

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 1,976TH MEETING THURSDAY, MARCH 13, 2025

Members of the Board of Directors

Mark Foley, President (District 2)

Melissa Hernandez, Vice President (District 5)

Matthew Rinn (District 1)

Barnali Ghosh (District 3)

Robert Raburn (District 4)

Elizabeth Ames (District 6)

Victor Flores (District 7)

Janice Li (District 8)

Edward Wright (District 9)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on March 13, 2025, convening at 9:01 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Foley presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Foley called the Meeting to order at 9:01 a.m.

A. Roll Call.

Directors Present in Oakland:	Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.
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Directors Present via Teleconference:	None.
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Absent:	None.
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B. Pledge of Allegiance: Vice President Hernandez led the Pledge of Allegiance.

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

2. REPORT OF THE BOARD PRESIDENT

President Foley reported that the March 27, 2025 Board Meeting would be cancelled due to several Board Members traveling to Washington, D.C. for meetings with legislative partners.

3. BOARD COMMITTEE REPORTS

President Foley called for Board Committee Reports. Director Rinn, Chairperson of the Audit Committee, reported on the Audit Committee meeting held on March 6, 2025. Director Rinn indicated that the Internal Audit office presented its function, including the scope of its capital reviews, performance audits, advisory services, and future work plans, and that the Office of the Inspector General presented a summary of its activities, including investigations and audits, and a new online dashboard used for monitoring cases.

4. CONSENT CALENDAR.

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

A. Approval of Minutes of the Meeting of February 13, 2025.

B. Single Source Procurement with KB Signaling Operations, LLC for Train Control System Vital Harmon Logic Controller Final Spare Boards.

C. Award of Agreement No. 6M3746, for eBART Track Surfacing Services.

D. Approval of BART Public Transportation Agency Safety Plan (PTASP), Revision 4.

- E. Single Source Procurement with Vulcanite for Primary Suspension Components.
- F. Reject the Sole Responsive Bid for Contract No. 54RR-249A, Legacy Station Sprinkler Head Replacement.

Director Raburn moved to approve the Consent Calendar by one motion.

Director Rinn seconded the motion.

Director Ames requested that Item 4-D, Approval of BART Public Transportation Agency Safety Plan (PTASP), Revision 4, be removed from the Consent Calendar.

Directors Raburn and Rinn agreed to the removal of Item 4-D from the motion to approve the Consent Calendar.

Public Comment

No comments were received.

Action

Upon motion by Director Raburn and second by Director Rinn, the Board took the following action by unanimous electronic vote by the required two-thirds vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Rinn

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

- A. The Minutes of the Meeting of February 13, 2025, were approved. *(Vote: 9-0)*
- B. Pursuant to California Public Contract Code Section 20227, the Board found by two-thirds vote that KB Signaling Operations, LLC is the single source of supply for the purchase of Train Control VHLC Final Spare Boards, and the purchase is for the sole purpose of replacing equipment in use throughout the District. The General Manager was authorized to execute a Procurement Contract with KB Signaling Operations, LLC to procure Train Control VHLC Final Spare Boards in an amount not to exceed \$761,000.00 including taxes, pursuant to notification to be issued by the General Manager. *(Vote: 9-0).*
- C. The General Manager was authorized to award Agreement No. 6M3746 to provide track surfacing services to Lazer West Engineering, Inc. for an amount not to exceed \$705,353.00 for a base term of two years. And subject to available funding, the General Manager was further authorized to exercise up to three (3) one-year options for an amount not to exceed \$1,289,057.00, subject to the District's Protest Procedures and funding requirements. *(Vote: 9-0)*
- E. Pursuant to Public Contract Code Section 20227, the Board found by two-thirds vote that Vulcanite is the single source of supply for the purchase of primary suspension components for the District's vehicles, and the purchase is for the sole purpose of replacing equipment in use throughout the District. The General

Manager may enter into a contract with Vulcanite for the purchase of primary suspension components for the District's fleet for an amount not to exceed \$768,538.55 including sales tax and shipping. *(Vote: 9-0)*

- F. The General Manager was authorized to reject the sole responsive Bid for Contract No. 54RR-249A, Legacy Fire Sprinkler Replacement. *(Vote: 9-0)*

President Foley brought Item 4-D, Approval of BART Public Transportation Agency Safety Plan (PTASP), Revision 4, before the Board.

Discussion

The item was discussed, with the following highlights:

Director Ames expressed concern after reviewing the Santa Clara Valley Transportation Authority's (SCVTA) PTASP Revision 5, which detailed SCVTA's extensive role in safety certification and oversight of the BART to San José project. Director Ames also expressed concern regarding BART's role in the certification process for the BART to San José project and advocated for BART to have a stronger role in safety certification, potentially including more involvement with the California Public Utilities Commission (CPUC) and its safety certification committee.

Director Li requested clarification on the proposed changes to BART's PTASP, noting that while the update appeared to be a compliance revision in alignment with new Federal Transit Administration (FTA) regulations, it was difficult to interpret without a red-line version of the PTASP document.

Director Wright expressed support for greater clarity and suggested a future agenda item for a full informational presentation on the PTASP, citing the importance of safety to riders.

Director Raburn expressed confidence in the existing safety management plan and supported moving forward with approval of the revised PTASP based on the collaborative process and comprehensive nature of the document.

Director Raburn moved that the Board approves and adopts the BART Public Transportation Agency Safety Plan, Revision 4, dated January 10, 2025.

Director Li seconded the motion.

Public Comment

No comments were received.

Action

Upon motion by Director Raburn and second by Director Li, the Board approved and adopted the BART Public Transportation Agency Safety Plan, Revision 4, dated January 10, 2025, by unanimous electronic vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Li

Aye: Directors Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: Director Ames.

Absent: 0.

Result: 8-1-0, motion carried by unanimous electronic vote.

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 participation in the City of Dublin's St. Patrick's Day parade in which Vice President Hernandez would serve as the Grand Marshal, noting that Directors Ames and Foley would attend; the success of recent career and internship fairs held in North Berkeley and Concord; and ridership. General Manager Powers also presented a commemorative BART Police Department patch celebrating California's 175th anniversary of statehood.

Michael Jones, Deputy General Manager, introduced Derik Calhoun, BART's new Chief Transportation Officer.

Chief Transportation Officer Calhoun addressed the Board.

President Foley welcomed Chief Transportation Officer Calhoun to the BART family and the Board applauded his appointment.

Public Comment

Aleta Dupree addressed the Board.

6. PUBLIC COMMENT

President Foley called for 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.

Aleta Dupree addressed the Board.

7. ADMINISTRATION ITEMS

Director Li, Chairperson

Director Li, Chairperson of the Administration Committee, had no report and no items were presented.

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

Director Raburn, Chairperson

A. State Legislation for Consideration.

Director Raburn, Chair 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 Legislative Affairs, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

President Foley inquired about potential regional measures on the November 2026 ballot; discussed Assembly Bill (AB) 1070, which proposes adding two non-voting members to the BART Board; and expressed concern about Senate Bill (SB) 79, particularly its impact on local zoning and the approval process for new developments near transit stops. President Foley also sought clarification of how SB 79 changes the traditional approval processes, particularly regarding the capacity of cities to reject projects that meet new state standards.

Vice President Hernandez addressed the potential legal consequences cities might face for rejecting projects that comply with new state standards under proposed legislation such as SB 79, emphasizing that while City Councils can technically reject projects that meet these standards, doing so could lead to lawsuits. Vice President Hernandez also highlighted the importance of ensuring all procedural and regulatory requirements are meticulously followed to avoid legal challenges.

Director Li expressed support for transit-oriented development (TOD), citing BART's successful implementation of AB 2923, and indicated that taking a position on SB 79 might be premature.

Director Li moved that the Board of Directors supports AB 259, AB 394, SB 71, SB 239, and SB 276 and that SB 79 be kept on the “watch list.” Director Li also expressed intention to support SB 79 in the future.

President Foley seconded the motion.

Director Li expressed intention to support SB 63 in the future and inquired about AB 1070, Assembly Constitutional Amendment (ACA) 4, and AB 736.

Director Wright indicated that SB 79 provides BART with full zoning authority over its own land, distinguishing it from AB 2923, which imposes specific processes and limits, including community engagement and reporting requirements, whereas SB 79 removes those constraints, offering greater flexibility and control.

Director Flores expressed support for SB 79, emphasizing its importance in continuing the progress made under AB 2923 and further advancing TOD, which is essential for increasing ridership and meeting climate goals.

Director Ghosh expressed support for TOD and the goals of SB 79, emphasizing that TOD projects help spark increased density and ridership beyond BART-owned land.

Director Raburn expressed support for AB 394, which would increase penalties for assaulting transit workers, and suggested posting signage to communicate consequences for violations. Director Raburn also expressed support for SB 276 as a means to curb rampant resale of stolen goods near stations and placing SB 79 on the “watch list,” with the intention of revisiting the bill after additional input and refinement.

Action

Upon motion by Director Li and second by President Foley, by unanimous electronic vote, the Board of Directors supported AB 259, AB 394, SB 71, SB 239, and SB 276 and SB 79 was kept on the “watch list.”

Vote Summary:

Moved / Seconded: Director Li / President Foley

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

- B. Award of Agreement No. 6M6185B, for Electric Vehicle (EV) Chargers at BART Station Parking Facilities.

Director Raburn brought the item before the Board.

Monica Meagher, Group Manager, Sustainability Program, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

President Foley sought clarification on maintenance response times, ownership responsibilities, and parking fee policies under the agreement. President Foley expressed support for the program and recommended that staff follow-up with the vendor regarding contract flexibility and responsiveness to vandalism or outages.

Director Wright expressed concern about electricity sourcing, advocating alignment with BART's climate goals. Director Wright also indicated interest in future policy development guiding electric vehicle (EV) charger energy sources.

Director Ames expressed support for the project and proposed exploring opportunities to increase BART's revenue share in the future, especially given financial constraints.

Director Rinn expressed support for the EV charging project and commended the fiscal responsibility, which ensured that labor considerations were being properly handled, especially regarding future internal fleet electrification initiatives.

Director Li expressed concern about unregulated price changes by the vendor and urged staff to seek mechanisms for oversight. Director Li also emphasized BART's role in in-house work for its own EV fleet infrastructure and encouraged continued labor partnership.

Director Ghosh supported the EV charging initiative, advocating strategic implementation that ensures clarity in management responsibilities, effective community outreach, and integration of eBike charging solutions.

Director Raburn commended the Sustainability Group for ensuring the project is cost-neutral to BART and not subsidized by non-EV riders. Director Raburn emphasized the importance of integrating EVCS' real-time charger availability data into BART's parking application, enhancing visibility and user convenience.

Vice President Hernandez moved that the General Manager be authorized to award Agreement No. 6M6185B to EVCS for:

1. The Services Agreement to provide planning and design for EV chargers at BART-managed parking facilities for an initial term of one (1) year with an option to extend by one (1) year, and
2. The exercise of the option to enter into the License Agreement for the installation, operations, and maintenance of EV chargers for ten (10) years with two (2) additional 5-year options.

Director Ghosh seconded the motion.

Action

Upon motion by Vice President Hernandez and second by Director Ghosh, the General Manager was authorized, by unanimous roll call vote, to award Agreement No. 6M6185B to EVCS for:

1. The Services Agreement to provide planning and design for EV chargers at BART-managed parking facilities for an initial term of one (1) year with an option to extend by one (1) year, and
2. The exercise of the option to enter into the License Agreement for the installation, operations, and maintenance of EV chargers for ten (10) years with two (2) additional 5-year options.

Vote Summary:

Moved / Seconded: Vice President Hernandez / Director Ghosh

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

9. ENGINEERING AND OPERATIONS ITEMS

Director Ames, Chairperson

A. Communications Based Train Control (CBTC) Project Update.

Director Ames brought the item before the Board.

Sylvia Lamb, Assistant General Manager, Infrastructure Delivery, and Joy Sharma, Chief Infrastructure Delivery Officer, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Ghosh expressed enthusiasm for the CBTC project, highlighting several key points and questions, including project benefits, platform screen doors, noise concerns, and operational impact, emphasizing the importance of integrating technical components thoughtfully into the public-facing design to avoid conflict with pedestrian flow or adjacent development.

Director Raburn inquired about the next CBTC-related budget item the Board will consider, equipment near tracks at Lake Merritt Station, and train stopping accuracy. Director Raburn also noted a decline in the alignment between train doors and platform edge markings and inquired whether this issue was connected to train control systems.

Director Ames expressed support for moving forward with efficient scheduling and faster rollout and commended staff for their work, reiterating that CBTC will bring significant improvements to the system.

Action

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

B. VTA's BART Silicon Valley Phase II Extension Update.

Director Ames brought the item before the Board.

Shane Edwards, Assistant General Manager, Operations; Ni Lee, Group Manager, Integration Engineering; and Tom Maguire, SVII Program Manager and Mega-Projects Officer, Santa Clara Valley Transportation Authority (SCVTA), presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Raburn expressed support for ensuring the successful delivery of the project; emphasized the need for identifying \$700 million in cost-savings; and referenced community discussions about potential alternatives such as the use of a 34-foot diameter tunnel boring machine as part of a hybrid tunneling approach.

Director Li highlighted the need for more robust involvement of the BART Board in significant project decisions, especially those affecting BART's operational integrity, reflecting ongoing concerns about governance and oversight in collaborative projects.

Director Wright highlighted the geotechnical advantages and the desire to minimize surface disruption in downtown San José as crucial factors in choosing the single-bore method over twin-bore tunneling, noting that this approach was determined to be most suitable given San José's challenging tunneling environment and the City's proximity to sea level, which poses unique risks for tunnel construction.

President Foley inquired about rider experience, specifically the importance of airport connectivity, and sought clarification of the BART Board's oversight role, SCVTA's project scope, and ongoing safety and funding considerations for Phase II of the project.

Director Flores expressed support for cost-reduction strategies on the Silicon Valley Phase II Extension project, emphasizing openness to alternatives such as a smaller tunnel diameter and the cut-and-cover construction method, given the escalating costs of labor and materials under the current economic environment.

Director Ghosh emphasized the importance of continued transparency and collaboration between BART and SCVTA; highlighted the roles, responsibilities, and decision-making structure between the agencies; expressed concern that the BART-SCVTA joint committee was absent from the presentation graphics; and noted the importance of including the Board and public stakeholders in understanding and supporting this large infrastructure project.

Director Rinn expressed appreciation for his colleagues' insights; noted constituents' concern about the rationale for extending BART service to San José amidst BART's own fiscal challenges; and acknowledged the importance of clarifying that the Silicon Valley Phase II Extension is an SCVTA-led project.

Vice President Hernandez inquired whether there is a contingency plan if funding from the Federal Transit Administration (FTA) is not secured.

Director Ames advocated for greater transparency, design accountability, safety oversight, and equal partnership between the SCVTA and BART in decision-making processes related to the project.

Director Li acknowledged Board Members' desire for more influence and transparency and highlighted the practical and structural limitations due to long-standing agreements, while advocating for project momentum and clarity about Board Members' scope of authority.

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

President Foley reminded everyone about the Brown Act Training scheduled for 1:00 p.m. that day.

Director Raburn reported that he had attended a panel discussion hosted by the Bay Area League of Women Voters, the swearing-in ceremony for Senator Jesse Arreguín, and the Oakland Economic Summit event. Director Raburn also reported that he had participated in the Hayward State of the City event.

Vice President Hernandez reported that she had represented BART during an advocacy trip to Sacramento with the Alameda County Transportation Commission (ACTC) and attended the Mayor Mark Salinas' State of the City event for the City of Hayward.

Director Ghosh reported that she had participated in "In the Region" presentations, met with Berkeley and Richmond mayors and councilmembers and the City of Hercules; attended the California State University, East Bay dinner in San Leandro; participated in fare gate outreach at El Cerrito Plaza Station; spoke with the Multicultural Institute; and attended the East Bay Paratransit Access Committee meeting as a BART liaison. Director Ghosh also shared positive feedback from the public regarding the Valentraine event and customer service.

Director Ames reported that she had attended a Fremont City Council meeting at which an ordinance regarding homelessness was adopted and commented on her efforts to explore how to continue to support unhoused individuals. Director Ames also reported that she had attended the Hayward State of the City event.

Director Wright reported that he had attended the Transpower Unity Rally in San Francisco; met with Bay Wheels and Seamless Bay Area; and participated in discussions with the San Francisco Mayor's Office, BART staff, and leadership regarding the conditions at the 16th Street Plazas. Director Wright requested that BART complement the San Francisco Police Department resources at 16th Street Mission Station with Transit Ambassadors and Crisis Intervention Specialists.

Director Rinn reported that he had attended the BART job fair in Concord, noting the positive atmosphere and community engagement, and that he would attend the upcoming fare gate ribbon-cutting event for Lafayette Station.

Director Flores reported that he had attended the East Bay League of Cities legislative update event and the Community Patrols Dinner in Oakland Chinatown. Director Flores also reported that he had participated in an advocacy trip to Sacramento with the Bay Area Council and attended the swearing-in ceremony for Senator Jesse Arreguín and the Oakland Economic Summit event.

President Foley thanked staff for their work to install new fare gates at Pittsburg Center Station and reminded everyone about the upcoming St. Patrick's Day Parade in Dublin at which Vice President Hernandez would serve as Grand Marshal.

President Foley requested that the Meeting be adjourned in honor of Frank Wilson, former BART General Manager from 1989 to 1994.

11. **CLOSED SESSION**

A. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Titles: Independent Police Auditor

Government Code Section: 54957(b)(1)

B. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: President Foley, Vice President Hernandez, and Director Flores

Title: Independent Police Auditor

Government Code Section 54957.6

President Foley brought the item before the Board and indicated that the Board would enter Closed Session under Items 11-A (Public Employee Employment/Appointment) and Item 11-B (Conference with Labor Negotiators).

Public Comment

No comments were received.

The Board Meeting recessed at 12:32 p.m.

The Board reconvened in Closed Session at 12:40 p.m.

Directors Present in Oakland:	Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.
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Directors Present via Teleconference:	None.
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Absent:	None.
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The Board Meeting recessed at 1:35 p.m.

12. **OPEN SESSION**

The Board reconvened in Open Session at 1:37 p.m.

Directors Present in Oakland: Directors Li and Foley.

Directors Present via Teleconference: None.

Absent: Directors Ames, Flores, Ghosh, Hernandez, Raburn, Rinn, and Wright.

A. Announcements from Closed Session, if any.

President Foley indicated that the Board had concluded its Closed Session and that there were no announcements to be made.

13. **ADJOURNMENT**

The Meeting adjourned at 1:37 p.m. in honor of Frank Wilson.

April B. A. Quintanilla
District Secretary