has filed a declaration of candidacy with the Registrar of Voters for the office of Director of the San Francisco Bay Area Rapid Transit District.
- (c) "Contract" is defined as a contract for construction of facilities and works, or for the purchase of supplies, equipment, and materials.
- (d) "Contractor" is defined as an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert and their agents.
- (e) "Prospective Contractor" shall mean any contractor seeking to do business with the District.

New Definition and Adopted
July 23, 2015

- (f) "Contribution" is as defined in Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.

Revised and Adopted
November 20, 1997

- (g) "Director" is defined as a current member of the Board of Directors of the San Francisco Bay Area Rapid Transit District.

New Rule, Adopted
August 8, 1996

Note: Board Rule 5-5.4 revised to delete two provisions and renumber the section accordingly. Adopted December 20, 2007

CHAPTER VI

AMENDMENTS AND SUSPENSION

6-1.1 Amendments

Any provision of the rules may be amended by a majority vote of all members of the Board of Directors at any regular or special meeting when at least ten (10) days' written notice has previously been given to all members of the Board of Directors that amendments will be proposed, or if oral or written notice was given at a previous meeting of the Board.

6-1.2 Suspension

A rule may be suspended by a majority vote of all members of the Board of Directors upon a showing satisfactory to them of a special or emergency situation justifying the suspension of the rule.

CHAPTER VII
INTERPRETATIONS

7-1.1 Interpretations

These rules are designed solely to facilitate the handling by the Board of Directors of its own affairs, and the Board of Directors retains the sole right to interpret these rules. No action taken by this Board shall be deemed invalid because of any conflict with these rules, and any action taken by the Board shall be deemed to suspend any rule conflicting with the action taken.

APPENDIX A
PRINCIPAL RULES GOVERNING MOTIONS

Order of Precedence		Form of Motion	Can Interrupt?	Requires Second?	Debatable?	Amendable?	Applies to What Other Motions?	Vote Required?
1.	Adjourn	“I move that we adjourn.”	No	Yes	No	Yes*	None	Majority
2.	Recess	“I move that we recess for ...”	No	Yes	Yes*	Yes*	None	Majority
3.	Question of Privilege	“I rise to a question of privilege.”	Yes	No	No	No	None	None
4.	Postpone Temporarily	“I move to table the motion.”	No	Yes	No	No	Main Motion	Majority
5.	Close Debate	“I move to close debate on the motion.”	No	Yes	No	No	Debatable Motions	2/3
6.	Limit Debate	“I move to limit debate...”	No	Yes	Yes*	Yes*	Debatable Motions	2/3
7.	Postpone Definitely	“I move to postpone the discussion to...”	No	Yes	Yes*	Yes*	Main Motion	Majority
8.	Refer to Committee	“I move to refer the matter to committee.”	No	Yes	Yes*	Yes*	Main Motion	Majority
9.	Amend	“I move to amend the motion by...”	No	Yes	Yes	Yes	Rewordable Motions	Majority
10.	a. Main Motion	“I move that...”	No	Yes	Yes	Yes	None	Majority
	b. Specific Main Motions							
	<u>Reconsider</u>	“I move to reconsider...”	Yes	Yes	Yes*	No	Main Motion	Majority
	Resume Consideration (take from table)	“I move to resume consideration of...”	No	Yes	No	No	Main Motion	Majority
INCIDENTAL MOTIONS - NO ORDER OF PRECEDENCE								
	<u>Motions</u>							
	Appeal	“I appeal from the decision of the chair.”	Yes	Yes	Yes	No	Decision of Chair	Majority
	Suspend Rules	“I move to suspend the rule that... (or Rule ____.)”	No	Yes	No	No	None	2/3
	<u>Requests</u>							
	Identify an Error in Procedure	“Point of Order”	Yes	No	No	No	Any Error	None
	Ask a Question about Procedure	“Parliamentary Inquiry.”	Yes	No	No	No	All Motions	None
	Withdraw a Motion	“I withdraw my motion.”	Yes	No	No	No	All Motions	None

* RESTRICTED

**APPENDIX B:
SCHEDULE**

JANUARY THROUGH OCTOBER

	THURSDAY
Week 1	
Week 2	Board Meeting
Week 3	
Week 4	Board Meeting

NOVEMBER

	THURSDAY
Week 1	
Week 2	
Week 3 *	Board Meeting
Week 4	

DECEMBER

	THURSDAY
Week 1	Board Meeting
Week 2	
Week 3	Board Meeting
Week 4	

* Except as noted in Board Rule 3-2.1

APPENDIX C

AMENDED AND ADOPTED: July 23, 2015

Board of Directors Code of Conduct

The San Francisco Bay Area Rapid Transit District (BART) is a Special District created by the State of California. The Board of Directors is the legislative body of the District representing Alameda County, Contra Costa County, and the City and County of San Francisco. The Board of Directors determines all matters of District policy. The Board also provides counsel and direction to management without exerting individual power or authority over BART. Board action requires either a majority or two-thirds vote of the Board, depending on the action under consideration. The Board of Directors Code of Conduct guides the Board in exercising its duties responsibly.

- I. Board members shall treat the public, staff members and each other with respect and courtesy.
- II. Board members shall refrain from conduct that they know or reasonably should know is likely to create in the minds of reasonable observers the perception that the Board member used his or her public position improperly. They shall not commit any act which may bring reproach or discredit upon the District.
- III. The Political Reform Act (Government Code Sections 81000-91014) requires Board members to publicly disclose their financial interests by filing a disclosure form (Form 700) with the District. Additionally, the Political Reform Act provides that Board members shall not make, participate in, or use their position to influence a governmental decision in which they know or have reason to know that they have a financial interest.
- IV. California Government Code Section 1090 prohibits Board members from being financially interested in any contract made by them in their official capacity. This prohibition applies to all contracts regardless of funding source. The financial interest of an individual Board member in a District contract may prevent the entire Board from authorizing the award, execution, or amendment of the contract.
- V. Board members shall not make, participate in, or use their position to influence any governmental decision relating to any person or entity with whom the Board member is negotiating, or has any arrangement concerning prospective employment¹. Board members shall not use their position to influence any District decision regarding prospective employment with the District. Directors shall not seek District employment while in office.
- VI. Board members shall not participate in the selection, award, or administration of contracts supported by federal funds where the Board member has a real or apparent conflict of interest as defined by FTA Third-Party Contracting Guidance². Such a conflict would arise when any of the following parties has a financial or other interest in an entity selected for award of a contract supported by federal funds: the Board member, or any immediate family member, partner, employer, or organization that intends to employ the Board member.
- VII. Board members shall not participate in the making of a decision to hire, appoint, employ, promote, or terminate the employment of a person who is a relative of the Board member. Board members shall not take any action that has the potential to affect the employment status at the District of a person who is a relative of the Board member, including attempting to persuade a District officer or employee to make a decision or take an action affecting a relative of the Board member.

¹ Cal. Gov. Code 87407

² FTA Circular 4220.1F

For the purposes of this Code, the term "relative" means the following: husband, wife, domestic partner, father, mother, grandfather, grandmother, son, daughter, stepson, stepdaughter, granddaughter, grandson, brother, sister, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.

- VIII. Board members shall not publicly engage in personal attacks on BART employees or members of the public, or attempt to discipline or disparage any employee in any manner. They shall not involve themselves in altercations or any other act of hostility with others, nor will they engage in acts which will subject the District to criticism or adversely affect the interests of the District. Any concerns regarding an employee's performance shall be communicated to the General Manager or other Board Appointed Officer with supervisory responsibility for the employee. The foregoing shall not preclude Board members from making comments which are critical of District policies, practices, operations or performance in the discharge of their official duties.
- IX. Board members shall not solicit or accept gifts of any value from persons or entities with which the District contracts or may contract. Gifts or favors received by or promised to an individual Board member may prevent the entire Board from authorizing the award or execution of a contract³.
- X. Before the staff recommendation for an award of a contract is made public, Board members shall not communicate regarding the procurement with any District employee except the General Manager or his or her designee. The General Manager shall keep a log of those communications and shall report those communications and responses in writing at the Board meeting where action on the procurement is scheduled⁴.
- XI. Board members shall comply with the terms of Section IX of the District's Contractor Code of Conduct related to communications with outside parties during pendency of a bid or proposal.
- XII. Candidates for the Board shall not, directly or indirectly, solicit political contributions from officers or employees of the District⁵.
- XIII. Board members shall not use or disclose, other than in the performance of their official duties and responsibilities (or as may be required by law), confidential District information gained in the course of or by reason of their position, nor shall any Board member permit such use or disclosure⁶. Board members shall not disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it, unless the Board has authorized disclosure of that confidential information. However, it shall not be a violation of this Code for a Board member to make a confidential inquiry or complaint to a district attorney or grand jury regarding the illegality or potential illegality of an action that has been the subject of deliberation at a closed session, to express an opinion concerning the propriety or legality of actions taken in closed session, or to disclose information acquired during a closed session that is not confidential information⁷.
- XIV. A former Board member is prohibited from representing any other person by appearing before the District's Board or communicating with any District Director, officer or employee in an attempt to influence a District decision for a period of one year after the Board member leaves office.

³ Cal. Gov. Code 1090

⁴ Adapted from the Los Angeles County Metropolitan Transportation Authority Board of Directors Code of Conduct, Section 130680(e)

⁵ Cal. Gov. Code 3205

⁶ Cal. Gov. Code 1098 makes use of confidential info for pecuniary gain a misdemeanor, but this is broader

⁷ Cal. Gov Code 54963

- XV. Board members shall not use or permit the use of District resources, including but not limited to facilities, materials, equipment, information, intellectual property such as trademarks and copyrighted material, and District staff time, for activities other than District business. This Code of Conduct incorporates the prohibitions of California law concerning use of public agency resources for campaign activity⁸.
- XVI. Sanctions imposed for violations of this Code of Conduct may include, but are not limited to, any of the following:
- A. Public censure by the Board at a regularly scheduled meeting;
 - B. Disqualification from participating in any discussion or vote on any matter related to the violation; and/or
 - C. Removal of the Board member from one or more committees⁹.

⁸ Cal. Gov. Code 8314 and others.

⁹ Adapted from the Los Angeles County Metropolitan Transportation Authority Board of Directors Code of Conduct, Section 130620(c)(1-6)

**SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT**

RULES OF THE BOARD OF DIRECTORS

Adopted by the Board of Directors
June 11, 1964

Last revision: September 22, 2022
Office of the District Secretary

**San Francisco Bay Area Rapid Transit District
Rules of the Board of Directors**

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CHAPTER I**GENERAL PROVISIONS****SECTION 1. POLICY****1-1.1 Board of Directors**

The Board is the legislative body of the District and, consistent with the provisions of the District Act, shall determine all questions of District policy. Both establishment and direction of policy are made by the affirmative votes of a majority of all of the Directors.

1-1.2 Rules

These Rules have been adopted to govern the proceedings of the Board of Directors and to prescribe how the funds of the District may be disbursed. Appendix C, Board of Directors Code of Conduct, addresses the conduct of Directors.

Revised and Adopted
July 23, 2015

CHAPTER II**OFFICERS AND DUTIES****SECTION 1. OFFICERS****2-1.1 Officers**

The Officers of the District are the members of the Board of Directors, including a President, a Vice President, a Secretary, a General Manager, a General Counsel, and a Controller-Treasurer.

2-1.2 Election of Officers

Election to choose the President and Vice President shall be held at the second regular meeting of the Board of Directors in December of each year.

Revised and Adopted
March 24, 1994

2-1.3 Terms of Office

Terms of Office of the President and Vice President shall be from the second regular meeting of the Board of Directors in December of each year to the second regular meeting of the Board of Directors in December of the following year, or in the case of an election to fill an unexpired term, for that portion of the term remaining after such President or Vice President is elected.

Revised and Adopted
March 24, 1994

2-1.4 Vacancies

Vacancies in the office of President or Vice President shall be filled by the Board of Directors from among its members by election for the unexpired portion of the term.

2-1.5 Rotation of Offices

In connection with the annual election of a President and Vice President:

- (a) The Presidency and the Vice Presidency shall rotate annually ~~among the groups of election districts.~~

- ~~(b) The Presidency and the Vice Presidency shall not be held by Directors from the same election district Group.~~
- (be) The Vice President shall succeed the President.
- ~~(d) To ensure proper rotation, Directors of Districts 1, 2, and 3 shall be considered from election Group A; Directors of Districts 4, 5, and 6 shall be considered from election Group B; and Directors of Districts 7, 8, and 9 shall be considered from election Group C.~~

Revised and Adopted
September 10, 2015

SECTION 2. DUTIES

2-2.1 President

The President shall preside at all meetings of the Board of Directors and shall appoint ~~all committee members chairs and vice chairs and make special appointments,~~ subject to Board ratification. ~~If a controversial matter comes before the Board without having received prior consideration by a committee of the Board, at the discretion of the President, discussion may be suspended, and the matter referred to a committee of the Board for review and recommendation to the Board.~~ Unless the Board makes the necessary determination by the required vote specified in Section 54954.2 of the California Government Code (Brown Act), the Board shall not take action upon any matter coming before a regular meeting of the Board which was not described on the Board's agenda of business posted at least 72 hours in advance of the regular meeting. ~~The President shall refer any such matter to the appropriate committee of the Board.~~ The President shall perform such other duties as may be prescribed for that office from time to time by the Board of Directors.

Revised and Adopted
January 22, 1987

The President is authorized to issue certificates of recognition, appreciation, or commendation to persons or organizations upon request of other Directors or as he or she deems appropriate.

New Rule, Adopted
September 27, 2001

2-2.2 Vice President

The Vice President shall have all of the powers and shall perform all of the duties of the President in the absence of or inability of the President to act.

CHAPTER III**BOARD MEETINGS AND COMMITTEES****SECTION 1. REQUIREMENTS FOR BOARD AND COMMITTEE MEETINGS****3-1.1 Definition of Meeting**

A meeting of the Board or any ~~(special) Committee~~ ~~or any Standing Committee~~ is deemed to include any congregation of a majority of the members of the Board or any ~~(special) Committee~~ ~~or Standing Committee~~ in the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board or any ~~(special) Committee~~ ~~or Standing Committee~~, as the case may be. Included in this definition is any use of direct communication, personal intermediaries, or technological devices that may be employed by a majority of the Directors to develop a collective concurrence as to an action to be taken by the Board or any ~~(special) Committee~~ ~~or Standing Committee~~.

The following are excluded from the definition of a meeting:

- (a) Individual contacts between a Director and any other person.
- (b) The attendance of a majority of the Directors at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to the District, provided that a majority of the Directors, or any ~~(special) Committee~~ ~~whether of the Board or of a Standing Committee~~, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.
- (c) The attendance of a majority of the Directors at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of Directors, or any ~~(special) Committee~~ ~~whether of the Board or of a Standing Committee~~, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.

- (d) The attendance of a majority of the Directors at a purely social or ceremonial occasion, provided that a majority of the Directors, or any ~~(special)~~ Committee whether of the Board or of a Standing Committee, do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board or the applicable committee.

Revised and Adopted
July 23, 2015

3-1.2 Notice of Regular Meeting

Notice of each regular meeting of the Board or any ~~(special)~~ Committee ~~or a Standing Committee~~ shall be disseminated as follows: (1) via email to each Director and those who subscribe to meeting notices via email; and (2) via mail mailed to each Director and ~~to each local newspaper of general circulation, radio or television station, and to~~ persons located within the territory of the District who have requested notice of such meeting in writing. (The Board may establish, from time to time, reasonable fees to reimburse the District for the cost of fulfilling such requests.) Such notice shall be emailed and mailed, pursuant to this section, at least eight three calendar days in advance of such meeting and shall specify the time and place of the meeting.

At least 72 hours before a regular Board or any ~~(special)~~ Committee ~~or Standing Committee~~ meeting, the District Secretary shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting including, in the case of a Board meeting, a description of items to be discussed in closed session as required by Section 54954.2 of the Government Code of the State of California (Brown Act)¹. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

Revised and Adopted
July 23, 2015

3-1.3 Place of Meeting

All meetings of the Board of Directors shall be held in the Board Room of the District (2150 Webster Street, 1st Floor, Kaiser Center 20th Street Mall, 344 20th Street, Third Floor, Oakland, California 94612), unless, during a meeting or at a previous meeting, the Board determines that the meeting shall be held elsewhere. In the case of a special meeting, the President, when circumstances warrant, may designate a place other than the Board Room. Standing Committees of the Board are authorized

¹ All statutory references in this chapter are to Sections of the Government Code of the State of California which are part of the Brown Act.

to hold meetings and public hearings at points within the District as the committee chairperson deems necessary and appropriate. The chairperson of any Standing Committee which holds a public hearing shall report thereon to the Board of Directors. All meetings of the Board of Directors or Standing Committees shall be held within the boundaries of the District unless special circumstances call for a meeting outside the District in accordance with Section 54954.

Revised and Adopted
June 23, 2011

3-1.4 Meeting Start Times

District Meetings shall begin at the time designated on the agenda.

- (a) If the President and Vice President are not present, a regular or special Board meeting shall begin when a quorum is present. In that case, the Board meeting shall be chaired by the Chairperson of the Administration Committee, or if he/she is not present, by the Chairperson of the Engineering and Operations Committee, or if he/she is not present, the Chairperson of the Planning, Public Affairs, Access, and Legislation Committee.

Revised and Adopted
January 11, 2001

- (b) A Committee meeting of a ~~standing~~ Committee shall convene at the designated time and/or upon the arrival of a quorum of a Committee as provided in 3-3.2.

Revised and Adopted
August 28, 1997

3-1.5 Special Meeting

- (a) The President shall call special meetings of the Board, when in the opinion of the President, the business of the District requires it, or at the request of three Directors. Such requests shall be directed to the Secretary.

Revised and Adopted
September 27, 2007

- (b) The chairperson of a ~~Standing~~ Committee may call special meetings of his or her committee, when in the opinion of the chairperson, the business of the District requires it. In the event that a chairperson decides to call a special meeting, he or she shall notify the President prior to scheduling the meeting.

Whenever a special meeting shall be called, written notice shall be disseminated as follows: (1) via email to each Director and those who subscribe to meeting notices via email; and (2) via mail to Directors and persons located within the territory of the District who have requested notice of such meeting in writing (The Board may establish, from time to time, reasonable fees to reimburse the District for the cost of fulfilling such requests.). ~~delivered personally or by mail to each Director and to each local newspaper of general circulation, radio or television station requesting in writing such notice.~~ Such notice shall be delivered via email or mail personally or by mail and shall be received at least twenty-four (24) hours before the time of such special meeting as specified in the notice. The ~~call and~~ notice shall specify the time and place of the special meeting and the business to be transacted. The District Secretary shall post the notice of a special meeting at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. No other business shall be considered at such meeting.

Revised and Adopted
March 24, 1994

3-1.6 Citizens' Comments from Members of the Public

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the meeting on items of interest to the public that are within the subject matter jurisdiction of the Board or applicable ~~Standing~~ Committee. In addition, every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the meeting concerning that item prior to action on the item.

Members of the public Citizens-who present written requests or by raising their hand virtually to speak will be permitted to present their views orally and briefly, directly at the meeting, in person or virtually. ~~Citizens shall be encouraged, whenever possible, to present their comments at the appropriate committee meeting rather than at the meeting of the full Board.~~

At Board meetings, the President will exercise his or her best judgment concerning the time, manner and duration of the public citizen comment; similarly, the chairperson shall exercise his or her best judgment in this regard at committee meetings. The Board will not prohibit public criticism of the policies, procedures, programs, or services of the District, or of any acts or omissions of the Board.

Members of the public are prohibited from engaging in conduct that disrupts, disturbs, impedes, or otherwise renders infeasible the orderly conduct of Board and committee meetings. Such disruptive conduct includes, but is not limited to:

1. Use of obscenity
2. Use of a derogatory epithet or slur that disparages a person or group based on a classification protected under the federal Civil Rights Act of 1964 or the California Fair Employment and Housing Act
3. Use of force
4. Threats of force
5. Loud or boisterous conduct
6. Addressing topics unrelated to the agenda item under consideration.

Following a warning from the President or Committee Chair that informs a member of the public that their conduct is disruptive and could lead to the removal of that individual or the discontinuation of that individuals' right to provide remote public comment should they continue to engage in the disruptive conduct, the President or Committee Chair may instruct that any person who continues to engage in disruptive conducting during the meeting be removed from the meeting room by law enforcement, or may instruct the District Secretary to discontinue that individual's ability to provide remote public comment.

The President or Committee Chair is authorized, without first providing a warning, to instruct law enforcement to immediately remove a member of the public who has engaged in conduct that amounts to a use of force or a true threat of force or to instruct the District Secretary to discontinue that individual's right to provide remote public comment.

Revised and Adopted
March 24, 1994

3-1.7 Staff Report Prior to Public Hearings Before the Board

Staff shall give an oral explanation and overview of the issues being considered prior to the opening of any public hearing being conducted by the Board.

New Rule, Adopted
December 7, 1995

3-1.8 CONSIDERATION OF NON-AGENDA ITEMS at a meeting

Neither the Board nor any ~~Standing~~ Committee shall ~~not~~ discuss or take action on any item not appearing on the agenda posted at least 72 hours in advance except as follows:

- (a) Directors may briefly respond to statements made or questions posed by persons exercising their public testimony rights.
- (b) Directors may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the Board or committee at a subsequent meeting concerning the matter. Furthermore, a Director may take action to direct staff to place a matter of business on a future agenda.
- (c) Notwithstanding subsections (a) and (b) above, the Board may take action on items of business not appearing on the agenda under any of the conditions stated below. A ~~Standing~~ Committee may take action under conditions set forth in subparagraphs (2) and (3) below. Prior to discussing any item pursuant to this subsection, the Board or Standing Committee shall publicly identify the item.
 - (1) Upon a determination of a majority of the Board that an emergency exists as defined in Section 54956.5.
 - (2) Upon a determination by a two-thirds vote of the members of the Board or ~~Standing~~ Committee present at the meeting; or, if less than two-thirds of the Directors of the Board or ~~Standing~~ Committee, as the case may be, are present, a unanimous vote of those Directors present, that there is a need to take immediate action and that the need for action came to the attention of the Board or ~~Standing~~ Committee subsequent to the agenda being posted.

Revised and Adopted
June 11, 1998

- (3) The item was posted on the agenda for a prior meeting of the Board or ~~Standing~~ Committee occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

New Rule, Adopted
March 24, 1994

SECTION 2. BOARD MEETINGS

3-2.1 Regular Meetings

The Board of Directors shall hold regular meetings beginning at 9:00 a.m., on the second and fourth Thursday of each month, except that in the month of November, one meeting shall be held on the third Thursday, provided that when that November regular meeting falls on a legal holiday the meeting shall be held on the second Thursday; and in the month of December meetings shall be held on the first and third Thursday. Except as provided above for the November meeting, when a regular meeting falls on a legal holiday, the meeting shall be held at the same hour on the next business day, or such other time as may be fixed by the Board at a preceding meeting. An additional regular meeting may be scheduled in November if it is deemed necessary for the conduct of District business. (See Appendix B.)

Revised and Adopted
June 23, 2011

3-2.2 Evening Meetings

The Board of Directors may adjust meeting start times when merited by an appropriate expression of public interest as judged by the President of the Board of Directors, to facilitate better communication between the Board and its constituents.

Revised and Adopted
July 23, 2015

3-2.3 Closed Sessions

Prior to holding any closed session, the Board shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may

take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the Board may consider only those matters covered in its statement. After the closed session is completed, if the Board has taken any action in closed session, the Board will reconvene and will publicly report such action, including the vote or abstention of every member, as follows:

- (a) Approval of an agreement concerning real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:
 - (1) If its own approval renders the agreement final, the Board shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.
 - (2) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Board of its approval.
- (b) Approval given to the Board's legal counsel to defend or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the District's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.
- (c) Approval given to the Board's legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

- (1) If the Board accepts a settlement signed by the opposing party, the Board shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.
 - (2) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval and identify the substance of the agreement.
- (d) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this subsection shall identify the title of the position and specify any change in compensation. The general requirement of this Section notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.
- (e) Approval of an agreement concluding labor negotiations pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the items approved and the other party or parties to the negotiation.

Reports that are required to be made pursuant to this Section may be made orally or in writing. The Board shall provide any person who has submitted a written request to the Board within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings, if the requestor is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the President of the Board, or his or her designee, orally summarizes the substance of the amendments for the benefit of the document requestor or any other person present and requesting the information. The documentation shall be available to any person on the next business day following the meeting, or in the case of substantial amendments, when any necessary retyping is complete.

The announcements required to be made in open session may be made at the location announced in the agenda for the closed session, as long as the public

is allowed to be present at that location for the purpose of hearing the announcements.

In accordance with Section 54957, the Board will provide that, in the event that a closed session is held to hear the specific complaints or charges against an employee by another employee or person, the employee so charged shall receive twenty-four (24) hours' notice of his or her right to have the complaints or charges heard in open session rather than closed session.

Revised and Adopted
July 23, 2015

3-2.4 Emergency Meetings in Emergency Situations

- (a) For the purposes of this rule, "emergency situations" means both of the following:
- (1) An emergency, which shall be defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety or both, as determined by a majority of the members of the Board of Directors.
 - (2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety or both, as determined by a majority of the members of the Board of Directors.
- (b) Subject to the two paragraphs immediately below, in the case of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

~~Those who subscribe to meeting notices via email Each local newspaper of general circulation and radio or television station that has requested notice of special meetings~~ and each member of the Board shall be notified by the President or his/her designee one hour prior to the special emergency meeting, or in the case of a dire emergency, at or near the time that the President or his/her designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and email, and the President or his/her designee shall

exhaust all telephone numbers previously furnished by each Board member to the District Secretary or provided in the most recent request of such newspaper or radio or television station for notification of special meetings.

If telephone services are not functioning, the notice requirement of this rule shall be deemed waived and the Board, or a designee thereof, shall notify such newspapers, radio stations or television stations and any member of the Board not present at the special emergency meeting of the fact of the holding of the meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

- (c) During a meeting held pursuant to this Section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or if less than two-thirds of the members are present, by a unanimous vote of all the members present.

The call and notice of this special emergency meeting shall specify the time and place of the special emergency meeting and the business to be transacted. No other business shall be considered at such meeting.

The minutes of a meeting called pursuant to this rule, a list of persons who the President of the Board or designee thereof notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

Revised and Adopted
June 23, 2011

3-2.5 Cancellation of Meetings

At least 72 hours in advance of any meeting the President may request the Secretary to poll the Board to determine whether any Directors object to its cancellation. If three or more Directors object, the meeting shall not be canceled. If there are less than three objections, the Secretary shall, at least 24 hours in advance, issue a notice of meeting cancellation and use his/her best effort promptly to advise the Board, the press and other interested parties of such cancellation.

A special meeting of the Board which has been requested in writing by three or more members may not be canceled.

A regular Board meeting may not be canceled unless at least one regular Board meeting has already been held or is planned for the month concerned.

3-2.6 Minutes: Recording, Reading and Approval

Minutes shall be kept by the District Secretary in writing of each regular and special meeting, other than closed sessions, which minutes upon approval shall be the official record of action taken by the Board. The reading of the minutes of a previous meeting may be dispensed with and the minutes approved without such reading, provided the District Secretary has furnished each member of the Board a copy of the minutes prior to the meeting. The minutes shall be read prior to approval whenever such reading is requested by a member of the Board.

Revised and Adopted
November 17, 1988

3-2.7 Acts of the Board

The acts of the Board shall be expressed by ordinance, resolution, or motion. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the Directors.

Revised and Adopted
July 23, 2015

3-2.8 Parliamentary Procedure

At meetings of the Board of Directors questions of parliamentary procedure shall be decided by the presiding officer and shall not affect the validity of any action taken by the Board. Parliamentary Procedure regarding motions shall be conducted in accordance with Appendix A of these Rules entitled "Principal Rules Governing Motions." The current edition of The Standard Code of Parliamentary Procedure shall be used to resolve questions of interpretation of the "Principal Rules Governing Motions" to the extent it is not inconsistent therewith.

Revised and adopted
June 13, 1996

Pursuant to the opinion of the General Counsel dated September 22, 1977:

- (a) All the votes required for Board action shall be cast at the same meeting.

- (b) All Directors whose votes are required for adoption of the measure concerned shall be present at the meeting at the time the vote is taken.

3-2.9 Pledge of Allegiance

The Pledge of Allegiance to the Flag shall be made at meetings of the Board.

3-2.10 Reading of Resolutions

It shall be unnecessary for the District Secretary to read aloud any portion of a written resolution submitted to the Board for action in the absence of a request by a Director for such a reading.

3-2.11 Display of Electronic Voting

Votes taken using electronic voting system shall display the vote only after all Directors have completed voting. Votes taken in compliance with Brown Act requirements (i.e., roll call vote for teleconferenced meeting) are exempt from this rule.

New Rule, Adopted
March 10, 2016,

SECTION 3. COMMITTEES

3-3.1 Number

Committees of the Board shall consist of the following:

(a) Standing Committees:

~~(a)~~ Standing Committees shall consist of Committees of the Whole and Committees whose members are appointed by the President. The Committees of the Whole are as follows:

- (1) Administration.
- (2) Engineering and Operations.
- (3) Planning, Public Affairs, Access, and Legislation.

~~(3)~~• Standing Committees whose members shall be appointed by the President are as follows:

- (4) Audit.
- ~~(4)~~(5) Personnel Review.

| ~~(b)~~ Special Committees:

Such special committees as may be authorized by the Board from time to time. A special committee shall cease to exist when the Board determines that the committee is no longer needed.

Special Committees shall adhere to the Brown Act.

Special Committees shall be noticed 72 hours in advance.

All agendas will be distributed, posted, and published online before the meeting.

The meetings will normally be held in the BART Board Room, [2150 Webster Street, 1st Floor, Kaiser Center 20th Street Mall, 2020 Webster Street, Third Floor, Oakland, CA 94612](#), at 9:00 a.m. on the first Thursday of each month, unless otherwise directed by the Chairperson.

Materials provided to members in advance of the meeting will be available on bart.legistar.com. Materials distributed at the meeting will be made available to the public during the meeting and by request to the District Secretary following the meeting.

Special committee meetings shall be recorded, and such recordings shall be available through the District Secretary's office.

Revised and Adopted
January 28, 2021

~~(e)~~(b) Ad Hoc Committees:

The Board may create such Ad Hoc Committees as it deems necessary and proper. It is the intent of the Board that such Ad Hoc Committee meetings be open to the public and noticed as such in a manner consistent with the Brown Act.

New Rule, Adopted
July 23, 2015

3-3.2 Recording of Committee Meetings

The District shall record all meetings of committees except portions not open to the public. Such recordings shall be available through the District Secretary's Office. Recording methods (i.e.: audio, video, minutes, notes, etc.) may be determined by staff supporting the committee.

New Rule, Adopted
March 10, 2016

3-3.3 Membership

The President shall make appointments to the Audit Committee and Personnel Review Committee ~~all Committees~~ and designate the Chairperson and Vice Chairperson of all Standing Committees ~~thereof~~. Any appointment by the President of any Committee or liaison member or Committee Chairperson or Vice Chairperson of any Committee shall be ratified by a majority vote of all members of the Board. Such appointments shall be submitted directly to the Board for ratification.

Revised and Adopted
July 23, 2015

(a) The Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees shall be composed of all of the nine (9) Directors ~~three (3) members~~. No business of these Committees shall be conducted unless a quorum of the Board Committee is present. A quorum of the Administration, Engineering and Operations, and Planning, Public Affairs, Access, and Legislation Committees Board shall be five two (52) ~~Directors~~ ~~members of the Committee~~.

Revised and Adopted
June 23, 2011

(b) The Audit Committee shall be composed of five members, including three Board members and two public members with governmental financial expertise.

New Rule, Adopted
January 28, 2021

3-3.4 Attendance at Meetings

All Board members are authorized to be compensated in accordance with Resolution Nos. 4739 and 5044 for attendance at Board, ~~standing~~, and ~~special~~ committee meetings.

Revised and Adopted
March 13, 2008

No Director shall be compensated for a meeting from which the Director was absent while on official District business unless that Director provides a timely, brief written explanation of the official business conducted to the District Secretary.

New Rule, Adopted

November 19, 1998

For purposes of this Rule, "official District business" shall mean acting in one's capacity as Director on behalf of the District. Examples of official District business include but are not limited to: meeting with legislators and other public officials and their representatives on matters concerning the District; making or attending presentations on behalf of the District; traveling to and attending other meetings as District representatives; and participating in activities related thereto.

New Rule, Adopted
January 28, 1999

3-3.5 Term of Office

The term of office for members of the committees shall be from the date of appointment until their successors are appointed. It is understood that the committees are reappointed annually, following the election of officers. Whenever a vacancy occurs on a ~~standing or special~~ committee, the President shall make either a temporary or a permanent appointment to fill the vacancy, subject to Board ratification.

Revised and Adopted
June 11, 1998

3-3.6 Nature and Responsibilities of Committees

- (a) ~~All~~ Committees that are not made up of the full Board are advisory only.
- (b) Audio recordings shall be kept of each committee meeting. These recordings will be available for listening by each Director or member of the public through the District Secretary's Office.
- (c) Committees may initiate consideration of any problem or measure relating to the general or specific functions assigned to that committee.
- (d) Matters coming to committees which require action by the Board of Directors may be recommended to the Board by the vote of a majority of the committee members present at a committee meeting. If a matter receives a tie vote in a committee, it shall be forwarded to the Board without a recommendation from the committee.
- (e) At the request of three Directors, any matter will be placed directly on the agenda of an upcoming regular Board Meeting regardless of whether it has been assigned to a specific committee, provided applicable meeting notice and agenda requirements are met. Similarly, at the request of three Directors, any topic will be scheduled for a Board

workshop, provided applicable meeting notice and agenda requirements are met. Such requests shall be directed to the Secretary.

Revised and Adopted
June 23, 2011

3-3.7 Functions of the Standing Committees

(a) Administration Committee

This committee shall ~~make consider and vote on items recommendations to the Board~~ concerning the following subjects:

1. Financial planning and budgets.
2. Insurance.
3. Personnel.
4. Employee relations.
5. Supply.
6. Rules of the Board of Directors.
7. General policy.
8. Real estate, except space acquisition.
9. Strategic funding initiatives.
10. Small/Minority/Women owned Businesses.

(b) Engineering and Operations Committee

This committee shall ~~consider and vote on items make recommendations to the Board~~ concerning the following subjects:

1. Engineering and construction.
2. Space acquisition.
3. Transportation service planning and operations.
4. Equipment and communications facilities.
5. Maintenance.
6. Research and development.
7. Physical design.
8. Safety, security, and emergency management.
9. Sustainability and "Green" initiatives.

(c) Planning, Public Affairs, Access, and Legislation Committee

This committee shall ~~consider and vote on items make recommendations to the Board~~ concerning the following subjects:

1. Public information.
2. Passenger information.
3. Advertising.
4. Marketing.
5. Public relations.
6. Legislation.
7. Station access.
8. Station area development.
9. Strategic planning.

Strategic planning issues addressed by this committee shall concern the following subjects:

1. Approach, direction and roles for the strategic plan process.
2. Responsibilities and tasks for subcommittees, task forces or work groups, as needed, to further the development of and updates to the strategic plan.
3. Review and revision of BART's mission and objectives, as needed.
4. Identification of key issues and strategies to respond to changing conditions and needs in the future as related to the strategic plan.
5. Develop strategies that define how BART will realize its mission and achieve its vision of the future.
6. Review the BART strategic plan on at least an annual basis.

(d) Audit Committee

This committee shall make recommendations to the Board concerning the following subjects:

1. Financial and performance audits.
2. Internal controls.
3. General financial issues.
4. Investigations of fraud, waste, or abuse.

(e) Personnel Review Committee

4. This committee shall make recommendations to the Board concerning personnel issues relating to Board Appointed Officers.

Revised and Adopted

SECTION 4. MEETING MATERIAL

3-4.1 Agendas

It is the responsibility of the District Secretary to prepare written agendas for all meetings of the Board and its Standing Committees and to post agendas for regular and special meetings. Agendas shall include a brief description of each item of business to be transacted or discussed at the meetings to which they apply, including in the case of Board meetings, a description of items to be discussed in closed session as required by Section 54954.2. Agendas for regular meetings shall be posted 72 hours in advance of the meeting. Items for inclusion on agendas shall be submitted to the District Secretary in a timely fashion to permit compliance with this section. Items may be deleted from, but not added to, an agenda prior to a regular meeting, unless the addition is made prior to the 72-hour posting deadline for the agenda.

Each regular Board meeting agenda shall contain an item entitled "Roll Call for Introductions," at which time each Director will be afforded an opportunity to introduce a matter for consideration at a future Committee or Board Meeting. Requests to District staff to prepare items or reports may also be made under this agenda item.

An item being introduced requires a 'second' endorsement by another Director to be recorded as a "Roll Call for Introductions" item. An item requested for placement on a future agenda requires a 'third' endorsement by a Director. [All "Roll Call for Introductions" items shall be submitted in writing to the District Secretary, no later than 24 hours following the end of the Board meeting. When possible, Directors should discuss the "Roll Call for Introductions" item with the General Manager or other relevant Board Appointed Officer\(s\) before introducing the item.](#)

If a Director or the General Manager has a concern about a matter introduced under "Roll Call for Introductions," the General Manager may speak directly with the sponsoring Director. If not resolved the Director or General Manager may have the matter placed on the next agenda of the Board or appropriate committee for consideration of whether to proceed with the item. A Director or the General Manager may request that a matter raised during "Roll Call for Introductions" be placed on the Board or committee agenda by notifying the District Secretary, either at the Board Meeting at which the matter was introduced, or at any time up to and including the Friday before the next meeting. When so notified, the District Secretary shall place any such item on the next Board or committee agenda for consideration and possible action.

Revised and Adopted
November 19, 2015

3-4.2 Content

Each substantive item on an agenda shall be supported by an adequate written explanation containing a statement of the purpose or problem, including any necessary background; a staff recommendation, when appropriate; and, when applicable, a discussion of alternates considered and rejected, with concise reasons why. It is the responsibility of the General Manager to present a written explanation for each substantive item presented to the District Secretary, who shall [email mail](#) agendas and such supporting material to all Directors by the last business day of the week prior to the week of the meeting and shall make such supporting material available for public inspection in the Office of the District Secretary by the first business day of the week of the meeting. [Agendas and such supporting material will be mailed to Directors in compliance with this section only upon request.](#) Items for inclusion on agendas and all supporting material shall be submitted to the District Secretary in a timely fashion to permit compliance with this section.

Revised and Adopted
March 24, 1994

3-4.3 Exceptions

Exceptions to Sections 3-4.1 and 3-4.2 will be made only when convincing evidence is filed in writing with the General Manager that it would be in the best interest of the District to do so provided that such exceptions are in compliance with Section 54954.2.

Revised and Adopted
March 24, 1994

SECTION 5. PROTEST PROCEDURE FOR COMPETITIVELY BID AND COMPETITIVELY NEGOTIATED CONTRACTS

3-5.1 Protest Procedures

- (a) The Board delegates to the General Manager the authority to establish procedures for handling and responding to all protests on advertised and negotiated contracts.
- (b) The Board delegates to the General Manager the authority to decide all pre-bid protests and, for competitively negotiated contracts under Public Contract Code Section 20229.1, the authority to decide all protests based on the content of the request for proposals.

- (c) The Board delegates to the General Manager the authority to decide all contract and agreement protests on the recommended award.

Revised and Adopted
March 9, 1995

3-5.2 Pre-bid Protests

- (a) Pre-bid protests are those protests filed prior to bid opening which are based on the content of the Invitation for Bids. Pre-bid protests must be in writing and shall include a full and complete statement specifying in detail the grounds of the protest and the facts supporting the protest. Pre-bid protests must be received by the District Secretary no less than seven or more than twenty-one calendar days, as specified in the Invitation for Bids, prior to the bid opening date. A written decision, specifying the grounds for sustaining all or part of or denying the protest, will be transmitted to the protestor prior to the bid opening date.
- (b) For competitively negotiated contracts under Public Contract Code Section 20229.1, protests based on the content of the request for proposals shall be filed with the District within 10 calendar days after the request for proposal is first advertised. Such protests must be in writing and shall include a full and complete statement specifying in detail the grounds of the protest and the facts supporting the protest. A written decision, specifying the grounds for sustaining all or part of or denying the protest will be transmitted to the protestor prior to the bid opening date. The General Manager's proposed decision will be mailed to the protestor and become final within seven calendar days of mailing unless a protestor requests an opportunity to appear and be heard by the full Board. Protestors who have timely filed a protest based on the content of the request for proposals may request an opportunity to appear and be heard before the Board prior to the opening of proposals or prior to award, if the protest based on the content of the request for proposals is renewed.
- (c) For competitively negotiated contracts under Public Contract Code Section 20229.1, if the protestor requests an opportunity to appear and be heard by the full Board, the request shall be in writing and shall be accompanied by 10 copies of the written protest and by a certified check in the amount of \$300 to cover the cost of having a shorthand reporter

attend and prepare a transcript. The General Manager may waive the \$300 fee upon a showing of financial hardship by a protestor.

- (b) If any protest is brought before the Board, the Board will hear the parties, consider all issues raised and take such action on the merits as it considers appropriate. The hearing will not be an adjudicatory hearing. The District staff will make a presentation after which the protestor will be given an opportunity to make a presentation. No subpoenas will be issued. Formal rules of evidence need not be followed. Speakers will not be sworn and may be questioned by any Director but not by any party. Any procedural issues not resolved by these rules shall be resolved by the District's General Counsel whose decision shall be final. The decision of the Board specifying the grounds for allowing or denying the protest will be mailed to the protestor within five working days of the Board's decision and shall be final when made. The decision of the Board is subject to review consistent with the requirements of Section 1085 of the California Code of Civil Procedure.
- (e) If a majority of the Board does not vote to either uphold or deny the protest, then the General Manager's decision will be deemed to be upheld.

Revised and Adopted
March 9, 1995

3-5.3 Notice of Recommended Award and Submission of Protest

- (a) The Department of Procurement and Materials Management shall notify all bidders on advertised contracts and all persons or firms submitting proposals on negotiated contracts of the recommended award or other Board action on the contract for which such persons or firms have submitted bids or proposals. Actions by the Board to reject all bids shall not be subject to protest under these rules.
- (b) Any bidder or proposer may protest the recommended award on any ground not based upon the content of the request for bid or proposal. Lapse or withdrawal of a protestor's bid or proposal by the date protest is filed may be deemed sufficient grounds for denying a protest without a hearing or further consideration.
- (c) A full and complete written statement by the protestor specifying in detail the grounds of the protest and the facts supporting the protest must be received by the District Secretary no later than seven calendar days after

receipt of the above notice. For competitively negotiated contracts under California Public Contract Code Section 20229.1, protests on the recommended award or the renewal of protests based on the content of the Request for Proposals must be received by the District Secretary within fifteen calendar days after the mailing of the Notice of Recommended Award. Protests received after such dates will be deemed denied and notification to that effect shall be issued by the District Secretary.

Revised and Adopted
March 9, 1995

3-5.4 Decision on Protest on the Recommended Award

- (a) The General Manager will advise the Board in writing of the grounds of any protest on any award authorized by the Board and the proposed decision. The proposed decision of the General Manager will become final ten (10) calendar days after mailing to the Board unless any Director requests that the protest be heard by the full Board. The final decision will be mailed to both the protester and the bidder recommended for award.
- (b) For competitively negotiated contracts under Public Contract Code Section 20229.1, the General Manager's proposed decision will be mailed to the protester and the Board and become final within ten (10) calendar days of mailing unless a protester or a Director requests that the protester be given an opportunity to appear and be heard by the full Board. If the protester requests an opportunity to appear and be heard by the full Board, the request shall be in writing and shall be accompanied by 10 copies of the written protest and by a certified check in the amount of \$300 to cover the cost of having a shorthand reporter attend and prepare a transcript. The General Manager may waive the \$300 fee upon a showing of financial hardship by a protester.
- (c) If any protest is brought before the Board, the Board will hear the parties, consider all issues raised and take such action on the merits as it considers appropriate. The hearing will not be an adjudicatory hearing. The District staff will make a presentation after which the protester will be given an opportunity to make a presentation. The bidder recommended for award will be given an opportunity to make a presentation. No subpoenas will be issued. Formal rules of evidence need not be followed. Speakers will not be sworn and may be questioned by any Director but not by any party. Any procedural issues not resolved by these rules shall be resolved by the District's General Counsel whose decision shall be

final. The decision of the Board specifying the grounds for allowing or denying the protest will be mailed to the protester and the bidder recommended for award within five (5) working days of the Board's decision and shall be final when made. The decision of the Board is subject to review consistent with the requirements of Section 1085 of the California Code of Civil Procedure.

- (d) If a majority of the Board does not vote to either uphold or deny the protest, then, if the General Manager's decision is to deny the protest and award the contract as authorized by the Board's original award decision, the General Manager's decision will be deemed to be upheld. However, if the General Manager's decision is to make an alternate award or to reject all bids, the General Manager's decision is not upheld unless approved by a majority vote of the Board.

Revised and Adopted
March 9, 1995

SECTION 6. BOARD CORRESPONDENCE AND COMMUNICATIONS

3-6.1 Board Correspondence

Any Director:

- (a) who uses the staff or other resources of the District to originate or distribute correspondence or other material, or
- (b) who uses District letterhead for correspondence regardless of who prepares the correspondence,

shall cause a copy of such correspondence or material to be filed with the Office of the District Secretary concurrently with the preparation of the correspondence or material. These documents shall be available for review and use by other Directors and District staff.

New Rule, Adopted
February 22, 1990

3-6.2 Board Communications - Brown Act Compliance

- (a) In all communications with each other, including face-to-face meetings, written correspondence, telephone communications e-mail communications, text messaging, and other social media

communications, Directors shall comply with the provisions of the Brown Act (Government Code Section 54950 et. seq.). District business may not be discussed among a majority of members of a Board Committee, or more than any four members of the Board, without complying with Brown Act meeting requirements. For Brown Act purposes, any gathering of a majority of the members of a Board Committee or the full Board to receive information, hear a proposal, discuss an issue or take any action on an issue under the subject matter jurisdiction of the District is a meeting subject to the notice and open meeting requirements of the Act.

- (b) The following situations should be avoided:
- (1) The Brown Act expressly prohibits serial meetings which are conducted through direct communications, intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken by the legislative body. Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a quorum of the body. Therefore, although it is acceptable for a Director to write an initial letter or send an initial e-mail or text message to one or more Directors on a Board matter, subsequent communications (in any form) may have to be counted against the limit of four members of the Board or a majority of members of a Board Committee, if the purpose of the communication is to develop a concurrence as to action to be taken on that Board matter. For example, if Directors A, B and C are all members of the same Board Committee, there would be a serial meeting if Director A sends a letter or e-mail or text message on a Board matter to Director B or Director C, if the purpose of the communications is to develop a concurrence as to action to be taken. Conversations which advance or clarify a Board member's understanding of an issue, or facilitate an agreement or compromise amongst members, or advance the ultimate resolution of the issue, may all be viewed as contributing to the development of a concurrence as to actions to be taken. While the purpose of a particular serial communication may not always be clear, it is likely that a court would view substantive conversations amongst Board members concerning an actual or potential agenda item prior to a public meeting as contributing to the development of a concurrence as to the ultimate action to be taken. Therefore, Board members should avoid serial communications of a substantive nature concerning such items.

Revised and Adopted
June 23, 2011

- (2) E-mail and text message are ~~is~~ particularly vulnerable to potential Brown Act violations because of the reply and copy features of the e-mail system and text messaging systems, and the ability to append previous messages. Special care should be taken with e-mail and text messages to avoid Brown Act violations. Also, because e-mail, text messaging, or other social media communications may create a record, Directors should assume that any statements on e-mail, text message, or other social media may become public.
- (3) Caution should be exercised when using intermediaries to communicate with other Board members. For example, Board members should not ask District staff to communicate on their behalf with other Board members regarding Board matters if such indirect communication would result in a Brown Act violation. Generally, if a direct communication from a Board member would violate the Brown Act, so would the same communication through an intermediary.

Revised and Adopted
June 13, 1996

3-6.3 Staff Correspondence to Elected or Appointed Officials

All members of the Board of Directors shall receive copies of correspondence from District staff sent to any elected or appointed official at the time such correspondence is transmitted to such official.

New Rule, Adopted
September 27, 2001

CHAPTER IV

PERSONNEL PROVISIONS

SECTION 1. COMPENSATION POLICY

4-1.1 System

The Board shall establish a classification and pay system which enables the District to recruit, retain and motivate employees. The wages, salaries and benefits for positions included in collective bargaining agreements will be as determined by such agreements.

4-1.2 Personnel

- (a) The General Manager shall administer wages, salaries, hours, working conditions, grievance procedures and benefits of District employees. The General Manager shall report such practices to the Board.
- (b) Board Appointed Officers shall submit ~~performance self-evaluations memos~~ to the ~~Board Personnel Review Committee by September 15 of~~ each year. These ~~memos performance evaluations~~ shall contain a brief summary of the preceding year's activities and accomplishments and a list of goals and objectives for each Board Appointed Officer for the following year. ~~If the President deems it necessary, he or she may from time to time establish a Special Personnel Committee of two to four members to address personnel issues relating to Board Appointed Officers. After review by the Personnel Review Committee, the Secretary Board President~~ shall schedule a closed session ~~for the second Board meeting in October~~ for the Board to review Board Appointed Officers' performance. After this review is completed, ~~the Board shall make any adjustments, if any, to the salaries of such officers, shall be effective January 1 of the following year.~~

Revised and Adopted
June 23, 2011

SECTION 2. COLLECTIVE BARGAINING

4-2.1 Representation of the District

The General Manager shall represent the Board in all negotiations with labor organizations but no agreement by the General Manager to the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures shall be binding upon the District until ratified by the Board. Any agreement by the General Manager to submit disputes over the terms of a proposed contract pursuant to Public Utilities Code Section 28850 to arbitration shall first be submitted to and approved by the Board.

CHAPTER V

FINANCIAL PROVISIONS

SECTION 1. ANNUAL BUDGET

5-1.1 General Provisions

The General Manager, or a designated representative, shall prepare for the District and submit to the Board a Preliminary Annual Budget by March 31 of each calendar year for the following fiscal year. The Preliminary Annual Budget shall include provisions for Operating Expenses, Debt Service, and such other functional categories as the General Manager deems appropriate. The Preliminary Annual Budget will thereafter be released to the public.

Revised and Adopted
September 12, 2019

5-1.2 Budget Submitted to Board

After the Preliminary Annual Budget is submitted to the Board of Directors, the Preliminary Annual Budget will be presented to and discussed by the Board at least once at a regularly scheduled meeting in April and once at a regularly scheduled meeting in May.

Revised and Adopted
September 12, 2019

5-1.3 Notice of Availability of Preliminary Annual Budget and Time of Hearing Meeting to Fix Final Budget

~~On or before June fifth (5th) of each year, the District Secretary shall publish a notice once in a newspaper of general circulation in each of the counties comprising the District stating that the Preliminary Annual Budget is available to anyone requesting a copy, and on a date stated in the notice, not less than ten (10) days after the Notice of Availability of the Preliminary Annual Budget and Time of Hearing is published, and at a time and place also stated in the notice, the Board will meet for the purpose of fixing the final budget on or prior to June twentieth (20th) of each year, and anyone may appear thereat attend the meeting and make public comment be heard regarding the increase, decrease, or omission of any item on the budget or for the inclusion of additional items. Said hearing on the fixing of the final budget shall be held on or prior to June twentieth (20th). Said meeting hearing shall may be continued from day to day until concluded, but not to exceed a total of ten (10) days, and shall be concluded before the expirations of ten (10) days if there are no requests or applications on file with the Board for further~~

CHAPTER VI

[hearings meetings.](#)

On or before June thirtieth (30th) of each year the Board shall, by resolution, adopt the budget as finally determined.

Revised and Adopted
September 12, 2019

5-1.4 Adjustments in the Annual Budget

Adjustments between Operating Expenses, Debt Service and other functional categories of the Annual Budget and between the following Sections of Operating Expenses require action of the Board of Directors:

- Salaries and Benefits
- Other Expenses
- Contingency Reserve

The General Manager may, by notice in writing to the Controller-Treasurer, adjust items within any individual Section of Operating Expenses.

5-1.5 Approval of Demands

Demands against the District may be approved for payment by the General Manager, or a designated representative, provided the Controller-Treasurer, or the Controller-Treasurer's designated representative, determines that funds have been appropriated for the purpose of the demand. Such demands shall be supported by vouchers, or other supporting material as may be required by the Controller-Treasurer to establish and identify the demand, the budget item, the delivery of goods or services for which the expenditure has been budgeted or otherwise authorized.

SECTION 2. AGREEMENTS AND CONTRACTS

5-2.1 General Provisions

The District shall, whenever possible, enter into enforceable written agreements or contracts with governmental and private agencies, where the need for such agreements or contracts is indicated.

5-2.2 Review

Prior to the submission of a contract or agreement to the Board or any committee of the Board, the General Manager shall review the contract or agreement for reasonableness, suitability, and adherence to specifications.

5-2.3 Change Orders

(a) By General Manager Action

- (1) Without prior specific authorization by the Board of Directors, the General Manager may act for the Board with respect to change orders to construction or procurement contracts which amount to less than 10 percent of the original contract price in the aggregate, except as provided in paragraph (b), below.
- (2) The General Manager shall notify the Board one week prior to the issuance of any change order that is anticipated to result in expenditures aggregating more than 10 percent of the contract price.

(b) By Board of Directors Action

- (1) Except as provided in paragraph (2) below, change orders which involve an expenditure of more than \$200,000, or involve a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor require the approval of the Board of Directors.
- (2) For construction and procurement contracts greater than \$200 million, change orders which involve an expenditure of more than \$500,000 or involve a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor require the approval of the Board of Directors.

(c) General

- (1) Where a potential change order involves: (a) a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor, or (b) involves an expenditure of more than \$200,000 (\$500,000 in the case of construction and procurement contracts greater than \$200 million), or (c) involves an expenditure aggregating more than 10 percent of the contract price, negotiations shall be conducted in reliance upon the advice of the General Counsel as to matters of law and no document authorizing such a change shall be executed for and on behalf of

the District without prior written approval thereof by the General Counsel as to form.

- (2) This rule shall not be construed as in any way reducing the authority of the General Manager under Section 20224 of the Public Contract Code.

Revised and Adopted
November 18, 2004

5-2.4 Limitation on Contracting by Board Members

No Director or member of a Committee may authorize a contract or contract change order independently or through direction to the staff, in any amount, without the prior approval of the Board.

Revised and Adopted
February 13, 1992

SECTION 3. REIMBURSABLE EXPENSES

5-3.1 Reimbursement for Travel and Personal Expenses

Reimbursement for travel and personal expenses of Directors shall include but not exceed the following:

- (a) For authorized travel between points within one hundred and fifty (150) miles of District headquarters, mileage necessarily traveled by private automobile shall be at the rate prescribed by Management Procedure No. 20.

For the purpose of computing allowable expense for a Director, mileage will be calculated from his/her residence or normal place of business, whichever is least costly to the District.

- (b) For other travel, actual cost of transportation by public carrier. Except in unusual circumstances, payment for air travel shall be at less than first class rates. Directors will obtain the most economical means of transportation consistent with accomplishing their official task in an efficient and timely manner. For example, savings by booking early airfare and paying additional lodging may be permissible.

Revised and Adopted
December 17, 1998

- (c) For other travel and personal expenses (not specified in these Rules) as prescribed by District Management Procedure No. 20 or as may be recommended by the Administration Committee and authorized by the Board.
- (d) Actual cost for personal expenses, including meals, when away from the District on business for periods in excess of twenty-four (24) hours, except that reimbursement for meals may not exceed \$50.00 per Director per meal for dinner; breakfast and lunch may not exceed the applicable per diem rate. Reimbursement for any meal may not include the cost of alcoholic beverages. In lieu of reimbursement of actual personal expenses, payment will be made for receipted cost of lodging, telephone and local transportation charges, plus a per diem allowance as prescribed in Management Procedure No. 20 for meals and all other personal expenses incurred while in travel status.

Revised and Adopted
July 30, 2009

5-3.2 Rules for Travel and Personal Expenses

The following rules shall govern travel and personal expense:

- (a) Directors are authorized
 - (1) to incur travel and personal expense, other than lodging and hotel suites, in connection with attendance at meetings of the Board of Directors, meetings of committees of the Board, liaison meetings and attending to other business of the District within 100 miles of District headquarters; and,
 - (2) to attend and incur travel and personal expense in connection with transit related matters including but not limited to conferences or committee meetings of the American Public Transit Association (APTA), the Conference of Minority Transportation Officials (COMTO), the Transportation Research Board (TRB), [RailVolution M pact: Mobility, Community, Possibility](#) –and other transit related conferences and meetings; provided, however, that such expense shall not exceed \$7,500 annually for each Director; and,

Revised and Adopted
January 10, 2002

- (3) with the concurrence of the President, to travel and incur personal expense in connection with travel involving a meeting with a member of Congress or the Executive Branch or their staffs, if it is not feasible to obtain prior review by the Administration Committee and authorization of the Board of Directors. In the case of such travel by the President, concurrence shall be obtained from the Vice President.
- (4) with the concurrence of the President, to travel and incur personal expenses by Directors who are members of APTA committees in connection with their duties as APTA committee members. Travel expenses associated with such travel shall not count toward the limit set forth in Rule 5-3.2(a)(2). In the case of such travel by the President, concurrence shall be obtained from the Vice President.

New Rule, Adopted
January 10, 2002

- (5) In regard to personal expenses incurred by Directors while conducting the District’s business within the area, or when away from the area for less than twenty-four (24) hours, reimbursement for meals may not exceed \$50.00 per Director per dinner nor exceed the applicable per diem rate for breakfast and lunch. Reimbursement for any meal may not include the cost of alcoholic beverages.

New Rule, Adopted
July 30, 2009

- (6) In compliance with Government Code Section 53232.3(d),—Board members shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board. Reports on all other Board members’ activities shall, when possible, be provided at the next regular meeting of the Board.

New Rule and Adopted
June 23, 2011

- (b) For all travel on District business beyond 100 miles from District headquarters by members of the Board of Directors, other than the travel permitted in Rule 5-3.2(a), specific prior review by the Administration Committee and authorization of the Board of Directors shall be obtained.

Prior approval is also applicable to official trips by the President and Vice President.

The Controller-Treasurer shall not prepay or reimburse any Director's travel expense incurred under Rule 5-3.2(a)(2) for amounts in excess of the \$7,500 annual expense limit without approval of the Board.

Revised and Adopted
January 10, 2002

Travel, including travel permitted in Rule 5-3.2(a)(2) and 5-3.2(a)(3), shall not be authorized for any Director who has not properly filed expense reports in compliance with Rule 5-3.3, or for any Director who has not reimbursed the District for previous expenses within 30 days of notice from the Controller-Treasurer.

Revised and Adopted
July 24, 1997

Receipts for expenses should be turned in to the Controller-Treasurer's office.

New Rule, Adopted
December 17, 1998

(c) Limitation on Certain Expenses

Certain personal expenses are subject to limitations as follows:

Guests: Directors shall not charge the District for guests they invite to District-sponsored dinners.

~~Personnel assistance normally shall be limited to use of a public stenographer or equivalent, and is authorized only when a Director is in travel status.~~ Postal charges are authorized only using District mailing facilities. Office space charges of any kind are not authorized.

(d) Cash Advances

An advance for travel expenses of a Director for authorized travel may be authorized by the President or Vice President, or in their absence the

General Manager or a designated representative. Cash advances shall be limited to the per-diem allowance with a maximum amount of \$500. No Director shall authorize advance payments to him or herself. Lodging costs will be paid by check directly to the hotel by the District when a Director requests advance payment of such expense.

(e) Room Service

Reimbursement for food and drink obtained by room service will not be allowed if the per-diem allowance is taken. If no per-diem allowance is taken, reimbursement for room service for food and drink is limited to \$35 per day.

Revised and Adopted
February 11, 1993

5-3.3 Expense Reports

- (a) Directors shall submit monthly expense reports to the Board through the Controller-Treasurer during the two months following the month in which the expenses are incurred. The Controller-Treasurer shall make a written report to the Board of any expense reports not filed within the two-month period. Expense reports shall include full itemizations for all expenses. Such itemization shall include, either on the report or on the supporting document, the date incurred, a description of the expense, the purpose and the amount, including appropriate receipts. Vouchers or receipts satisfactorily supporting requests for reimbursement shall be furnished to the Controller-Treasurer for all items of expense for which such receipts are normally furnished.
- (b) The monthly expense report shall include the actual cost of all travel and personal expenses of any kind received by a Director which are paid for by the District regardless of whose expense account (Director or employee) the items are billed to.

Revised and Adopted
July 30, 2009

(c) Registration fees

Any registration or similar fee paid by the District for conferences or other programs attended by a Director shall be included in the Director's monthly expense report.

- (d) Directors' expense reports are subject to review by any Director, and may be referred by any Director, or the Controller-Treasurer, to the Administration Committee for review and recommendation and to the Board for approval. Directors' expense reports not referred to the Administration Committee and the Board may be approved by the President or in his absence the Vice President or in the absence of both the President and the Vice President, the Chair of the Administration Committee.

Revised and Adopted
July 30, 2009

- (e) The Controller-Treasurer shall insure that all expense reports are reviewed for conformance to these rules. Upon such determination, a copy of the report with said determination noted thereon shall be delivered or mailed with the reimbursement. The general audit of the District shall include an audit of the Directors' expense reports for the previous fiscal year for compliance with the Board Rules. Board member expense reports are available through the Office of the District Secretary.

Revised and Adopted
July 23, 2015

5-3.4 **District Automobile Use**

Use of a District automobile without prior approval by the Board of Directors will be limited to one day every three weeks in the conduct of District business. The Director will be required to file an automobile usage report along with his/her monthly expense report. The usage report will specify the nature and purpose of the District meeting or business, the place, and the parties who attend. Failure to file such automobile usage report will result in the loss of the privilege until such reports are brought current.

New Rule, Adopted
February 11, 1993

5-3.5 Use of District Property Other than Automobiles

- (a) In addition to the use of District automobiles as authorized in Board Rule 5-3.4, each Director may have use and possession of the following property for District-related business, to the extent that such property is comparable in cost and function to property generally available to District employees:

- (1) Facsimile machine
- (2) Mobile device (i.e. tablets, portable Wi-Fi, hotspots, etc.)
- (3) Cellular Phone
- (4) Personal Computer, Laptop
- (5) Printer

All District property shall be returned to the District when a Director leaves office.

Revised and Adopted
July 23, 2015

- (b) Directors shall request all District property through the District Secretary's Office.
- (c) The District Secretary's Office shall make quarterly requests to the Directors for review of cellular phone and mobile device operating costs and reimbursement to the District for all such costs that are not for District-related business. Directors shall reimburse the District within 30 days of the District Secretary's quarterly requests. If such requests are not responded to or reimbursements are not made within 30 days, the District Secretary shall report to the President or Vice President in accordance with Board Rule 5-3.6.

Revised and Adopted
July 23, 2015

- (d) Not later than September 15 of each year, the Performance and Audit Department shall complete an annual audit for the previous fiscal year for compliance with the requirements of this Board Rule 5-3.5, and such audit report shall be submitted to the next Administration Committee following September 15 for review and forwarding to the full Board. The audit report shall include a list of District property that is issued to each Director.

Revised and Adopted
September 12, 2019

5-3.6 Violations of Use of District Property Rules

Any person may report an alleged violation of the District use restrictions or reporting or reimbursement requirements on District property, including but not limited to automobiles as set forth in Board rule 5-3.4, to the President, except if the alleged violation involves the President. The President shall take appropriate action within thirty (30) days of notification. A written report of the alleged

violation and action taken, if any, shall be distributed to each Board member. If no Board member requests a public review within seven (7) days, the action of the President shall become final. If an alleged violation involves the President, it may be reported to the Vice President, who shall take the above actions.

5-3.7 Expenses for Which Reimbursement Is Prohibited

The District shall not reimburse any Director, employee, or officer for any expense incurred with any private club which discriminates on the basis of race, gender, religion, sexual orientation, or other invidious criteria in its membership policy.

Revised and Adopted
June 13, 1996

Expenses incurred for the purpose of attending political events shall not be reimbursed. An event shall be considered "political" if it is held for the purpose of supporting or opposing, or raising money to support or oppose, any candidate, ballot measure or political party.

New Rule, Adopted
July 13, 1989

SECTION 4. CAMPAIGN CONTRIBUTION STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

5-4.1 Filing and Publication of Required Statements

Pursuant to the Political Reform Act of 1974, Campaign Contribution Statements and Statements of Economic Interests are required to be filed by Directors. At the times required by law, Directors shall file their original Statements of Economic Interests and copies of their Campaign Contribution Statements, concurrent with filing with Registrar of Voters, with the District Secretary. The information in Statements of Economic Interests will be published on the District's web site, within fourteen (14) days of receipt by the District Secretary. The information in Campaign Contribution Statements may be accessed by the public via a link (provided by the District Secretary) to the respective County's Registrar of Voters web site.

Revised and Adopted
September 10, 2015

SECTION 5. FINANCIAL CONTRIBUTION LIMITATION

5-5.1 Contractor/Subcontractor Contributions

~~In regard to any contract, or agreement requiring authorization of the Board, no party seeking to do business with the District (hereafter "contractor") or the contractor's proposed first tier subcontractors and subsuppliers whose subcontracts exceed \$100,000 (hereinafter referred to as "subcontractors"), shall provide to any Director, or any candidate for Director, and no Director, or a candidate for Director, shall accept or solicit any monetary or in-kind contribution valued at greater than \$1,000 (including loans) from any contractor or its subcontractors during the time periods from the receipt of that prospective contractor's bid for all contracts and agreements, through award, and shall continue to apply for three months following award in regard to the contractor awarded the contract or agreement and its subcontractors.~~

The Political Reform Act of 1974 prohibits Directors from accepting a contribution of more than \$250 from any party, participant, or their agents, while a proceeding involving an entitlement for use is pending before the agency, and for 12 months following the date a final decision is issued in the proceeding. Covered proceedings include licenses, permits, and agreements, but do not include competitively bid (low bid) construction and procurement contracts.

In addition, prior to rendering any decision in a proceeding involving a license, permit, or other entitlement for use pending before the Board, Directors who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. Directors shall recuse themselves from the deliberation and vote on any such proceeding, and shall not otherwise use their position to influence the decision in the proceeding.

Revised and Adopted
November 19, 2015

This Rule applies only to contributions made to a candidate for the BART Board of Directors or to the candidate's committee in support of that candidate's election campaign and has no application to contributions to other campaigns including but not limited to ballot measures.

New Rule, Adopted
August 12, 2004

This Rule shall apply to a candidate from the date of filing of his or her declaration of candidacy with the Registrar of Voters for the BART Board of Directors as defined in California Government Code Section 82007.

Revised and Adopted
July 23, 2015

5-5.2 Contractor/Subcontractor Certification of Compliance

Contract and agreement documents shall require contractors, and their subcontractors, to submit a certification of compliance with this Rule with their bid or proposal, or as otherwise directed in contract and agreement documents. Failure to submit a certification within five calendar days after it is due may render the bid or proposal non-responsive.

Revised and Adopted
July 23, 2015

~~5-5.3 Contractor/Subcontractor Information Submitted to Board~~~~The General Manager shall provide the following information to the Board:~~

- ~~(a) For those subject to this Rule, the names of all prospective contractors and contractors submitting bids and proposals for contract award, and their subcontractors, on the date bids or proposals are opened by the District.~~
- ~~(b) The names of prospective contractors and contractors and subcontractors and the dates when this Rule no longer applies to them.~~

~~Revised and Adopted
July 23, 2015~~

5-5.4 Definitions

For purposes of this Board Rule: "contribution" is as defined in Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.

- ~~(a) "Agreement" is defined as an agreement for services, leases, and licenses.~~
- ~~(b) "Candidate" is defined as a person who has filed a declaration of candidacy with the Registrar of Voters for the office of Director of the San Francisco Bay Area Rapid Transit District.~~
- ~~(c) "Contract" is defined as a contract for construction of facilities and works, or for the purchase of supplies, equipment, and materials.~~
- ~~(d) "Contractor" is defined as an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert and their agents.~~
- ~~(e) "Prospective Contractor" shall mean any contractor seeking to do business with the District.~~

~~New Definition and Adopted
July 23, 2015~~

- ~~(f) "Contribution" is as defined in Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.~~

~~Revised and Adopted
November 20, 1997~~

- (g) "Director" is defined as a current member of the Board of Directors of the San Francisco Bay Area Rapid Transit District.

New Rule, Adopted
August 8, 1996

~~5-5.5 State Law Restrictions on Campaign Contributions~~

~~In addition to Board Rule 5-5.1, Board Members are subject to contribution restrictions under the Political Reform Act of 1974. Board Members shall comply with all laws applicable to such contributions.~~

Note: Board Rule 5-5.4 revised to delete two provisions and renumber the section accordingly. Adopted December 20, 2007

CHAPTER VI

AMENDMENTS AND SUSPENSION

6-1.1 Amendments

Any provision of the rules may be amended by a majority vote of all members of the Board of Directors at any regular or special meeting when at least ten (10) days' written notice has previously been given to all members of the Board of Directors that amendments will be proposed, or if oral or written notice was given at a previous meeting of the Board.

6-1.2 Suspension

A rule may be suspended by a majority vote of all members of the Board of Directors upon a showing satisfactory to them of a special or emergency situation justifying the suspension of the rule.

CHAPTER VII

INTERPRETATIONS

7-1.1 Interpretations

These rules are designed solely to facilitate the handling by the Board of Directors of its own affairs, and the Board of Directors retains the sole right to interpret these rules. No action taken by this Board shall be deemed invalid because of any conflict with these rules, and any action taken by the Board shall be deemed to suspend any rule conflicting with the action taken.

APPENDIX A
PRINCIPAL RULES GOVERNING MOTIONS

Order of Precedence		Form of Motion	Can Interrupt?	Requires Second?	Debatable?	Amendable?	Applies to What Other Motions?	Vote Required?
1.	Adjourn	“I move that we adjourn.”	No	Yes	No	Yes*	None	Majority
2.	Recess	“I move that we recess for ...”	No	Yes	Yes*	Yes*	None	Majority
3.	Question of Privilege	“I rise to a question of privilege.”	Yes	No	No	No	None	None
4.	Postpone Temporarily	“I move to table the motion.”	No	Yes	No	No	Main Motion	Majority
5.	Close Debate	“I move to close debate on the motion.”	No	Yes	No	No	Debatable Motions	2/3
6.	Limit Debate	“I move to limit debate...”	No	Yes	Yes*	Yes*	Debatable Motions	2/3
7.	Postpone Definitely	“I move to postpone the discussion to...”	No	Yes	Yes*	Yes*	Main Motion	Majority
8.	Refer to Committee	“I move to refer the matter to committee.”	No	Yes	Yes*	Yes*	Main Motion	Majority
9.	Amend	“I move to amend the motion by...”	No	Yes	Yes	Yes	Rewordable Motions	Majority
10.	a. Main Motion	“I move that...”	No	Yes	Yes	Yes	None	Majority
	b. Specific Main Motions							
	<u>Reconsider</u>	“I move to reconsider...”	Yes	Yes	Yes*	No	Main Motion	Majority
	Resume Consideration (take from table)	“I move to resume consideration of...”	No	Yes	No	No	Main Motion	Majority
INCIDENTAL MOTIONS - NO ORDER OF PRECEDENCE								
	<u>Motions</u>							
	Appeal	“I appeal from the decision of the chair.”	Yes	Yes	Yes	No	Decision of Chair	Majority
	Suspend Rules	“I move to suspend the rule that... (or Rule____.)”	No	Yes	No	No	None	2/3
	<u>Requests</u>							
	Identify an Error in Procedure	“Point of Order”	Yes	No	No	No	Any Error	None
	Ask a Question about Procedure	“Parliamentary Inquiry.”	Yes	No	No	No	All Motions	None
	Withdraw a Motion	“I withdraw my motion.”	Yes	No	No	No	All Motions	None

* RESTRICTED

**APPENDIX B:
SCHEDULE**

JANUARY THROUGH OCTOBER

	THURSDAY
Week 1	
Week 2	Board Meeting
Week 3	
Week 4	Board Meeting

NOVEMBER

	THURSDAY
Week 1	
Week 2	
Week 3 *	Board Meeting
Week 4	

DECEMBER

	THURSDAY
Week 1	Board Meeting
Week 2	
Week 3	Board Meeting
Week 4	

* Except as noted in Board Rule 3-2.1

APPENDIX C

AMENDED AND ADOPTED: July 23, 2015

Board of Directors Code of Conduct

The San Francisco Bay Area Rapid Transit District (BART) is a Special District created by the State of California. The Board of Directors is the legislative body of the District representing Alameda County, Contra Costa County, and the City and County of San Francisco. The Board of Directors determines all matters of District policy. The Board also provides counsel and direction to management without exerting individual power or authority over BART. Board action requires either a majority or two-thirds vote of the Board, depending on the action under consideration. The Board of Directors Code of Conduct guides the Board in exercising its duties responsibly.

- I. Board members shall treat the public, staff members and each other with respect and courtesy.
- II. Board members shall refrain from conduct that they know or reasonably should know is likely to create in the minds of reasonable observers the perception that the Board member used his or her public position improperly. They shall not commit any act which may bring reproach or discredit upon the District.
- III. The Political Reform Act (Government Code Sections 81000-91014) requires Board members to publicly disclose their financial interests by filing a disclosure form (Form 700) with the District. Additionally, the Political Reform Act provides that Board members shall not make, participate in, or use their position to influence a governmental decision in which they know or have reason to know that they have a financial interest.
- IV. California Government Code Section 1090 prohibits Board members from being financially interested in any contract made by them in their official capacity. This prohibition applies to all contracts regardless of funding source. The financial interest of an individual Board member in a District contract may prevent the entire Board from authorizing the award, execution, or amendment of the contract.
- V. Board members shall not make, participate in, or use their position to influence any governmental decision relating to any person or entity with whom the Board member is negotiating, or has any arrangement concerning prospective employment¹. Board members shall not use their position to influence any District decision regarding prospective employment with the District. Directors shall not seek District employment while in office.
- VI. Board members shall not participate in the selection, award, or administration of contracts supported by federal funds where the Board member has a real or apparent conflict of interest as defined by FTA Third-Party Contracting Guidance². Such a conflict would arise when any of the following parties has a financial or other interest in an entity selected for award of a contract supported by federal funds: the Board member, or any immediate family member, partner, employer, or organization that intends to employ the Board member.
- VII. Board members shall not participate in the making of a decision to hire, appoint, employ, promote, or terminate the employment of a person who is a relative of the Board member. Board members shall not take any action that has the potential to affect the employment status at the District of a person who is a relative of the Board member, including attempting to persuade a District officer or employee to make a decision or take an action affecting a relative of the Board member.

¹Cal. Gov. Code 87407

²FTA Circular 4220.1F

For the purposes of this Code, the term "relative" means the following: husband, wife, domestic partner, father, mother, grandfather, grandmother, son, daughter, stepson, stepdaughter, granddaughter, grandson, brother, sister, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.

- VIII. Board members shall not publicly engage in personal attacks on BART employees or members of the public, or attempt to discipline or disparage any employee in any manner. They shall not involve themselves in altercations or any other act of hostility with others, nor will they engage in acts which will subject the District to criticism or adversely affect the interests of the District. Any concerns regarding an employee's performance shall be communicated to the General Manager or other Board Appointed Officer with supervisory responsibility for the employee. The foregoing shall not preclude Board members from making comments which are critical of District policies, practices, operations or performance in the discharge of their official duties.
- IX. Board members shall not solicit or accept gifts of any value from persons or entities with which the District contracts or may contract. Gifts or favors received by or promised to an individual Board member may prevent the entire Board from authorizing the award or execution of a contract³.
- X. Before the staff recommendation for an award of a contract is made public, Board members shall not communicate regarding the procurement with any District employee except the General Manager or his or her designee. The General Manager shall keep a log of those communications and shall report those communications and responses in writing at the Board meeting where action on the procurement is scheduled⁴.
- XI. Board members shall comply with the terms of Section IX of the District's Contractor Code of Conduct related to communications with outside parties during pendency of a bid or proposal.
- XII. Candidates for the Board shall not, directly or indirectly, solicit political contributions from officers or employees of the District⁵.
- XIII. Board members shall not use or disclose, other than in the performance of their official duties and responsibilities (or as may be required by law), confidential District information gained in the course of or by reason of their position, nor shall any Board member permit such use or disclosure⁶. Board members shall not disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it, unless the Board has authorized disclosure of that confidential information. However, it shall not be a violation of this Code for a Board member to make a confidential inquiry or complaint to a district attorney or grand jury regarding the illegality or potential illegality of an action that has been the subject of deliberation at a closed session, to express an opinion concerning the propriety or legality of actions taken in closed session, or to disclose information acquired during a closed session that is not confidential information⁷.
- XIV. A former Board member is prohibited from representing any other person by appearing before the District's Board or communicating with any District Director, officer or employee in an attempt to influence a District decision for a period of one year after the Board member leaves office.

³Cal. Gov. Code 1090

⁴Adapted from the Los Angeles County Metropolitan Transportation Authority Board of Directors Code of Conduct, Section 130680(e)

⁵Cal. Gov. Code 3205

⁶Cal. Gov. Code 1098 makes use of confidential info for pecuniary gain a misdemeanor, but this is broader

⁷Cal. Gov Code 54963

- XV. Board members shall not use or permit the use of District resources, including but not limited to facilities, materials, equipment, information, intellectual property such as trademarks and copyrighted material, and District staff time, for activities other than District business. This Code of Conduct incorporates the prohibitions of California law concerning use of public agency resources for campaign activity⁸.
- XVI. Sanctions imposed for violations of this Code of Conduct may include, but are not limited to, any of the following:
- A. Public censure by the Board at a regularly scheduled meeting;
 - B. Disqualification from participating in any discussion or vote on any matter related to the violation; and/or
 - C. Removal of the Board member from one or more committees⁹.

⁸Cal. Gov. Code 8314 and others.

⁹Adapted from the Los Angeles County Metropolitan Transportation Authority Board of Directors Code of Conduct, Section 130620(c)(1-6)